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Irish “No” to EU Treaty Raises Key Issues of Democracy

Reginald Dale

“If you don’t know what it’s all about, you have to vote ‘No.’” That common-sense comment by an Irish voter in the June 13 referendum that rejected the EU Lisbon Treaty exemplified the European Union’s continuing difficulties in persuading the general public to accept complex plans for institutional reform. But Ireland’s “No” voters also raised even more fundamental questions about democracy in today’s European Union.

Among them are whether referendums are appropriate ways to gauge public opinion about intricate quasi-constitutional documents that few voters, either in the “Yes” or “No” camp, have actually read. Another is whether the treaty’s 862,415 Irish opponents should be allowed to veto a document that may (or may not) be supported by a majority of the nearly 500 million inhabitants of the rest of the European Union—given that the assent of all 27 countries is required. Eighteen other countries have already ratified the treaty and more are likely to follow.

There are no easy answers to these questions. The first concerns the nature of referendums, which are not part of the constitutional tradition of many EU countries and which are widely seen as excessively unwieldy instruments. President Charles de Gaulle, who resigned after losing a referendum on French constitutional reform in 1969, once said voters never reply to the question they are asked.

That was indeed a criticism addressed to Ireland’s “No” voters by many advocates of the treaty, designed to adapt EU institutions to the entry of 12 new members in the last four years and give the union a louder voice in international affairs. The treaty’s supporters, in Ireland and other EU countries, accused the “No” campaign of misrepresenting its contents to convince a gullible public to reject it.

It is almost impossible, however, to know how far the “No” voters were in fact answering the question. Some treaty opponents justified their vote on grounds that were accurate—for example that Ireland would no longer always have an EU commissioner in Brussels under the treaty. Others objected for wildly inaccurate reasons, ranging from the supposed implications for abortion to the belief that Ireland would have to introduce military conscription. Others simply wanted to vent frustration with the Dublin government or “Eurocrats” in Brussels.

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Sarkozy is Down, But Far From Out

Simon Serfaty

As a presidential candidate, Nicolas Sarkozy was described as an American politician with a French passport. He looked and sounded un-French—different from any of his predecessors and from the French idea of a president. Since taking office a year ago, he has lived up to his billing, but the French no longer find these differences endearing. With his public opinion ratings at all-time lows, and a sharp setback in local elections, the Sarkozy era is said to be over before it truly began.

Such talk is excessive and even misleading. Admittedly, Sarkozy has not shown the competence, efficacy, and resolve expected by a French populace eager to embrace the wholesale reforms he promised. Instead, his personal demeanor has been that of a teenager—irresponsible and embarrassing. But forecasts of his impending demise are grossly premature.

With his political opposition decapitated, Sarkozy faces no serious political challenge until 2012 but also, arguably, until 2017 following the second five-year term that remains his to lose. He has plenty of time to deliver on the 490 “promises” made during his rise to power—with 60 of them implemented, 187 started, and 19 altered or abandoned during his first 50 weeks as president, according to a study by the Paris-based Institut Thomas More.

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Atlantic Outlook is a newsletter of the CSIS Europe Program, including the New European Democracies Project and the Initiative for a Renewed Transatlantic Partnership. Edited by Reginald Dale, it provides news, analysis, and commentary on political, economic, and security developments in Europe, the EU and the United States, and in transatlantic relations. It also highlights forthcoming and recent CSIS Europe Program events. Contact Derek Mix: dmix@csis.org.

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The issue of the Irish veto on the rest of Europe is complicated by the fact that Ireland is the only country holding a referendum on the treaty, for its own constitutional reasons, while the others are all using parliamentary procedures that do not give voters a direct say. It was the rejection of the Lisbon Treaty’s predecessor, the EU Constitution, by French and Dutch voters in 2005 that persuaded governments not to submit the new treaty to popular approval.

The inescapable reality is that voters in three different countries have now rejected EU institutional reforms in just three years, and the excuse that they were “not answering the question” is beginning to look increasingly lame. The argument that the Irish should vote again because the better-informed treaty supporters did not like the outcome—a ruse adopted for both Ireland and Denmark in the past—is beginning to look increasingly undemocratic and smacks of Jean-Jacques Rousseau’s dangerous doctrine that people don’t necessarily know their own best interests, so others can decide for them.

Already some EU politicians are saying that the Irish “didn’t really mean it”—just as they said after the French and Dutch “No” votes three years ago—betraying the condescending attitude that is precisely one reason why people rebel against EU treaties. At least Prime Minister Brian Cowen of Ireland insisted that in a democracy the voice of the people is sovereign. The real lesson is that the European Union must find ways of winning popular backing for its reforms. That means making them both appealing and comprehensible. If European integration is not founded on the consent of its citizens, it will be a house built on sand.

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In any case, too much is said of his personal failings and political failures and not enough of his ability to renew and redirect France’s foreign policy, especially in the vital areas of Europe, alliance relations, and the Middle East.

