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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

QUESTIONNAIRE

**ON THE CONSTITUTIONAL AND OTHER
LEGAL FOUNDATION OF FOREIGN POLICY**

**Suggested elements
by**

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SUGGESTED ELEMENTS FOR THE
QUESTIONNAIRE ON THE
CONSTITUTIONAL AND OTHER LEGAL FOUNDATIONS
OF FOREIGN POLICY

1. Is there a division (separation) of the powers in your country? How is that division reflected in the constitution?
2. In which way is the constitution (or any other acts with the constitutional force) enacted? What about other legal bases related to foreign policy (laws)?
3. Which are the subjects of foreign policy in your country (Head of State, Parliament, Government, Ministry of Foreign Affairs, Parliamentary bodies, NGOs, other groups (lobbys), all citizens of the country at referendum)? What are the constitutional and other legal sources of their power/authority?
4. What is the competence of each of the above mentioned subjects of foreign policy, specifically in respect of:
 - a) treaty-making power (who is authorised to bind the State - without the empowerment (full-powers), prerogative of the approval),
 - b) making other decisions (and taking actions) in the foreign policy,
 - c) initiatives and other means of influence, within the constitutional and other legal provisions?
5. Which way the above mentioned subjects interact? By whom and in which way is each of these subjects controlled?
6. Are the strategic foreign policy decisions taken mainly by
 - a) Head of State,
 - b) Parliament,
 - c) Prime Minister,
 - d) Foreign Minister?Do the regional units or lobbying groups have any influence upon such decisions?
7. To whom do the diplomats at key posts (UN, Washington, Moscow, Paris etc.) report or seek instructions in strategic foreign policy issues:
 - a) Head of State,
 - b) Prime Minister,
 - c) Foreign Minister?
8. In the last 5 years, how many persons have been appointed to the function of
 - a) Head of State,
 - b) Prime Minister
 - c) Foreign Minister?

9. Who decides on the appointment of the ambassadors, consuls-general and senior diplomats, as well as senior officials of the Ministry of Foreign Affairs (Minister, Vice-Minister, Assistants, Directors):
 - a) Head of State,
 - b) Parliament,
 - c) Prime Minister,
 - d) Foreign Minister?Do the regional units or lobbying groups have any influence upon it?
10. In the last 5 years have there been any ambassadors revoked from their posts before the normal expiration of the duration of their term of duty? Who decided on such revocation:
 - a) Head of State,
 - b) Parliament,
 - c) Prime Minister,
 - d) Foreign Minister?
11. Are federal, administrative, local (self-governing) and other units in your county entitled to develop international relations? If yes, to which extent?
12. Are the above mentioned units in your county entitled to conclude treaties (international agreements)? Are they entitled to conclude any kind of arrangement (non-treaty) with the respective units of other countries? If so, in which matters?
13. Are there, in practice, any tendencies contrary to the legal provisions? Are there deviations from the above explained legal provisions?
14. Are you of the opinion that the foreign policy should be influenced by a larger variety of groups? If so, in which way the democratization of the policy-making could be exercised? Are there public opinion researches with respect to the foreign policy? To which extent the results of these researches influence the foreign policy decision-making process? How frequently does it happen?
15. Is there any mechanism provided for the protection of the human rights and freedoms of the individuals in respect of the damage resulting from decisions within the foreign policy framework? Are there any cases of claims filed in this respect in your country?
16. In which way is the foreign policy of your country influenced (determined or defined) by the decisions of the international organisations or regional integrations (UN, EU, CE, CEI etc.), your country being either a member state or a non-member state of the respective organisation?