

Draft Constitution of the United States of Europe (New York, 1944)

Caption: On 25 March 1944, the Legal Affairs Committee of the Pan-European Movement and the Research Seminar for Post-War European Federation adopt in New York a draft federal-type constitution for a United Europe.

Source: Archives historiques des Communautés européennes, Florence, Villa Il Poggiolo. Dépôts, DEP. Mouvement européen, ME. ME 497.

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URL: http://www.cvce.eu/obj/draft_constitution_of_the_united_states_of_europe_new_york_1944-en-1e64890f-9a3e-4f2b-be6d-9f86aff930cc.html

Publication date: 26/09/2012

Draft Constitution of the United States of Europe (New York, 1944)

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PREAMBLE

The states of Europe, animated by a desire to safeguard their common cultural heritage, to avert the scourge of internecine war, to rid themselves of the intolerable burden of armaments, to assure social security and an ever-rising standard of living, to guarantee the personal, national and religious freedom of all Europeans, and to make a positive contribution to a more orderly world, have agreed upon these ARTICLES OF ASSOCIATION AND UNION.

Section I — THE STATES AND THE UNION

Article 1. The organization established by the following ARTICLES shall be known as the United States of Europe, hereinafter referred to as the UNION.

Article 2. The UNION is an association of sovereign states which have decided to establish and maintain common institutions in the interest of their security, prosperity, and liberty.

Article 3. Member states retain their sovereign rights unimpaired except in so far as these rights are limited by these ARTICLES.

Article 4. The UNION shall have its own flag and seat of government.

Article 5. Accession to the UNION shall be a voluntary act. Member states shall be those which ratify these ARTICLES by the processes hereinafter formulated.

Article 6. The existence of the UNION does not preclude the organization of groups of member states for purposes not inconsistent with those of the UNION. The consent of the UNION shall always be required for such group organizations.

Article 7. The UNION shall guarantee the reserved sovereign rights and boundaries of each member state and is authorized to take appropriate measures to secure this guarantee.

Section II — INTERNAL CONSTITUTIONAL STANDARDS OF MEMBER STATES

Article 8. The constitution of each member state shall have the character of fundamental law enforceable in an appropriate state court.

Article 9. The constitution of a member state shall provide for at least one house of its parliament elected by free, equal, and secret ballot by the adult inhabitants of one or both sexes who are citizens.

Article 10. The constitution of each member state shall secure to its parliament the power to pass all laws and to vote taxes, appropriations and other measures relating to finance and property.

Article 11. The constitution of every member state shall make the privileges and prerogatives of its parliament inalienable and shall guarantee in explicit terms that these privileges and prerogatives may not be transferred to any other authority except for the duration of an emergency as described in Article 32.

Article 12. The constitution of every member state shall assure the rights of the opposition in its parliament.

Article 13. The constitution of every member state shall guarantee local or regional autonomy to linguistic minority groups forming a regional majority within a clearly defined territory of the state, provided such groups desire an autonomous status within the member state. The desire for autonomy shall be determined by a plebiscite held under the authority of the UNION.

Section III — INTERSTATE RELATIONS

Article 14. Every member state shall give full faith and credit to the public acts, records, and judicial proceedings of every other member state when these relate to the private rights of persons.

Article 15. Except where a political offense is charged, every member state shall render up a fugitive from justice to the executive authority of the member state from which he fled.

Article 16. The UNION may enact model legislation on any subject outside of its immediate competence and recommend the adoption of such legislation to the appropriate organs of the governments of the member states.

Article 17. Citizens of member states may travel freely across the frontiers of any other member state for the purpose of temporary residence. For such a purpose no passport or visa shall be required. Persons with a criminal record and those likely to become public charges are subject to such regulations as the member state chooses to establish. The permanent migration of persons from one member state to another is subject to such regulations as the Congress of the UNION may establish.

Article 18. Every dispute arising between member states must be settled by peaceful means. If the dispute is of a juridical nature, it must be submitted for adjudication to the Supreme Court of the UNION. If the dispute is of a non-juridical nature, the Council of the UNION shall have power to bring about a final settlement by majority vote.

