

Derailing Lisbon

by Doug Bandow

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So close yet so far. For five years Europe's elite has been attempting to consolidate the European Union's power in the face of popular opposition. Every EU member government has ratified the so-called Lisbon Treaty, yet the agreement remains in limbo, awaiting the signature of Czech President Vaclav Klaus.

The European Union began as a free-trade zone. The economic benefits were obvious while the threats to national sovereignty were few. Over time the EU gained political authority, but national governments remained supreme. However, in 2004 leading European federalists, or Eurocrats, sought to change that by drafting a constitution, later turned into the Lisbon Treaty—thereby avoiding popular referenda on ratification—turning the EU into something closer to a nation state.

It took two tries to get the treaty past the Irish, whose constitution mandated a popular vote. But the Eurocrats' apparent triumph still has fallen short: the Czech constitution requires President Klaus' signature for ratification, which he so far has withheld. Treaty backers fear that delay could prove fatal: if the treaty goes unratified until the next British election, required mid-2010, the anti-Lisbon Conservatives, widely expected to win, could rescind Britain's ratification. Then the entire project would collapse.

What are Lisbon's benefits? The public obviously has its doubts: a majority of citizens in all twenty-seven member countries wanted to vote on the treaty and in half of the states likely would have voted no.

If the treaty spurs Brussels to become anything like Washington's bloated Leviathan the European people will be clear losers. For instance, Stephen Booth, author of a new report for the think tank Open Europe on civil liberties, worries: "How can citizens expect their fundamental rights to liberty and independence from the state to be protected by unaccountable institutions which have a vested interest in creating new laws?"

Federiga Bindi of the Brookings Institution argues that the new system "will enable a more coherent European presence on the international stage."

That is true procedurally: the treaty shifts more responsibilities to the EU from national governments and creates a more centralized governing structure, with a permanent president and foreign minister. However, without a willingness of member states to sacrifice national interests and create meaningful military forces—neither of which is likely—the EU's pretensions of global leadership are likely to remain just that, pretensions.

Still, politicians and bureaucrats like pretensions. Former-British Prime Minister Tony Blair leads a chorus line of aspirants to the EU presidency and chief international spot. Moreover, a bevy of EU parliamentarians and regulators look forward to imposing their will on the 500 million people who live within the EU.

Yet Klaus stands in the way. First he worries about his nation's sovereignty. He recently filed a statement before the Czech constitutional court contending:

Twenty years after the restoration of our democracy and sovereignty, we are

once again dealing with the question whether we should—this time voluntarily—give up the position of a sovereign state and hand over decision-making on our own matters to European institutions outside of the democratic control of our own citizens.

Second, as Klaus pointed out in an address to a hostile European Parliament earlier this year: “There is no European demos—and no European nation,” which means the EU’s growing political authority creates “the democratic deficit, the loss of democratic accountability, the decision-making of the unelected.” The Eurocrats’ determination to construct a quasi-nation state without popular support risks creating “a situation where the citizens of member countries would live their lives with a resigned feeling that the EU project is not their own.”

As long as the Irish decision was in doubt, Klaus withheld his signature. He continues to wait, as seventeen parliamentarians have launched another challenge to Lisbon before the Czech constitutional court, and Klaus has demanded a special EU opt-out from the Charter of Fundamental Rights regarding property claims arising out of the post–World War II expulsion of ethnic Germans and Hungarians from Czechoslovakia, the so-called Benes Decrees.

But the Eurocrats are impatient to grab the fruits of victory. Notes Simon Taylor of European Voice: “Discussions on who should get the EU’s new top jobs have been pushed off the agenda of this month’s summit by the need to cut a deal with” Klaus. Thus, top European officials have abandoned sweet reason in attempting to force Klaus’ assent. The memorable image suggested by the London-based think tank Open Europe is “of a Klaus-shaped figure being bundled into the back of a car with blacked out windows.” In this way, the Eurocrats have inadvertently demonstrated the truth of Klaus’ critique.

