

# LJUBLJANSKA POBUDA

ZA NOV USTAVNI POSTOPEK IN ZA  
NOV OSNUTEK POGODBE O USTAVI EVROPSKE UNIJE

## THE LJUBLJANA INITIATIVE

ON THE NEW CONSTITUTIONAL PROCESS AND  
NEW DRAFT TREATY ESTABLISHING A CONSTITUTION FOR EUROPEAN UNION

Spodaj podpisani udeleženci Mednarodne konference o novem ustavnem postopku za Evropsko unijo, ki je bila 18. in 19. aprila 2016 na Evropski pravni fakulteti Nove univerze v Ljubljani, v Sloveniji,

s spoštovanjem in zadovoljstvom pozdravljamo zgodovinski uspeh Evropske unije od njene ustanovitve s Pariško pogodbo leta 1951 in Rimskima pogodbama, ki sta ji sledili leta 1957, pri:

- ~ zagotavljanju miru in stabilnosti na evropski celini,
- ~ omogočanju prostega pretoka idej, ljudi, izdelkov in storitev po celini brez kontrole na mejah,
- ~ zagotavljanju prijateljskega sodelovanja med evropskimi ljudstvi, narodi, civilnimi družbami in trgi,
- ~ zagotavljanju spoštovanja temeljnih pravic, pravne države in demokracije v notranjem območju svobode, varnosti in pravic v Evropski uniji in
- ~ prispevanju k mirnemu sodelovanju med državami svetovne ureditve;

izražamo resno zaskrbljenost zaradi

- ~ nenehne denarne in javnofinančne krize, ki spodkopava stabilnost skupne valute Evropske unije,
- ~ neuspešnega omejevanja pretirane reguliranosti in birokracije na številnih področjih človeške ustvarjalnosti v okviru civilne družbe, gospodarstva in politike v Evropski uniji,
- ~ neposrednih izzivov za varnost življenja v mestih zaradi terorističnih napadov in groženj,
- ~ valov nezakonitega priseljevanja prek zunanjih in notranjih meja Evropske unije,
- ~ pomanjkanja pristojnosti in instrumentov moči na področjih varnostnih, obveščevalnih, obrambnih in zunanjih zadev,
- ~ težav na področju dobrega upravljanja in odgovornosti osrednjih oblasti Unije,
- ~ demokratične legitimnosti osrednjih organov odločanja,
- ~ nerešenega statusa Unije, kar zadeva njeno suvereno oblast, ne glede na to, ali je izključna ali si jo deli z državami članicami,
- ~ resnega zmanjšanja obsega in moči Evropske unije po odhodu Združenega kraljestva, ene ključnih držav članic, ki bo kmalu nekdanja,

We, the undersigned participants at the International Conference on the New Constitutional Process for the European Union, held at the European Faculty of Law of the New University in Ljubljana, Slovenia, on 18 and 19 April 2016,

Acknowledge, with respect and satisfaction, the historic successes of the European Union, from its inception in 1951 by the Treaty of Paris and the subsequent Treaties of Rome in 1957, in terms of

- ~ securing peace and stability on the European continent;
- ~ enabling the free flow of ideas, people, products, and services across the continent without border controls;
- ~ providing for friendly cooperation among the European peoples, nations, civil societies, and markets;
- ~ ensuring respect for fundamental rights, the rule of law, and democracy in the European Union inner area of freedom, security, and justice; and
- ~ contributing to peaceful cooperation among the nations of the world order,

express serious concerns with respect to

- ~ the ongoing monetary and fiscal crisis undermining the stability of the common currency of the European Union;
- ~ the lack of success in curtailing excessive regulation and bureaucracy in numerous fields of human creativity in the European Union areas of civil society, economy, and polity;
- ~ the imminent challenge to the security of urban life posed by terrorist attacks and threats;
- ~ the tides of illegal immigration flowing over the outer and inner borders of the European Union;
- ~ the lack of competencies and power instruments in the areas of security, intelligence, defence, and foreign affairs;
- ~ ensuring the good governance and accountability of the central administration;
- ~ the democratic legitimacy of key decision-makers;
- ~ the unresolved status of the European Union in view of sovereign powers, either exclusive or shared between the European Union and its Member States;
- ~ the serious decline in the European Union's size and strength following the exit of the United Kingdom, one of its key, and soon-to-be former, Member States; and

