

Statement by Mr Henrik Hololei
Alternate Member of the Convention
Government of Estonia
on articles 43-46 and the Final Provisions
of the draft Constitutional Treaty

24-25 April 2003, Brussels

Mr Chairman, Ladies and Gentlemen,

I would like to thank the Presidium for a good work on the articles that we are discussing here today. I would like to express my support to the proposed draft and explain the reasons behind it.

We all hope that our work here at the Convention draws the attention of the citizens of Europe. Sometimes it does, I am afraid that more often it doesn't. However, I am certain that there is one issue that would be of utmost concern to majority of people in my own country and similarly in many other states, especially the future member states of EU. That issue is the possibility for voluntary withdrawal from the Union as stated in the article 46.

I know that there are honourable members of the Convention present for whom it sounds like a sacrilege. As all of you, I hope that this clause will never be used. But it is important to have an option like this in the Treaty. And not only because such clause formally existed even in the Soviet Union and Yugoslav constitutions and I do not want to answer to my people when they ask if SU and Yugoslavia were more democratic in paper than EU? Having not this article in makes it difficult to defend the new Constitutional Treaty in my country. It is also important because it would formalise something we all believe in. I certainly know the reasons for the current wording and the aims of the Treaties. However, I have not encountered anyone who would claim that it is not possible to leave the Union de facto today. If we all agree that it is possible, why not to formalise it in the Treaties. I believe that Europe is and will be even more bound by economic interdependence, cultural affinities and long-standing traditions. This all makes it truly unlikely that this clause would ever be revoked. Thus we could get for a rather low price something far more valuable – the confidence of peoples and states that the co-operation they engage themselves in is truly voluntary and democratic and respects the sovereignty of the Member States.

Secondly, the revising of the Constitutional Treaty. Here again I would like to support the text of the Presidium. We have not had practical experiences of “smoke-filled rooms” of an intergovernmental conference. However, based on the positive experiences from this Convention it is my belief that future changes to the Constitutional Treaty should be made by a similar Convention. This gives the most important European discussions much more public attention and guarantees the involvement of the wider public as well as

greater openness and transparency if this method is implemented in the best possible manner.

Finally, on the ratification and entry into force of the Treaty. In my opinion, it is possible for the Constitutional Treaty to enter into force only if and when all states that have signed it, will also have ratified it. It would not be fair to prejudice the will of the peoples of the Union and invent undemocratic mechanisms targeted to circumvent this will. Thus again I would like to support the wording of the Presidium that guarantees the continuation of a Union based on a unanimous will of the Member States and their citizens.

Thank you!