Together with then-Prime Minister Tony Blair of Britain and Chancellor Angela Merkel of Germany, Sarkozy relaunched the European institutions with a new treaty, signed in Lisbon in December. That was a significant achievement, although Ireland’s rejection of the treaty in June presents Sarkozy with another severe challenge during the French EU presidency, beginning July 1. His other tasks include a much-needed debate on the EU budget, Turkey’s arduous entry negotiations, and France’s desire for a new European security strategy.

As for alliance relations, Sarkozy could simply have waited until after this year’s U.S. presidential election, given George W. Bush’s unpopularity in Europe. But he chose to engage Bush warmly and openly, avoiding the error of his predecessor, Jacques Chirac, who ignored Bush’s openings and awaited the outcome of the 2004 U.S. election while the situation continued to deteriorate. Today, Franco-U.S. relations are probably better than the traditionally strong links between the United States and Britain and between France and Germany.

France has also shown its interest in being a good Euro-Atlantic citizen by agreeing to send more troops to Afghanistan, in response to an urgent call from Canada. A French return to NATO’s integrated military command looms as Sarkozy’s birthday present for the alliance’s 60th anniversary in April, 2009.

On the Middle East, France is also speaking with an unprecedented Euro-Atlantic voice. Sarkozy may be the first French president the Israelis like in nearly four decades, strengthening the European Union’s ability to play a role commensurate with its influence. While he will stay away from Iraq, Sarkozy regards Iran as a priority security concern and has refused to dismiss any option designed to deter Tehran from developing nuclear weapons, including military action.

It is unclear how sustainable these adjustments will be. But for the time being, at least, they suggest that it is possible to do business with France: this opportunity should not be missed during the remaining few months of the Bush administration and will hopefully be seized by its successor.

It is not just Franco-U.S. relations that are at stake, but the future of Europe and the transatlantic partnership. The lessons of the past are unequivocal: there cannot be more Europe without France. Now that France accepts that more Europe need not mean less America, and cannot be achieved without more Britain, there can also be more Atlantic Alliance—at a time when neither side of the Atlantic can afford to confront the world without the other.

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Recent and Upcoming Events

April 27–29—“Best Practices in Counterterrorism: How to Address Short-term Responses and Long-term Consequences,” first meeting of the CSIS Transatlantic Policy Dialogue on Human Rights and Counterterrorism, in Berlin.

May 16–17—“Transatlantic Energy Forum,” hosted by the CSIS Europe Program and CSIS Energy and National Security Program, in Paris.

May 19—“U.S.-Spain Bilateral Dialogue” on the future of U.S.-Spanish relations, hosted by CSIS and the Real Instituto Elcano, in Madrid.

May 21—“Dilemmas in Democracy: Work in Progress in Afghanistan and Pakistan,” a CSIS Senior European Dialogue with David Miliband, UK foreign secretary.

June 4—“The Future Transatlantic Agenda and Global Issues,” with Carl Bildt, foreign minister of Sweden, and Zbigniew Brzezinski, CSIS trustee and counselor.

June 18—Congressional Staff Forum on the Dutch experience in Afghanistan, cohosted by CSIS and the Royal Netherlands Embassy.

Lawsuit Deals Another Blow to Turkey’s EU Hopes

Bulent Aliriza

Turkey’s troubled path to EU membership has become even more complicated now that the Turkish Constitutional Court has agreed to hear a case aiming to close down the governing Justice and Development Party (JDP) for undermining the country’s secularism. The case also seeks to bar 70 JDP members, including Prime Minister Recep Tayyip Erdogan, from engaging in politics.

A further challenge to Erdogan’s authority came in June when the Court struck down a new law allowing university students to wear Muslim headscarves, a move widely seen as increasing the chances that the Court would ban the JDP.

The case against the JDP is also likely to give further ammunition to those inside the European Union who are opposed to Turkish entry. Jose Manuel Barroso, president of the EU Commission, and Olli Rehn, commissioner for enlargement, noted that the developments were contrary to EU norms and had negative implications for Turkish accession.

While the expression of concern by the EU Commission, which has the task of conducting negotiations with Turkey, is understandable, there is also strong evidence that it was encouraged by the JDP as part of an effort to gain international support against its domestic foes.

It will be interesting to see how the EU Commission balances its public opposition to judicial action against the ruling party with its commitment to keep Turkey on track to accession if the JDP is indeed banned.

The current crisis will ultimately be resolved in accordance with the dynamics of the Turkish system, which is grappling with the difficulties of accommodating growing religiosity with rigid secularism, rather than the requirements of an EU process that was already stalled before the decision to hear the case. The reaction of the Bush administration, which has carefully avoided criticism of the indictment while underlining the importance of the rule of law and secular democracy, seems more pragmatic.

Turkish attitudes toward eventual EU entry have anyway been taking an increasingly pessimistic turn and now more closely reflect the consistent opposition to Turkish membership recorded in opinion polls in all the EU member states. French president Nicolas Sarkozy’s strident opposition to Turkish membership has given cover to other EU leaders with similar views. It is becoming difficult to envision a successful end to Turkey’s EU journey.

