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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

**QUESTIONNAIRE**

**CONSTITUTIONAL FOUNDATIONS  
OF FOREIGN POLICY AND INTERNATIONAL RELATIONS**

**Preliminary proposals  
by**

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## THE CONSTITUTIONAL FOUNDATIONS OF FOREIGN POLICY AND INTERNATIONAL RELATIONS

### *Objectives - Principles*

1. Does the constitution (or other act of constitutional law) lay down the objective and/or principles of foreign policy? If so, which objectives and/or principles are laid down?
2. Does ordinary legislation lay down the objectives and/or principles of foreign policy? If so, which objectives and/or principles are laid down?
3. Does jurisprudence interpret the objectives and/or principles of foreign policy? (information)
4. Are there any other legal sources which lay down the objectives and/or principles of foreign policy? In this context, are international treaties perceived as internal source of this kind?
5. What roles do democracy, rule of law, human rights and development play in foreign policy of the State?
6. Have the European integration (EU) or advanced cooperation (Council of Europe, OSCE) had any influence on a constitutional/legal definition of the objectives and/or principles of foreign policy?

### *Democratic legitimation*

7. To what extent does foreign policy draw the attention of the general public? Does foreign policy play a role in electoral campaigns?
8. Who is responsible for the establishment of the general directions of foreign policy: President, Parliament, Government?
9. Can popular initiative and referendum deal with matters belonging to foreign policy?

10. Is prior authorization of Parliament necessary for any aspects of foreign policy, through for instance:
  - periodic approval of the directions of foreign policy,
  - prior approval of the Government's approach to specific matters related to foreign policy,
  - the Parliament's competence to ratify international treaties or to be requested for a prior to ratification consent for ratification of a treaty,
  - consultations in the committees of the Parliament concerning foreign policy.
11. Are there any other institutional mechanisms to strengthen the democratic legitimation of foreign policy?
12. Are there any new constitutional solutions, adopted or under discussion, in connection with European integration (EU) or advanced cooperation (CoE, OSCE) - in particular: the impact of the alleged deficit of democracy within the European Union and the influence of the principle of subsidiarity in European integration and cooperation.
13. Does the concept of regional cooperation or Euro-regions affect a decentralization of foreign policy?
14. Is there any tendency to see foreign policy as a part of Government's activities which should enjoy a particular autonomy *vis à vis* the Parliament?

#### *Realization*

15. Who is responsible for conceiving foreign policy in the framework of the Government: the Prime Minister, the Government, the Minister of Foreign Affairs?
16. Which is the position of the Foreign Minister in the structure of the Government:
  - Vice-Prime Minister, one of the ministers,
17. Are other ministers obliged to act in external relations in consultation/or with approval of the Foreign Minister?
18. What influence has European integration on the division of competence within the Government and on the status of the Minister of Foreign Affairs and other ministers, as well as on the role of the Government?
16. Who appoints ambassadors and other higher diplomats? Is the Parliament involved in the procedure - if so, in which way?

*Control*

19. Does the Head of State exercise control over the foreign policy of the Government?
20. In which form the Parliament exercise control over the foreign policy of the Government (periodic general debate on foreign policy, plenary debate on specific issues, ratification procedure, ?

*Functions of the Constitution*

21. Which is the impact of European integration and advanced cooperation on the functions of the Constitution? Is the Constitution perceived primarily as a warrant of State sovereignty or a vehicle of European integration?
22. Are diplomatic protection and the responsibility for injuries to aliens perceived as constitutional matters? Do European integration (EU) or advanced cooperation (Council of Europe, OSCE) play a role in this context?

*Evaluation*

23. In your opinion - are there any tendencies which characterize changes with regard to the form and content of constitutional foundations of foreign policy? Do European integration (EU) or advanced cooperation (Council of Europe, OSCE) play a role in this context?