

# We need a European constitution – and we need it now

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When one of the most important decisions in the history of the EU was taken in 2020, many described it as a Hamilton moment. Among those to make the comparison to the American founding father was German finance minister Olaf Scholz (SPD). In 1790, Alexander Hamilton had the debts of the states that had financed the war of independence against the British transferred to the federal government.

### SHARED DEBTS REPRESENT THE GREATEST STRENGTHENING OF EUROPEAN RELATIONS

And now for the first time in its history the EU has taken on debts to help member states who have fallen into dire financial straits due to the Covid-19 pandemic. These shared debts represent the greatest strengthening of European relations in years, bolstering intra-European solidarity and opening up a brief window that we should take advantage of: now is the right time to start thinking about a European constitution. That would be doing things the other way round to the USA in 1790: first the common fiscal policy, then the political union. Another reason this step is needed is because a political union was a condition for the introduction of the euro, and yet remains unfulfilled to this day.

**'We need to take the fight for fundamental principles, for the future of democracy, rule of law and Europe, to the governments of Poland and Hungary before it is too late.'**

The first attempt to introduce a European constitution failed in 2005. The constitutional treaty had already been signed by all heads of state and government, but did not come into force because it was defeated in referendums in France and the Netherlands. This time, the conflict lines lie elsewhere. In Emmanuel Macron, France has its most pro-European president

in decades, who enthusiastically advocates his ideas for a closer European Union. Meanwhile, a majority in the Netherlands are satisfied with the state of democracy in Europe. Seven in ten regard themselves as EU citizens, according to Eurobarometer surveys.

### WE NEED TO BUILD ON THIS SENSE OF EUROPEAN CITIZENSHIP

We now need to build on this sense of European citizenship. A European constitution is the only way to deliver long-term solutions to the EU's fundamental problems, such as a guarantee of rule of law for all Europeans, the ability to take fast, flexible action, a common foreign and security policy and, new to the list, control and oversight over shared debts. The opponents of a closer union are Poland and Hungary, which have both repeatedly flouted the principles of rule of law, restricted press freedom and rolled back minority rights. Poland and Hungary are hurtling towards autocracy. Europe's remaining democracies need to stop them in their tracks by presenting an attractive alternative. A constitution gives everyone the same enforceable rights and responsibilities. Moreover, an EU budget bolstered by borrowing could mean more money for less affluent regions, which would primarily benefit Eastern and Central Europe. Hungarians and Poles trust the EU even more than the Dutch and Germans, with over 80% regarding themselves as EU citizens. It's important not to turn our backs on them. Hungarian and Polish voters could put huge pressure on their governments if they realised the benefits of a European constitution. Hungary is electing a new parliament in 2022, and Poland in 2023. If the debate about a new constitution has gathered momentum by then, and the Hungarian and Polish governments are vehemently opposed to the idea, the majorities of Viktor Orbán's Fidesz party and Jarosław Kaczyński's Law and Justice could topple.

### GREATER SOVEREIGNTY FOR EUROPE

We need to take the fight for fundamental principles, for the future of democracy, rule of law and Europe, to the governments of Poland and Hungary before it is too late. In just a few years, the populist right-wing regimes, bolstered by unfair elections, might no longer be amenable to pressure, and would be able to veto any proposal. An EU constitution would allow harsher penalties for infringements of law than is currently possible, which would give the European Parliament and European Court of Justice more power to deal with renegade heads of state or government of an autocratic bent. The unanimity principle in the European Council could also be abolished. That would allow the EU to take decisions more quickly by majority voting and to play a greater role in foreign policy. It would also mark the completion of the process of European unification that began after 1989, when Western and Eastern Europe were absorbed into a unified Europe after decades of division during the Cold War. Europe would have greater sovereignty in its dealings with the rest of the world and be better prepared for future clashes between different political and economic systems. China and Russia would look at Europe and see unity and strength!

### WE NEED TO USE EUROPE'S HAMILTON MOMENT WISELY

We mustn't allow a mountain of debts to build up that future generations can't pay back, but we do need to rebuild after the crisis. And for that the EU will need more money in the coming years. Stronger European involvement in fiscal policy would be in Germany's interest too. The shared debts, totalling €750 billion, that the EU has assumed will need to be paid back in the medium term. It would be better if that money weren't siphoned off into corrupt systems or misused for political leaders' self-serving projects. Whoever provides the money needs to be able to ensure it is used correctly. In this case, that is the EU, and that's why it needs greater powers.

It's essential to learn the lessons of the failed constitution of 2005. A European constitution will by no means solve all the EU's problems, but it will spark debates that are long overdue and could forge an enduring European identity. This time, European citizens and their ideas need to be included. Pan-European citizens' councils could provide feedback and suggestions, and flag up any concerns early on in the process so that the constitution wouldn't be defeated at the ballot box again. There mustn't be a constitutional convention only involving politicians. All areas of society need to be included, which would help bring Europeans even closer together. We mustn't squander the unique opportunity offered by this Hamilton moment.



## **IMPRESSUM**

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