

**The making of the Constitution for  
'The Federated States of Europe'**



THE MAKING OF THE CONSTITUTION FOR  
'THE FEDERATED STATES OF EUROPE'

On the usefulness and necessity of a federal Europe

Leo Klinkers (ed.)



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**THE MAKING OF THE CONSTITUTION FOR  
'THE FEDERATED STATES OF EUROPE'**

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## FOREWORD

### **The making of this book began with the European Federalist Papers**

Between August 2012 and May 2013, Herbert Tombeur & Leo Klinkers wrote the European Federalist Papers. A document of twenty-six papers, including a draft ten-article federal Constitution for Europe. They derived the motive for writing this study from Robert A. Levine – former high official of the United States Federal Government. Levine wrote in the New York Times of 9 January 1999 an article entitled: “What the EU Needs Is a Copy of ‘The Federalist Papers’”.

### **An early warning for EU's identity crisis**

Levine made this remark at the start of Europe's Economic and Monetary Union (EMU), explaining that in the quest for full economic integration, Europe could learn some useful lessons from the United States. Well, this has not happened. No lessons learned. Europe began an economic adventure without the foundation of a proper form of governance. It maintained its treaty-based form of intergovernmental governing instead of federal governance, based on a democratic federal Constitution. EU's present identity crisis – as a result of increasing internal conflicts and a meaningless geopolitical position in a globalizing world – is making the consequences of that shortcoming clear.

### **First try to convene a Citizens' Convention: failed**

Because nobody picked up Levine's message, Herbert Tombeur and Leo Klinkers decided to respond by writing the European Federalist Papers. Then they organised – in cooperation with the Romanian Jean Monnet Association – in 2013 a Citizens' Convention in Bucharest, to acquire improvement of their draft federal Constitution.

Bucharest was chosen as the venue of the Convention to boost the awakening democratic independence of countries in Eastern Europe by making it clear that, as sovereign nations, they would be welcome as members of a democratic federal Europe. The Rumanian Parliament – by then relieved of its dictator Nicolae Ceausescu – provided the space for a week of deliberation by sixty people. Some of them experts on federal state formation, others pro-European federalists with good arguments for replacing the treaty-based EU-system with a federal system based on a democratic constitution. However, it turned out that this Citizens' Convention could not take place due to a lack of sufficient financial resources.

## Princess Europe



The intended Citizens' Convention in Bucharest was decorated by this symbol from Greek mythology, symbolizing Europe as a dancing princess. It was not only meant as an homage to ancient Greece, the birthplace of profound thoughts on democracy, but also to show the essence of a federal form of government: the sovereign whole, embodied in the person and the sovereign parts of the whole, represented in the flags.

### Establishing the Federal Alliance of European Federalists (FAEF)

Though this attempt to organize this Citizens' Convention failed the fire kept burning. Under the adage of 'Federating the Federalists' – branded by the Italian federalists Lorenzo Sparviero (†) and Mauro Casarotto – the Federal Alliance of European Federalists (FAEF, [www.faeef.eu](http://www.faeef.eu)) was founded in 2018.

### Second try to establish a Citizens' Convention: succeeded

When, in 2021, the European Union launched a conference on the future of the European Union – for the second time in twenty years, fighting against the growing signs of an identity crisis – FAEF decided in May 2021 to organise its own Citizens' Convention. The aim: to produce through extensive peer-review of the original ten-article federal Constitution of 2012-2013 a better draft; retaining the original structure of a Preamble, ten Articles, and an Explanatory Memorandum. A compact, democratic and effective federal Constitution of, by and for the people of Europe for a federation, named 'The Federated States of Europe'. A Constitution that should replace the undemocratic, ineffective and conflicting treaty-based system of the European Union. It is a scientifically based refutation of the correctness of the obstinate assertion by EU politicians from 1946 to today that it is possible to build a European federation on the basis of (constantly amended) treaties.