Nicolas Sarkozy, for one, said that delay “won’t be without consequence.” Czech officials report that he also threatened their nation with expulsion from the EU. German officials were equally blunt, urging the Czechs to oust Klaus. German Member of the European Parliament (MEP) Jo Leinen called for Klaus’ impeachment. Such threats have not been well-received: Germany’s past interventions in Czech life are not remembered fondly.

Only slightly less obnoxious was the suggestion by the president of the European Commission, Jose Manuel Barroso—recently rewarded for five years of unimpressive service with another term—to strip the Czech Republic of its EU commissioner. He stated: “If there is no Lisbon Treaty, there is no guarantee for the Czech Republic to have a commissioner.” This is a repeat of the threat made against Ireland after the Irish people voted down Lisbon last year. Yet this would be a curious way to reward the Czech government, which ratified the treaty. Moreover, notes British MEP Daniel Hannon: “Commissioners are lobbyists for the EU in their home states, not the other way round. So why should losing a Commissioner matter to anyone except him and his family?”

Other Lisbon supporters have suggested slightly less coercive measures, such as changing the Czech constitution to eliminate the requirement of a presidential signature. However, the issue could prove politically toxic with Czech elections looming next year. The controversial Klaus is supported by two-thirds or more of the population. Indeed, former Prime Minister Mirek Topolánek’s support for Lisbon may cost him control of the Civic Democratic Party (or ODS), the former ruling party created by Klaus after the collapse of communism.

Thus, Lisbon remains in limbo. Writes Roger Boyes in the *Times* of London: “The usual sweeteners that form part of the Brussels diplomatic armory are not helping. Nor does shouting down the phone.” Klaus seems unconcerned about foreign threats and domestic pressure alike.

The British Tories have urged Klaus to stand firm until the middle of next year, when an election must be held and is likely to return them to power. And he recently was overheard telling one supporter “Don’t worry, I won’t” when urged not to sign the treaty.

But the Czech constitutional court might rule as early as early as next week. Moreover, Klaus recently spoke positively of an opt-out proposal advanced by Sweden, which holds the EU presidency. The requisite guarantee could be forthcoming as early as the EU summit this weekend.

He appears to have rejected delay for the sake of delay, opining that he won’t wait until a British election next year. He explained: “I do not consider the Lisbon Treaty to be a good thing in Europe— for freedom in Europe and for the Czech Republic. However, the train carrying the treaty is going too fast and has gone so far that it will not be possible to stop it or to send it back.”

Still, the Eurocrats may be celebrating prematurely. The train track is not yet clear.

Slovakia, formerly united with the Czech Republic in a single nation, has requested a similar opt-out, and is threatening not to approve a Czech guarantee without one. On Monday, Hungarian Foreign Minister Peter Balazs announced that his government would not approve any Czech provision which mentions the Benes Decrees, since Hungarians were among the victims. Hungary and Slovakia might just be blustering, but maybe not.

Does Lisbon matter to Washington? The U.S. government’s best position is no position: the issue is up to the Europeans.

However, Lisbon does matter to Americans. More intrusive internal EU controls are likely to inhibit rather than spur European innovation and growth. A stronger Europe could take on additional international responsibilities including, most importantly, the continent’s defense. But national policy differences remain and there is no popular support for any kind of military buildup.

Moreover, the Lisbon Treaty undercuts the principle of democratic governance. Notes my Cato Institute colleague Marian Tupy: “the EU itself has entered a post-democratic age. Increasingly, it is run by unelected and unaccountable technocrats in Brussels who are disdainful of public opinion.” For politicians to conspire to impose a major transformation of government, whatever its merits, upon a skeptical public is problematic in any democratic society. In this way the Lisbon Treaty could undermine the popular legitimacy of the EU itself.

The Lisbon train has nearly arrived. But a determined Vaclav Klaus might still find a way to derail the big government express. And thus save representative government in Europe.

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