Section IV — THE RIGHTS OF THE INDIVIDUAL

Article 19. Every person is equal before the law; there shall be no discrimination among persons or classes of persons based on race, language, or religion.

Article 20. Every religion shall be respected and its adherents shall have the right to practice its form of worship provided they do not advocate seditious or treasonable practices or contravene regulations affecting public safety or morals.

Article 21. Liberty of the press, publication, speech, and of teaching are guaranteed. A member state shall not impose any censorship except in time of emergency as defined in Article 32.

Article 22. Neither any member state nor any governmental authority thereof shall ever attempt to exercise monopolistic control over any instrument or medium of opinion or propaganda. Where such instrument or medium is publicly owned or operated, full opportunity shall be afforded organized groups, other than those having official status, to use such publicly owned or operated instrument or medium on fair and reasonable terms for the purpose of expressing their opinion or propaganda.

Article 23. The people of a member state shall have the right peaceably to assemble for the purpose of petitioning the authorities for a redress of grievances. Any other peaceful method of petitioning for a similar purpose shall be authorized.

Article 24. Every form of organization, political, economic, and cultural shall be authorized. No organization shall be dissolved nor shall its property be confiscated unless it has been judicially ascertained that such organization secretly or openly advocates the overthrow of the established social and political order by violence or that it advocates disrespect for, or violation of, existing law.

Article 25. The right of private property is guaranteed subject to member state's recognized powers of taxation, police regulation and expropriation for the general welfare with compensation.

Article 26. No person shall be denied the use of his native tongue whether or not it is recognized as an official language.

Article 27. No person shall be deprived of life, liberty, or property except in accordance with due process of law.

Article 28. No person may be seized or imprisoned unless apprehended in the commission of a crime or unless a warrant of arrest, specifically naming him and giving reasons for his apprehension, has issued from a proper judicial magistrate or tribunal.

Article 29. A person arrested and imprisoned for cause shall be given a speedy and impartial public trial; he shall have the right to obtain counsel, to be confronted by witnesses against him, and to the issuance of compulsory process to obtain witness in his behalf.

Article 30. No person shall be indefinitely confined or be restricted in his movements except as a punishment for a crime of which he shall have been duly convicted in a regular court of law.

Article 31. A private dwelling house shall be immune from search and the effects therein may not be seized except by authority of a warrant issued by a proper judicial magistrate or tribunal.

Article 32. Martial law and courts-martial shall not supersede civil courts and civil process for non-military affairs, nor shall a state of siege be declared except in time of war or emergency duly proclaimed by the highest executive authority of the member state. To continue in effect, such executive proclamation must be ratified by the parliament of the member state within three months. Otherwise the proclamation shall lapse and no new proclamation, relating to the same emergency, may thereafter issue unless authorized by the parliament of the member state.

Article 33. Torture may not be used to extort a confession or for any other purpose. No cruel or unusual punishment shall ever be imposed; nor shall any person be placed twice in jeopardy of life or limb for the same alleged offense; nor shall the conviction of any person adversely affect the civil rights of any of his

relatives or associates.

Article 34. No person shall ever be held as a hostage.

Article 35. The secrecy of postal, telephonic and telegraphic communication shall be inviolable. The authorities of a member state shall not interfere with such communication except in a period of emergency as defined in Article 32.

Article 36. The stipulation of these minimum rights and privileges in any member-state constitution shall not be construed to deny or disparage other rights which may likewise be stipulated in such constitution or which may be derived from the general law or public policy of such state.

Article 37. Every member state of the UNION agrees to incorporate a statement of the rights stipulated in this section (Articles 19–36) in its own constitution, to provide effective administrative and judicial process for their enforcement and to facilitate appeals from its own courts to the Supreme Court of the UNION whenever interested parties, whose rights as defined in this section (Articles 19–36) have allegedly been violated, invoke the procedure of appeal as described in Article 90.

