



SPECIAL REPORT

Now That Ireland Has Caved

By [Doug Bandow](#) on 10.5.09 @ 6:08AM

In a contest watched closely in Europe but largely ignored in America, the Irish voted on Friday to approve the Lisbon Treaty. The European establishment is celebrating what is supposed to become a stronger European Union.

But the fat (Czech) lady has yet to sing.

Five years ago members of the EU advanced a continental constitution to create a consolidated government in Brussels, with a president and foreign minister, increased "competencies," or responsibilities, for the EU, and fewer national vetoes over other issues. But in 2005 the Dutch and French peoples voted no.

After that democratic debacle, the Eurocratic elite wheeled out a slightly revised constitution in the form of a treaty requiring only parliamentary approval. Although polls indicated that majorities in every EU member desired to vote on the treaty, only Ireland (by its constitution) required a popular ballot. In June 2008 the Irish shocked the European establishment by rejecting the accord.

The EU elite reacted predictably by closing ranks and scheming to overturn the popular will. The point is not that it is necessarily wrong to create something closer to a European nation state. (Personally, I believe Europeans are risking their liberties for little practical benefit, but it is their decision to make.) However, as Larry Siedentop, author of

Democracy in Europe, notes: "the EU seems blind to a central insight of liberal democratic thought -- that the means of reaching public decisions are just as important as the ends."

Last month European Commission president Jose Manuel Barroso claimed "We respect the vote of the Irish people," but if so he was the only person in Brussels to do so. Some Eurocrats proposed to toss Dublin out of the EU or at least consign it to second-class status. Most demanded that the Irish vote again -- and get it right this time.

The anger over the democratic process was palpable: How dare the Irish thwart the will of 500 million Europeans, not that any of the other 495 million had been allowed to express that will at the polls? Declan Ganley, head of the group Libertas, wrote: "we Irish behaved badly, and were therefore required as a matter of course to vote again. Nearly every EU leader agrees with this. Their own people must not vote, but the Irish must vote twice."

So the Irish held another referendum on October 2. Treaty advocates played on concern over the economy -- Ireland was hit particularly hard by the financial collapse -- claiming that another no vote would somehow distance Ireland from the continent. Yet France and the Netherlands faced no such punishment after voting no four years ago. In fact, Lisbon is irrelevant to European economic cooperation.

The other EU members also promised future (and unenforceable) treaty changes to address Irish concerns. Moreover, the Irish government, EU officials, and politically oriented businesses ran a concerted and well-funded pro-campaign against a weakened opposition. The result was a solid yes.

That would seem to resolve the issue. Except for one person: Czech President Vaclav Klaus.

Both Klaus and Polish President Lech Kaczynski held off signing the treaties, a necessary constitutional step after parliamentary ratification. Notes Jan Techau of the German Council of Foreign Relations, the two "are lone riders who are not easily influenced by external factors." Kaczynski promised to sign if the Irish said no. Klaus, a confirmed skeptic of consolidating power in Brussels, did not.

The latter's refusal has led to a myriad of threats from Czech and EU treaty advocates. French President Nicolas Sarkozy declared that "It will be necessary to draw the consequences," whatever that means, from continued Czech resistance.

But the independent Klaus, who spent years resisting Czechoslovakia's communist government, seems unlikely to cave. In fact, Czech politicians are uncomfortable pressing him. Explains Stefan Fule, the Czech Minister for European Affairs: "The government prefers negotiation and we will continue negotiating with Mr. President."

Moreover, Klaus now has a strong justification for holding back. Seventeen Czech senators have challenged the Lisbon Treaty before the nation's constitutional court.

Most observers expect a positive verdict. Earlier this year the court upheld the treaty in a similar challenge. But the ruling could take months. And it is possible that the Czech court will follow its German counterpart in requiring the parliament to make legal changes in the treaty's application to satisfy the constitution. That process would add more time.