After the opening of accession negotiations in October 2005, Erdogan paid little attention to EU issues and went so far as to say it would not be “a disaster” if Turkey’s entry bid were rejected. He was motivated at least partly by fear of antagonizing the powerful Turkish military, which is reluctant to make concessions to the European Union.

Erdogan, however, has now rediscovered the enthusiasm he displayed after assuming office in November 2002. He has directed Turkey’s EU negotiator, Ali Babacan, to intensify his EU contacts, particularly with Rehn, and has promised to complete the promised package of additional EU reforms, beginning with a revision of Article 301 of the Penal Code outlawing criticism of Turkish identity.

Although the belated move on 301 is good news for Brussels, it is unlikely to prove decisive in re-galvanizing the stalled negotiations. In any case, the domestic turmoil that has redirected the JDP toward the European Union will inhibit the reform process and stall movement on the Cyprus issue, which Barroso has described as “the main external obstacle for significant progress in Turkey’s accession process.”

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Serbian Support for EU Bid Still “Fragile” After Vote

The move to integrate the West Balkan countries into the European Union appeared to have received a boost after Serbia signed a pact to pave the way for EU entry, just days before the leading pro-EU party scored a surprise success in national elections in mid-May. The previous government had collapsed following recriminations over the February 17 declaration of independence by Kosovo, which has been recognized by a majority of EU member states, and disagreement over the implications for Serbia’s European policy.

The signature of the stabilization and Association agreement—an important step on the road to opening EU membership negotiations—brings Serbia into line with Albania, Montenegro, and Bosnia and Herzegovina, which have similar agreements and are also considered “potential candidates” for membership by Brussels. Bosnia and Herzegovina signed its pact in June. Further ahead are two official candidate countries, Croatia, which could complete entry negotiations next year, and Macedonia, although the European Commission has expressed concern over the violence and possible irregularities that marred Macedonia’s parliamentary elections on June 1.

The Serbian elections brought unexpected gains for the reformist, pro-EU party grouping led by President Boris Tadic, which became the biggest party in the 250-member Serbian parliament, with 102 seats. The nationalist Serbian Radical Party came second with 78 seats, followed by another nationalist party, the Democratic Party of Serbia,

with 30 seats. The Socialist Party, founded by former president Slobodan Milosevic, won 20 seats. All three parties are more hostile to the EU than Tadic’s group.

Those hoping for early progress toward closer EU links were initially enthusiastic about the outcome of the vote, which some political leaders had dubbed a “referendum” on the country’s drive for EU entry, perhaps as early as 2012. Brussels officials had timed the signature of the stabilization and association pact to encourage supporters of EU membership, and the relaxation of visa rules by 17 EU countries just before the vote was another important incentive. Those hostile to the EU claimed that Brussels had tried to “bribe” Serbian voters.

The initial euphoria in Brussels soon subsided, however, after it became clear that it would be very difficult for the pro-EU bloc to form a government capable of carrying the cause of European integration forward. With tortuous negotiations continuing in Belgrade, several different combinations of parties could form the next government, due to be installed by September 20, and some of the possible coalitions might exclude Tadic’s party.

The EU commissioner for enlargement, Olli Rehn, welcomed the election success of “the reform-oriented forces” but said that Serbia’s European orientation remained “fragile.” The EU remains committed to bringing Kosovo under its wing, “as part of the Western Balkans.” But Ireland’s rejection of the Lisbon Treaty in June raised new question marks over early accession for the West Balkan states.

News Updates

- President Bush and EU leaders threatened tougher sanctions to block Iran’s pursuit of nuclear weapons, particularly in the banking and financial sector, at a summit meeting in Slovenia. The EU’s high representative for foreign and security policy, Javier Solana, submitted a new package of incentives to Iran agreed on by the United States, China, Russia, France, Britain, and Germany.
- President Nicolas Sarkozy confirmed that France wants to rejoin NATO’s integrated military command, which President Charles de Gaulle left in 1966 to affirm French national independence. Sarkozy’s move is highly symbolic but will not change a great deal in practice, as France has been part of all NATO operations since 1989. The deal could be formalized at NATO’s 60th anniversary summit in April, 2009.
- Italy is to make a small reduction in its 2,700-strong force in Afghanistan but ensure that its soldiers can respond more quickly to calls for help from other NATO contingents. The government said the move was not a “strategic change” in the role of Italy’s troops, deployed in Kabul and a relatively quiet region in the west.
- The 27 EU member states agreed to begin talks with Russia on a “Partnership and Cooperation” agreement in June. Long delayed by vetoes from Poland and Lithuania over disputes with Russia, the negotiations will cover trade, energy, transportation, health, and consumer safety.
- Former Russian president Vladimir Putin, recently installed as prime minister, upstaged his one-time protégé Dmitry Medvedev, the new Russian president, by traveling to France to meet President Nicolas Sarkozy in June, a full week before Medvedev went to Germany for his first official European visit.
- Prime Minister Gordon Brown of the United Kingdom averted a serious political setback after votes by nine members of the Northern Irish Protestant Democratic Unionist Party saved him from defeat in a House of Commons vote to extend the maximum time police may hold terror suspects from 28 to 42 days. The government still faces a battle in the House of Lords.

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