Section V — SOCIAL RIGHTS

Article 38. Member states of the UNION agree that lasting peace depends, in part, upon an integrated and progressive policy aiming at freedom from want. They accordingly pledge themselves to provide within their own respective jurisdictions a comprehensive system of social assistance, such a system to take account of the magnitude and distribution of national income. This system shall include: compulsory insurance against accidents, illness, old age, and unemployment; medical assistance to expectant mothers and infants; social assistance to mental defectives and the incapacitated; and pensions for widows and orphans.

Article 39. Member states agree to assure universal and compulsory primary education and opportunity for secondary education for all children and adolescents and to provide higher and technical instruction for all students of outstanding qualifications at public expense if not otherwise provided.

Article 40. Member states agree that within their respective jurisdictions, they will enact legislation for the protection of labor. Such legislation shall guarantee the right of collective bargaining and arbitration of disputes between labor and management. It shall also fix the maximum hours of work and minimum wages for various employments and provide standards for sanitary conditions in factories and other places of employment.

Article 41. In the regulation of their respective internal economies, member states pledge themselves to seek to exploit fully their natural resources and protect the interests of consumers with a view to increasing their national income and raising the standard of living of their inhabitants.

Article 42. Member states agree to inaugurate an agrarian reform in the case of the latifundia which shall aim at establishing the rural population on privately owned holdings directly cultivated by the proprietor. Such a reform shall be supplemented by adequate agrarian credit facilities and the utilization of agricultural cooperatives.

Article 43. Member states agree to co-ordinate their efforts for the establishment of a European health

service and for combatting disease and epidemics.

Article 44. Should the Congress of the UNION adopt a single official language for intra-European intercourse, member states agree to provide instruction in the use of that language in addition to instruction in national languages.

Article 45. All social rights identified in this Section (Articles 38–44) shall also be made available in each member state to residents who are citizens of other member states.

Section VI — DEFENSE

Article 46. The UNION shall have power to take all measures to prevent its member states from menacing international peace and order and to protect the territory of the UNION against aggression.

Article 47. To protest and defend the UNION, a professional armed force shall be organized, trained, equipped and commanded under the UNION's sole responsibility.

Article 48. Member states are bound to assist the UNION in all matters pertaining to the organization, training, equipping and housing of the UNION's forces. This stipulation includes facilities for airfields, ports, bases, fortifications and other installations.

Article 49. No more than one tenth of the total strength of any branch of the armed forces of the UNION shall consist of any one member state.

Article 50. The UNION shall own, supervise or otherwise control the production of munitions and other war material or any type of production which can readily be converted into the production of munitions or war materials. It shall also control the traffic in munitions and armament.

Article 51. All officers of the armed forces of the UNION, including their commander-in-chief, shall be appointed and recalled by the UNION. During their term of service, the personnel of the armed forces of the UNION owe allegiance exclusively to the UNION.

Article 52. Member states may maintain armed forces for internal order and security on their respective territories under regulations established by the UNION.

Article 53. Member states possessing or controlling colonial territories may be authorized by the UNION to maintain colonial forces in those territories. Such forces can never be transferred to the Continent of Europe without the consent of the UNION.

Section VII — FOREIGN AFFAIRS

Article 54. The UNION shall have power to conduct foreign relations and to conclude treaties and agreements to further the purposes of these ARTICLES. Member states may conclude treaties with the approval of the UNION, and may exchange diplomatic and consular representatives among themselves and with foreign states.

Article 55. The UNION shall co-operate with other states or groups of states to establish a world organization for the maintenance of peace and security.

Section VIII — COLONIAL TERRITORIES

Article 56. Colonial territories shall remain under the direct jurisdiction and sovereign authority of the member state to which such territories are attached. This applies also to protectorates and mandates of member states.

Article 57. The nationals of every member state of the UNION shall have the same rights and privileges in the colonial territory of any member state as are enjoyed by the nationals of that member state.

Article 58. The governing member state is bound to act in its colonial territory as a trustee for the people of such territory. It shall promote the cultural and economic life of dependent peoples as rapidly as possible and shall introduce among such peoples a system of political education calculated to advance them most rapidly from a condition of political dependence to one of political responsibility and ultimate self-government.