Alone, delay by Prague should simply slow the Eurocrats in their scramble for new high office. But behind the fat (Czech) lady lurks British Conservative leader David Cameron.

The Labour government originally promised a vote on the European constitution, but refused to hold a referendum when it ratified the Lisbon Treaty. Not all Labourites were happy: former health minister Gisela Stuart complains of Lisbon, "The nature of democracy is really at stake."

However, a parliamentary election is due next by next June. Although nothing is certain in politics, Cameron is likely to become prime minister, and he has promised to suspend Britain's ratification while holding a referendum on the treaty. The result almost certainly would be no.

So Vaclav Klaus doesn't have to refuse to sign the Lisbon Treaty forever. He merely needs to not sign until the Tories take power. After which London could push the Lisbon project off the rails. In fact, the *Daily Mail* reported on a letter from Cameron to Klaus: "Cameron has told Klaus that if he can hold out for a few months, he'll be right there with him."

No surprise, this possibility "is the source of much angst in Brussels and other EU capitals," notes *Economist* columnist Charlemagne.

Still, defeating the treaty remains a long shot. The Czech court's general secretary, Tomas Langasek, said: "The ruling will definitely take weeks and months but I can guess it will not go beyond the end of the year." If so, pressure will mount on Klaus -- whose position incorporates more ceremonial function than government authority -- to complete the process initiated by the elected parliament.

And if Lisbon goes into effect before the British election, Prime Minister Cameron will possess no veto. He says the party would reconsider a vote under such circumstances, though Lorraine Mullally of the group Open Europe points out that polls indicate a majority of Britons want to vote even then.

Mullally suggests that London "link demands for reform to the EU budget -- and link that to a referendum," since negotiations will commence next spring over the EU's seven-year "Financial Framework." But threatening to block the EU budget to force reforms to Lisbon is a nuclear option, not for the faint-hearted. Whether the Tories, busy celebrating their long-awaited victory, would be willing to so directly challenge the rest of Europe is unclear.

Thus, the Eurocrats still might win. But it could prove to be a Pyrrhic victory. It is one thing to create a government superstructure. It is quite another to create a popular foundation, a demos to sustain a new government.

As yet, no such European identity exists. The *Economist* notes the EU's "lack of legitimacy among Europe's voters," but the Lisbon process has not filled the gap. To the contrary, President Klaus warns of 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."

The expectation that creation of a European foreign minister and diplomatic service would result in a unified continental foreign policy also likely is overly optimistic. Andrew Duff of the European Council on Foreign Relations worried: "Europe's loss of global credibility [from rejection of Lisbon] would leave China and America largely to their own devices." But deep divisions over global issues remain within the EU and European states don't want to spend enough to create a credible and deployable military. Without political unity and military capability, China and America still will be left "largely to their own devices."

The most serious flaw in the Lisbon project, however, is the threat to representative government. There is no reason in theory that Europe cannot construct a continent-wide democratic system. But it is impossible to do so by imposing such a system on an unwilling people. Bill Emmott of the *Times* of London is scathing: "A constitutional exercise that when it began in 2001 was supposed to make the EU more democratic, transparent and comprehensible to its citizens is doing just the opposite."

In fact, transferring power from 27 accountable national assemblies to a less accountable continental assembly, warns Siedentop, "can breed cynicism about representative government: on the one side, power without real authority; on the other, authority with less and less power. Might the European and national parliaments discredit each other?"

If the result was a freer political order and less onerous state, we should welcome Lisbon's corrosive effect. But European history suggests that such a process could just as easily move in the other direction. Indeed, the recent election of two members of the overtly racist and anti-Semitic British National Party to the European Parliament could be an ugly portent.

With the Irish vote, Europe has taken a major step towards consolidated government. But the fat (Czech) lady has yet to sing. The future of representative government in Europe may depend upon President Vaclav Klaus willingness to stand firm.

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