- ~ pomanjkanja instrumentov moči in geopolitične strategije glede na regionalizacijo svetovne ureditve;

in menimo, da je treba na ravni ljudstva Evropske unije, njegovih držav in voditeljev izraziti politično voljo,

- ~ da v sedanjem zgodovinskem trenutku, z vsemi krizami in konflikti, ki jih prinaša, prepoznamo priložnost za odločilen korak naprej,
- ~ da začnemo nov postopek priprave ustave, ki bo konstruktivno zaključil več kot pol stoletja dolgo zgodovino kriz in reform Evropske unije,
- ~ da se dogovorimo o novi pogodbi o ustavi Evropske unije, katere namen bo vzpostaviti in zavarovati notranje območje svobode in pravičnosti,
- ~ ter omogočiti Evropski uniji, da bo nastopila kot enakovreden partner med svetovnimi subjekti, ki med sabo konkurirajo in sodelujejo.

V ta namen smo v kritično presojo in nadaljnjo obdelavo predložili besedilo novega osnutka pogodbe o ustavi Evropske unije, pripravljeno z namenom spodbuditi razpravo na zgoraj omenjeni Ljubljanski konferenci in na javnih razpravah, ki ji bodo sledile.

Vse ljudstvo Evropske unije ter institucije dobre volje vabimo, naj združijo svoje moči in zamisli za izgradnjo boljše in trajne Unije za nas in naše otroke.

V Ljubljani, Slovenija, šestega januarja leta dva tisoč sedemnajst.

**Borut Pahor,**  
predsednik Republike Slovenije  
President of the Republic of Slovenia

**Peter Jambrek,**  
nekdanji predsednik Ustavnega sodišča Republike Slovenije  
former President of the Constitutional Court of the Republic of Slovenia

**Ernest Petrič,**  
nekdanji predsednik Ustavnega sodišča Republike Slovenije  
former President of the Constitutional Court of the Republic of Slovenia

**Dimitrij Rupel,**  
nekdanji minister Republike Slovenije za zunanje zadeve  
former Minister of Foreign Affairs of the Republic of Slovenia

**Tine Hribar,**  
član Slovenske akademije znanosti in umetnosti, filozof  
Member of Slovenian Academy of Sciences and Arts, Philosopher

**Niko Grafenauer,**  
član Slovenske akademije znanosti in umetnosti, pesnik  
Member of Slovenian Academy of Sciences and Arts, Poet

**Matej Avbelj,**  
profesor evropskega prava  
Professor of European Law

- ~ the lack of power instruments and geo-political strategy in view of the regionalisation of the world order,

and consider there to be a need to articulate the political will on the levels of the European Union people, their nations and leaders in order to

- ~ recognise the present historic moment and its accumulation of crises and conflicts as an opportunity to take a decisive step forward;
- ~ initiate a new constitution-building process to complete in a constructive manner the more than half-century-long history of the European Union's crises and reforms;
- ~ agree on a new Treaty Establishing a Constitution for European Union with a view to creating and securing its inner area of freedom and justice; and
- ~ ensure the position of the European Union as an equal partner among the competing and collaborating world actors.

To this end, we submit for critical inspection and further elaboration the text of the new draft Treaty Establishing a Constitution for European Union, prepared to encourage discussion at the aforementioned Ljubljana conference, and subsequent public debate.

We invite all European Union peoples and institutions of good will to combine their energies and ideas in order to build a better and lasting Union for ourselves and our children.

In Ljubljana, Slovenia, in the Year Two Thousand and Seventeen on the 6<sup>th</sup> Day of January.

Four handwritten signatures in blue ink are visible on a lined background. From top to bottom, they correspond to the names listed on the left: Ernest Petrič, Dimitrij Rupel, Tine Hribar, and Niko Grafenauer. The signatures are fluid and cursive.