Section IX — ECONOMIC POLICY

Article 59. The economic policy of the UNION shall aim at the unification of the European economy; within five years following the organization of the UNION, the Congress is authorized to establish a European customs union with inter-European free trade.

Article 60. Pending the establishment of a customs union, the member states agree not to establish unilateral tariffs, foreign exchange controls, import quotas, export premiums, transport differentials, blocked accounts, multiple currencies in one and the same state, or any other obstacles affecting the interstate trade of the UNION. Such controls shall only be established by agreement between member states affected.

Article 61. As one step toward a unified European economy, the UNION shall use its power of enacting model legislation to provide for the reduction and ultimate elimination of all internal trade barriers.

Article 62. By enacting model legislation, the UNION shall indicate the type of price and wage policies to be implemented by member states to encourage production and consumption.

Article 63. The UNION shall assure the unification of the European transport system within a period to be determined by the Congress.

Article 64. A central bank of Europe shall be established by a special statute of the Congress. It shall have the prerogative of issuing currency and shall serve as a clearing and rediscounting agency for the central banks of member states.

Section X — REVENUES OF THE UNION

Article 65. The Congress may levy upon member states for contributions to the treasury of the UNION, the contribution of each state to be in proportion to its ascertained national income. Collection shall be made by

authorities of each member state.

Article 66. The revenue of the UNION shall also include all of the net proceeds of import duties levied by the member states upon their mutual trade and fifty per cent of the net proceeds of import duties levied upon goods coming from outside the UNION.

Article 67. Proceeds from the domain of the UNION, whether from exploitation or sale of immobile property or from operation of enterprises producing goods and rendering services, shall go to the treasury of the UNION.

Section XI — THE CONGRESS

Article 68. The deliberative organ of the UNION shall be a Congress consisting of a House of Representatives and a House of States.

Article 69 In the House of Representatives, the member states shall be represented according to the following formula:

- a) states with more than 40 million inhabitants 10 representatives
- b) states with less than 40 million but more than 20 million inhabitants 8 representatives
- c) states with less than 20 million but more than 10 million inhabitants 6 representatives
- d) states with less than 10 million but more than 5 million inhabitants 4 representatives
- e) states with less than 5 million but more than 2½ million inhabitants 2 representatives
- f) states with less than 2½ million inhabitants 1 representative
- g) any member state possessing colonial territory shall have one additional representative,
- h) for purposes of representation in the Congress of the UNION, San Marino shall be identified with Italy, Monaco with France, and Liechtenstein with Switzerland.

Article 70. The representatives of the member states in the House of Representatives shall be chosen by the popularly elective chamber of the parliament of the member state.

Article 71. The House of States shall consist of two delegates from each member state of the UNION with more than 2½ million inhabitants and of one delegate from each member state with less than 2½ million inhabitants. The principle of Article 69 (h), governing the representation of San Marino, Monaco and Liechtenstein in the House of Representatives, applies also to their representation in the House of States.

Article 72. Delegates of member states to the House of States shall be chosen as each member state shall determine.

Article 73. When sitting separately, the two houses of Congress shall be co-ordinate in authority and their agreement shall be necessary to a decision.

Article 74. Each house shall be competent to determine the character of its internal organization and its rules of procedure subject to the following requirements:

- a) pending the choice of a single official language by the Congress, English and French shall be the official languages

- b) a member of either house may speak in his native tongue and be provided with the services of an interpreter
- c) a record vote may be demanded on any principal question by any member and the vote be taken accordingly
- d) an absolute majority of the members of each house shall constitute a quorum and decisions shall be taken by majority vote unless otherwise stipulated in these ARTICLES.

Article 75. The Congress shall meet on call of the president of the House of Representatives at least once each year. The President of the UNION may call it into special session.

Article 76. Except as otherwise expressly provided in these ARTICLES, the Congress shall have power to deal with all matters falling within the competence of the UNION. Except as otherwise expressly provided in these ARTICLES, the Congress shall have power to establish any department, office, agency, or other unit necessary to the operation of the government and administration of the UNION.

