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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

**QUESTIONNAIRE**

**LEGAL FOUNDATION OF FOREIGN POLICY**

## **PRINCIPLES**

**1.** (a) What are the legal foundations in your country for the conduct of foreign policy, and for the definition of its principles and aims? (b) How are these reflected in the various sources of domestic law:

- in the Constitution or its Preamble;
- in the basic principles governing laws of a constitutional or even supra-constitutional character;
- in organic or ordinary laws;
- in regulations;
- in case law?

(c) In this respect, are international treaties, or even decisions of international organisations, considered to be a source of domestic law capable of determining and establishing the principles and/or aims of foreign policy?

**2.** (a) What is the role of values such as democracy, the rule of law, the protection of Human rights and individual freedoms, in the conduct of foreign policy? (b) How are these values given effect? c) To this end, are there any control and protection mechanisms in place?

**3.** What is the place of the notion of the separation of powers in the determination by the State of its foreign policy and in the distribution of powers among the various persons and bodies concerned?

**4.** What is the influence of moves towards integration (such as European Union) on the different steps for the determination and implementation of foreign policy?

## **AUTHORITIES**

**5.** Which are the individual or institutional authorities responsible for the elaboration of basic principles governing the conduct of foreign policy?

**6.** What is the legal and what is the practical role of the Head of State in the formulation of foreign policy?

**7.** What is the role of the government in the formulation of foreign policy? What is the position of the Minister of Foreign Affairs?

**8.** What is the role of Parliament in the formulation of foreign policy? To what extent is parliamentary authorisation required for:

- the adoption of foreign policy directive?
- the expression of consent to be bound by international treaties?
- the taking of unilateral action (denunciation of treaties, withdrawal of

reservations, recognition of foreign States, etc.)?

- 9.** Is action taken within the framework of foreign policy subject to judicial review? Which court or courts exercise such jurisdiction? What is the scope of their power to review?
- 10.** What is the role of the people in determining the direction of foreign policy (referendum, popular initiative)?
- 11.** Is it possible to discern a trend towards increased decentralisation or towards centralisation of the power of initiative or action in matters of foreign policy? If so, what factors contribute to this trend?
- 12.** How is the recruitment of diplomatic personnel and of staff of the Ministry of Foreign Affairs organised?