

## PO to PiS: Let's Amend the Constitution



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**'Let's appoint a constitutional committee to amend the 1997 constitution before the next presidential elections', the Civic Platform proposes. The PiS replies: we can talk about it, but only after the European Parliament elections.**

'We need to ask ourselves whether the present constitution makes effective government possible', Zbigniew Chlebowski, head of the PO parliamentary caucus, told Gazeta yesterday.

He said the PO would now approach the other caucuses with the idea of appointing a constitutional committee, with 12-15 members, that would map the areas requiring change before the presidential campaign starts (the elections are in autumn 2010).

'We are in the possession of an opinion drawn up by a team of constitutional experts led by Prof Marek Safjan, ex-chief justice of the Constitutional Tribunal', Mr Chlebowski told Gazeta. 'The report describes those areas in the constitution that need to be amended. We would like the committee to find out which of those changes are possible in the present political situation'.

Some of the amendments would result from Poland's membership in the EU and the prospect of its joining the eurozone. They concern, among other things, the prerogatives of the National Bank of Poland and the regulation that the zloty is the official currency of the Republic of Poland.

Mr Chlebowski says another potential area are the president's and the prime minister's prerogatives in, for instance, representing Poland abroad, or the president's prerogatives in domestic policy.

Mr Chlebowski believes that before the presidential elections is a good time for discussing the issue, because neither of the sides will be looking at it from the point of view of who holds the presidential office.

'We're not against a constitutional debate', PiS caucus spokesperson Mariusz Błaszczak told Gazeta, but added that, in his view, the period ahead of the EP elections was not the best time for this.

'We are also waiting for specific proposals from the PO', said Mr Błaszczak.

### Competence Act for Now

The idea of a constitutional committee returned with the unveiling by Sejm speaker Bronisław Komorowski (PO) of a draft competence act - 'defining the terms of state organs' cooperation' in matters related to Poland's membership in the EU.

The draft was yesterday presented to the caucuses. A competence act was pledged in spring 2008 following an agreement reached by president Lech Kaczyński and prime minister Donald Tusk during a controversy over the ratification of the Lisbon treaty.

The proposed draft act provides that it is the cabinet that 'defines Poland's position in EU-related matters' and that it is the prime minister who 'authorises a state organ to participate in the meeting of an appropriate EU organ or institution'. This means that the president could present Poland's position in the EU only when authorised to do so by the prime minister and according to the cabinet's detailed instructions.

The draft law is dated 15 December 2008. It was then Mr Komorowski said it was ready, but its actual contents were not presented to the caucuses. The PO hoped that, following the (in)famous 'chair war' between the prime minister and the president, the Constitutional Tribunal would rule on who and in what scope represents Poland in its relations with the EU.

Mr Komorowski's decision to publicise the draft means that the PO does not expect the Tribunal to rule on the issue any time soon, or to rule in its favour.

On the other hand, PO deputies have made it clear that if the president appeals against the competence act to the Tribunal, the latter would be forced to take a stand.

### Reactions from PiS and President

PO and PSL leaders said yesterday they wanted the competence law to have the backing of all the caucuses. Mr Komorowski spoke Tuesday to the coalition caucus leaders - Zbigniew Chlebowski and Stanisław Zelichowski, and

he also wants to meet the PiS and Leftwing leaders.

'This act doesn't settle whether Mr President attends [the EU summits] or not. He will do as he pleases', Mr Chlebowski said after the meeting.

It is most likely the PO and PSL caucuses that will officially submit the draft today. The PiS last spring drew up its own version of the bill, which provided for all changes in EU-related laws to require the joint approval of the president, the prime minister, the Sejm and the Senate.

Karol Karski of the PiS said yesterday that Mr Komorowski's draft law was 'obviously unconstitutional'.

The proposed law is likely to be supported by the Leftwing, though caucus leader Wojciech Olejniczak believes that while it may make procedures more efficient, it will not end the scope-of-authority controversy between the president and the prime minister.

The president is also critical of the proposed act. He said its passing would mean that the constitution in Poland does not work. The constitution, said the president believes, provides for a relationship of cooperation, not subordination, between the state organs.

'The state's supreme representative abroad cannot be subordinated to anyone', Lech Kaczyński said Monday.

*translated by Marcin Wawrzyńczak*

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## President: I Want Compromise, the Cabinet Doesn't



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**'I don't just sign nominations - I appoint ambassadors,' Lech Kaczyński said yesterday. The Foreign Ministry alleges that by delaying ambassadorial nominations he is responsible for impairing Poland's relations with 36 countries.**

The most recent conflict between the president and the executive was triggered off by statements made Friday by foreign minister Radosław Sikorski. Mr Sikorski alleged that the president was delaying putting his signature under close to 100 ambassadorial nominations. For a couple of days the two sides argued about the actual number of withheld nominations and the prime minister even called the president to 'collaborate rather than block the government's candidates.' The Foreign Ministry believes that the presidential obstruction is a revenge for the rejection of the candidature of Anna Fotyga, the president's ex-close aide, as ambassador to the UN.

The president himself decided to speak on the issue yesterday. In his view, the whole argument is just propaganda: 'The government wants to use it to cover up issues such as its controversial media bill or its attempts to fill the budget gap with funds from the central bank,' said Lech Kaczyński. 'I'm ready for compromise but I see no such readiness on the Foreign Ministry's part,' he added.

Mr Kaczyński believes the government should return to the mechanism practiced during the Jerzy Buzek cabinet's cohabitation with president Aleksander Kwaśniewski, when the cabinet and the president used to initially agree on ambassadorial nominations. According to the incumbent, it is unacceptable for the cabinet to present to him candidatures that have already been agreed on with the host country. 'This puts me in an awkward position,' explained the president.

Mr Kaczyński said he had just signed the nomination for Maciej Lang as ambassador to Afghanistan. He added the situation there was difficult because ex-ambassador, Jacek Najder, had been appointed deputy foreign minister and the embassy in a country where Poland maintained a military presence could not remain without an ambassador.

He also pledged to clear by end-July the 'backlog' of foreign ambassadors awaiting accreditation with the Polish government (currently 14 ambassadors are waiting for the presentation of their letters of credence).

According to SLD deputy Jolanta Szymanek-Deresz (head of the presidential chancellery under Aleksander Kwaśniewski), the current conflict weakens, and even humiliates, both the Foreign Ministry and the president. Ms Szymanek-Deresz believes the two sides should return to the cohabitation model practiced during the Kwaśniewski presidency.

'We are interested in the Polish diplomacy working efficiently regardless of which political option the ambassadors come from; blocking nominations or leaving candidates in charge d'affaires positions weakens our foreign policy,' said PO deputy Andrzej Halicki, head of the parliament's foreign affairs committee, on TVN24. He stressed Poland could not have 'two diplomacies.'

*translated by Marcin Wawrzyńczak*

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