### The FAEF Citizens' Convention

This FAEF Citizens' Convention lasted six months, from 2 October 2021 to 31 March 2022. The seventy members – also called the Group 55+ (after the number of 55 members of the Philadelphia Convention of 1787, the founders of the first federal constitution) – who did this

remarkable work are listed on the website of the FAEF<sup>1</sup>. The result is a modern federal constitution for the representation of common European interests, derived from valuable insights from European philosophers, built on academic standards of federal statehood, embedded in the dominant features of European identity, preserving the sovereign identities of the member states, and with revolutionary provisions on citizens' participation.

### **The multi-disciplinary result of the extensive peer-review**

Because this FAEF Convention took place as an extensive peer-review, aspects of applied sciences were consistently worked on. Not only of constitutional law, but also of aspects of – for example – political philosophy, systems theory, cybernetics, theology, organisation theory, social psychology, communication theory, participatory theory in the context of modern views on democracy, mathematics, thermodynamics and psychoanalysis.

### **Supporting the outcome of the Citizens' Convention by a series of in-depth studies**

While reviewing the original 2012-2013 constitutional draft, it turned out that some members of the Citizens' Convention had a lot of additional information for which there was no room in the Explanatory Memorandum. This led the FAEF Board to the decision to make room for additional and substantiating in-depth studies. In this way, a two-fold peer review emerged: one through the composition of an improved constitution, and one to deepen elements of it.

### **Aiming at ratification of the Constitution by the Citizens of Europe**

In the course of 2022, FAEF will distribute this book with the aim of preparing for the ratification of this federal Constitution by the Citizens of Europe. Why this priority for the Citizens of Europe? Because the basis of this book is embodied in the adage 'All sovereignty rests with the people'.

### **Board of the Federal Alliance of European Federalists (FAEF)**

This book, which was realised with the efforts of dozens of contributors, was composed under the direction of the Board of the Federal Alliance of European Federalists:

- Leo Klinkers, President
- Mauro Casarotto, Secretary General
- Peter Hovens, Treasurer
- Martina Scaccabarozzi, Executive Member Communications
- Javier Giner, Executive Member Politics

*The Hague, May 2022*

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<sup>1</sup> [https://www.faeef.eu/en\\_gb/group-55](https://www.faeef.eu/en_gb/group-55).



## 1. CONSTITUTION FOR 'THE FEDERATED STATES OF EUROPE'

From October 2021 to the end of March 2022 FAEF's Citizens' Convention improved a ten-article draft of this Constitution. Thus, it is the result of an extended peer review, leading to a comprehensive structure of the constitutive and institutional elements of a centripetal federation. A federation, built from the bottom up, for the Citizens of sovereign European states, that want to create a centre that looks after their common European interests, while preserving each country's sovereignty, culture and traditions.

### **The Preamble**

We, the Citizens of Europe, moved by the need and the will to form a more perfect and durable union, with the objective and duty of taking care of the common European good, protect and ensure the greatest degree of liberty and well-being for its peoples, establish The Federated States of Europe – hereafter the Federation – by ratifying this Constitution,

- I. Laying down the principle that it should support our quest for happiness, based
- (a) on working relentlessly to preserve the diversity of all life forms on Earth and to protect and care for the natural environment for next generations;
  - (b) on securing freedom to live one's life without impeding the freedom of others;
  - (c) on elimination of all forms of discrimination on the basis of respect for the diversity of cultures, languages, ethnicities, beliefs, and sciences of the Citizens within the Federation, as well as on the protection of their fundamental rights and freedoms;
  - (d) on encouraging trust and solidarity among all countries and regions, in Europe as well outside Europe;
  - (e) on human compassion, respect and support to achieve happiness for Citizens from outside the Federation who want to live within the Federation in accordance with its laws and the articles of this Constitution;
  - (f) on expecting that in carrying it out, it should bear witness to wisdom and knowledge, human dignity and justice, and integrity, in the full awareness that it derives its powers from the people, that all people on Earth are born equal with regard to dignity and rights, and that no one is above the law,
- II. Considering further:
- (a) that the Federation is an integral part of a highly interdependent natural and social system. The ability to realize, preserve and promote its values depends on

the global condition of international relationships among countries and on the health of the natural environment;