Article 77. The two houses of Congress shall constitute a single assembly when the following matters are considered:

- a) the election of the Council or its individual members
- b) the proposal of an amendment to these ARTICLES
- c) the election of judges of the Supreme Court.

Article 78. When sitting as a single assembly, each member of the Congress shall have one vote; two thirds of the total membership of the combined houses shall constitute a quorum.

Section XII — THE COUNCIL

Article 79. The executive organ of the UNION shall be a Council of seven members elected for terms of four years by the two Houses of Congress meeting as a single assembly. Not more than one member of the Council shall come from the same member state.

At least three of its members must be citizens of states with a population of more than twenty millions.

Article 80. The Council shall be responsible to the Congress for all of its acts.

Article 81. Each year the Council shall elect, by majority vote, one of its members to be President of the UNION and another member to be Vice President of the UNION. They shall serve as chairman and vice chairman, respectively, of the Council. No incumbent President may be re-elected or be elected Vice President for the year following his presidency.

Article 82. The Council shall discharge the duties assigned to it by these ARTICLES or by Congress.

Article 83. Such administrative departments as Congress may erect shall be placed under the immediate supervision of a member of the Council. The Council shall indicate which department each member shall supervise.

Article 84. In case of an internal or external threat to the peace and safety the UNION, the Council is authorized to use whatever measures the emergency may require, including the use of the armed forces of the UNION, to combat such threat. It shall immediately report the circumstances and the measures taken to the Congress.

Section XIII — THE SUPREME COURT

Article 85. The chief judicial organ of the UNION shall be a Supreme Court consisting of fifteen judges. They shall be elected by the Congress sitting as a single assembly by a two-thirds vote. The judges of the Court shall choose one of their number to serve as president of the Court.

Article 86. The Congress shall choose the judges of the Supreme Court from lists of nominees prepared by the Council consisting of all present members of the highest courts of the member states and of a maximum of 100 jurisconsults of recognized standing.

Article 87. The tenure of the judges shall be for life. A judge may be removed for mental incapacity or for the commission of an act which discredits him morally. Charges of removal shall be made by majority vote of the House of Representatives; a decision on the charges thus brought shall be rendered by a majority vote of the House of States.

Article 88. The Court, as a plenum, shall have original jurisdiction over (a) any dispute of a juridical nature arising out of the interpretation of these ARTICLES; (b) any dispute concerning the competence of any officer or agency of the UNION, including the Congress and the Council; and (c) any dispute of a juridical nature arising among member states of the UNION as defined in Article 18.

Article 89. In exercising its original jurisdiction, decisions of the Court shall be taken by an absolute majority.

Article 90. The Supreme Court shall have appellate jurisdiction over any case involving a claim that the requirements of section IV (Articles 19–36) have been violated. Appeals may be taken by the interested parties to the Supreme Court of the UNION directly from the highest court having jurisdiction in the member state where the violation is alleged to have been committed. On its own initiative, the Court may also call up for review and decision any case involving an alleged violation of the requirements of section IV (Articles 19–36).

Article 91. A panel of five members, designated by the president of the Court, shall be competent to hear and decide by majority vote any case appealed or called up for review under the provisions of Article 90. No judge who is a citizen of the member state where the dispute originates or who has national ties with the disputants may sit. In making its decision, the panel shall consult with the appropriate experts drawn from the secretariat of the Court or appointed by it who have special knowledge of the national area involved in the case.

Article 92. A special statute of Congress shall provide for the organization of the Supreme Court; the Court shall draw up its own rules of procedure.

Section XIV — ACCESSION TO THE UNION — TRANSITION PROVISION

Article 93. When ratified by the parliaments or other appropriate constitutional organ of at least ten eligible states, four of which shall have a population of at least twenty millions, these ARTICLES shall take effect among the states so ratifying. Other eligible states may adhere subsequently by a similar act of ratification.

Article 94. Member states of the UNION shall adapt their respective constitutions and existing statute and other law to the provisions of these ARTICLES within a period of five years following ratification.