

Prepared speech by Mr. Jan KOHOUT, the Czech Government Representative to the Convention (for the plenary session of 7-8 November 2002)

Five remarks on the draft European Constitution

At the last Plenary, we were presented with a skeleton draft of a would-be European Constitution. I appreciate it as an appropriate starting point for comprehensive discussion.

To begin with, I feel compelled to stress that whatever emerges concerning the structure and substance of a future European Constitution, should be dealt with here, within the Convention in the first place. I repeat it here not to show off another banality or a trifle pique but because the Convention model was created as a stepping stone for cultivating trust. And trust is just what we need in order not to submerge into the weeds of suspicion. All relevant ideas should be brought into open before they have been pre-cooked in some dark rooms, e.g. those related to the forms of Presidency in the Council and the European Council.

Applying those presumptions for reviewing the solidity of the draft European Constitution structure, I have to say that, on the one hand, it embraces something we have not touched upon, even have not asked for and, on the other hand, it omits something this Convention has been aiming at agreeing.

To be specific, firstly, I do not understand why we should be immersed into a problem of a new name for the European Integration . The current designation – European Union – is very well established, it is brief, it comprises a desirable dose of dynamic potential needed for covering future development. People in any new prospective Member State are right to pose questions like "What is it actually like we are supposed to join? Will it be much different from what we have negotiated accession conditions for?"

Secondly, the idea of instituting a Congress of Peoples of Europe – even if I am well aware of a fact that unique character of some occasions may be underlined by some sort of an unique institution, I do not see any convincing reason for devising any kind of ad hoc superstructure which could disrupt an enduring institutional balance within the European Union rather than to reinforce it by competing for a place of representativeness.

Thirdly, I support the views that push for a more prominent position EU Charter of Fundamental Rights should take up in the ladder of the first, constitutional part of the European Constitution.

Fourthly, it is a cherished principle of solidarity which should not be missing among the basic values in the constitutional section. I mean here both the instruments to promote economic and social cohesion and a requirement of loyalty in striving for harmony in integration partnership, loyalty for understanding not to take to anything what could damage the others.

Fifthly, the draft European Constitution brings a remarkable innovation in opening a door for a potential voluntary withdrawal from the Union. The emphasis I place here is on the attribute 'voluntary'. A procedure proper, designed for an EU Member State's possible voluntary withdrawal should be very carefully composed in order to act as a stimulus for cultivating political discourse at any domestic scene rather than to be taken recourse to as a rough negotiating element on the EU level when crucial compromises are being forged.