- (b) that the Federation repudiates war and violence as an instrument of offence to the liberty of other peoples and as means of settling international conflicts; the Federation favours transnational cooperation and federal structures to ensure peace, justice and prosperity among nations;
- (c) that this federal Constitution is based on the cultural, religious, and humanist inheritance of Europe, including the considerations and desires of European philosophers to unite Europe in a federation after centuries of conflicts and wars;
- (d) that the federal system is based on a vertical separation of powers between the Member States and the Federal Authority through which they share sovereignty;
- (e) that the horizontal separation of the legislative, judicial, and executive branches both at the level of the Federal Authority and at that of the Member States is guaranteed by a solid system of checks and balances.

III. Whereas, all Citizens shall have the right to resist any person, organization, institute or authority seeking to abolish this Constitutional order if no other remedy is available,

IV. Adopt the following ten articles as the Constitution of the Federation:

**Article I – The Federation, the Rights, and a World Federation**

1. The Federation is a democratic State, founded on the Rule of Law. It consists of sovereign Citizens, democratic constitutional Member States, and a Federal Authority.
2. The Federation shall respect the equality of Citizens and Member States before the Constitution as well as their identities, inherent in their fundamental constitutional and political structures, inclusive of regional and local self-government.
3. The powers not entrusted to the Federation by the Constitution, nor prohibited to the States by this Constitution, are recognised powers of the Citizens and entrusted powers of the Member States, in order to protect the autonomous initiatives of Citizens and Member States, relating to activities of personal or general interest.
4. The Federation sees in the natural needs of every living human being an important source from which agreed rights can be derived. These rights are those as formulated in the European Convention for the Protection of Human Rights and Fundamental Freedoms, and in the Charter of Fundamental Rights of the Federation, whose rights shall have the same legal value as the Constitution.
5. Every Citizen has a right of access to information and documents of the Federation, States, and local Governments and the right to follow the proceedings of the courts

and democratically elected bodies. Limitations to this right may be prescribed by law to protect the privacy of any Citizen, or else only for extraordinary reasons.

6. Membership of the Federation after the Federation has entered into force requires ratification of this Federal Constitution by the respective national parliament of the State applying for membership.
7. The Federation will promote a higher degree of World transnational cooperation and may, on conditions of equality with other countries and regions and on the basis of the values expressed in the Preamble to this Constitution, accede and adhere to a World Federation, based on a democratic Earth Constitution.

## **Article II – The Legislative Branch**

### *Section 1- The European Congress*

1. The Legislative Branch of the Federation lies with the European Congress. It consists of two Houses: the House of the Citizens and the House of the States.
2. The European Congress and its two separate Houses take residence in Brussels unless the Houses agree on a different residence within the territory of the Federation.

### *Section 2 – The House of the Citizens*

1. The House of the Citizens is composed of the delegates of the Citizens of the Federation. Each delegate has one vote. The delegates of this House are elected for a term of five years by the Citizens of the Federation who are qualified to vote, united in one constituency, being the constituency of the Federation. They can be re-elected once in succession. The election of the delegates of the House of the Citizens always takes place in the month of May, and for the first time in the year 20XX. They enter office at the latest on June 1<sup>st</sup> of the election year. Federal elections, their organization and operation, take place based on federal law.
2. The size of the House of Citizens will follow the political and demographic development of the Federation. If the population of the Federation does not exceed four hundred million, the House of the Citizens will consist of four hundred delegates. Should the population exceed 400 million, the number of delegates will be increased by 20 for every additional 25 millions of population. In any case, the total number of delegates of the House of Citizens will not exceed six hundred.
3. Eligible to the House of Citizens are those who have reached the age of eighteen years on June 1<sup>st</sup> of the election year and are registered as Citizen of one or more States of the Federation during at least seven years. On behalf of the Citizens of the Federation, the House of the Citizens establishes laws on requirements of competence and suitability for the office of delegate. The law regulating the requirements of