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Pavel and Babiš's unconstitutional state of affairs



Did anyone really believe that Andrej Babiš would [lock up €5bn in retained earnings](#) at Agrofert and throw away the key for the rest of his life? Pres. Petr Pavel at least pretended to. He declared dramatically on Nov. 12 that he had to fulfill his [oath to uphold the Constitution](#) and that appointing Babiš as PM would raise the suspicion that he, Pavel, was creating an unconstitutional state of affairs if it weren't clear how Babiš intended to meet his constitutional and legal obligations. A Constitutional Court ruling, Pavel stressed, required him to take into account a possible conflict of interest. Pavel did take it into account - for about an hour. He almost immediately [accepted](#) Babiš's [trust-fund solution](#) on Dec. 4 and said that he [can't be the judge](#) ... even though that Constitutional Court ruling had said that he is required to be. There are now [serious doubts](#) - as there always were - about whether Babiš is truly throwing away the key. If the result is an unconstitutional state of affairs, Pavel and Babiš are in it together.

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