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The New EU Reform Treaty: A Threat to the Special Relationship

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Following two days of frantic negotiations in Brussels late last month, the EU's heads of state and government finally agreed on a mandate to negotiate a new Reform Treaty to replace the rejected draft EU constitution. Although the new treaty is shorter, the substance of the constitution remains largely untouched within it. The Reform Treaty will shift power from nation-states to Brussels and fundamentally change the workings of the EU, especially in important areas of public policymaking, such as defense and energy, where the United States usually finds more traction on a bilateral basis. In particular, the treaty's proposed foreign policy role for the EU poses a unique threat to the Anglo-American Special Relationship.

The Constitution by Another Name. Although the French and Dutch rejections of the EU constitution in 2005 could not have been more emphatic or decisive, EU elites seem unable to conceal their delight at bringing the constitution back under a new name. Said Irish Taoiseach Bertie Ahern, "The substance of what was agreed in 2004 has been retained.... What is gone is the term 'constitution.'"¹ And according to German Foreign Minister Frank-Walter Steinmeier, the new treaty will "preserve the substance of the constitutional treaty."² Leading MEP Elmar Brok commented, "Despite all the compromises, the substance of the draft EU Constitution has been safeguarded."³ Even the drafter of the constitution, Valéry Giscard d'Estaing, has noted that cosmetic changes will be made and "public opinion will be led to adopt, without know-

ing it, the proposals that we dare not present to them directly."⁴

The Reform Treaty retains the essential components of an EU superstate, including a single legal personality, a permanent EU presidency, an EU-wide public prosecutor, and the position of foreign minister in all but name. It would also increase the number of decisions which will be taken by qualified majority voting (QMV) in areas such as foreign policy, energy, transport, space policy, and investment, potentially cutting Britain's power to veto EU legislation by up to 30 percent.⁵ Overall, the treaty takes enormous centralizing steps toward "ever closer union."

Large parts of the EU policy agenda at the center of the treaty, such as the Common Foreign and Security Policy (CFSP) and European Security and Defense Policy, are designed to serve as counterweights to the American "hyperpower."⁶ Since the collapse of the Soviet Union, the perceived need for another power to counterbalance the United States has consistently motivated advocates of European integration.

The United States and its partners in the war on terrorism should also be suspicious of the increased

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powers that the Reform Treaty would extend to the European Parliament in 40 areas.⁷ The European Parliament remains a bastion of anti-Americanism intent on prosecuting the American-led global war on terrorism. Its year-long investigation into America's renditions policy reflected its desire to criticize American foreign policy, while failing to address the world's greatest threats. The European Parliament believes that supranational institutions like itself and the United Nations should be the sole arbiters of the use of force and should determine the rules of engagement for both symmetrical and asymmetrical conflicts. This idea is antithetical to U.S. (and European) defense interests in the war on terrorism.

Finally, the United States should also be wary of French President Nicolas Sarkozy's insistence on removing the EU's policy commitment to free and undistorted competition. Sarkozy did not even attempt to hide his intention in doing so: "The word 'protection' is no longer a taboo," he said.⁸ The enormous subsidies given to French farmers under the Common Agricultural Policy have long stalled the World Trade Organization's Doha Round, and Brussels' increasing volatility in squaring off against Washington over trade will only increase with the eradication of Europe's free market ethos. The French-led inclination toward protectionism within the EU represents a long-term threat to America's relationship with its largest global trading partner.

The Great British Giveaway. Negotiating in his final days of office, Tony Blair secured a British opt-out from the vastly prescriptive Charter of Funda-

mental Rights and reaffirmed Britain's ability to set its own "substantive" foreign policy under the Reform Treaty.

Blair returned from Brussels claiming that the EU had not crossed his "red line" issues. However, this may not be the case. Although the treaty does state that "national security remains the sole responsibility of each Member State,"⁹ it would also strengthen the Common Foreign and Security Policy, which the U.K. is fully a party to:

The Union's competence in matters of common foreign and security policy shall cover all areas of foreign policy and all questions relating to the Union's security, including the progressive framing of a common defence policy that might lead to a common defence.¹⁰

Under the treaty, a beefed-up foreign minister would have the right to speak in the U.N. Security Council and the power to appoint EU envoys. The EU has already undertaken more than a dozen missions under the CFSP's European Security and Defense Policy. With an enhanced profile and budget, a diplomatic corp, and the right to speak on Britain's behalf in multilateral institutions, the EU's High Representative for Foreign Affairs and Security Policy would not enjoy the official title of foreign minister, but he would enjoy its powers and responsibilities.

The institutional and political constraints of further European integration could severely limit Britain's ability to build international alliances and make foreign policy. The biggest damage would be

1. Siobhan Gaffney, "Referendum on EU treaty 'is likely,'" *The Daily Mail*, June 25, 2007.
2. Open Europe, "The Constitution by any other name: A first analysis of the IGC negotiating mandate," June 25, 2007, at www.openeurope.org.uk/research/byanyothername.pdf.
3. "EU Treaty deal meets praise and criticism," EurActive, June 25, 2007.
4. David Charter and Philip Webster, "Europe divided," *The Times* (London), June 15, 2007.
5. Open Europe, "The Constitution by any other name."
6. Former Socialist French Foreign Minister Hubert Vedrine (1997–2002) coined the word "hyperpuissance" ("hyperpower") to define America's political, military, and economic strength after the Cold War.
7. For a list of these areas, see Open Europe, "The Constitution by any other name."
8. "EU Treaty deal meets praise and criticism," EurActive.
9. Council of the European Union, Office of the President, "Presidency Conclusions of the Brussels European Council (21/22 June 2007)," Document 11177/07, June 23, 2007, Title 1, Section 4.2, at www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/94932.pdf.
10. *Ibid.*, Title V, Section 8.1.

done to Britain's enduring alliance with the United States. In political, diplomatic, and financial terms, no good has come from limiting Britain's geopolitical outlook to the European continent, and certainly no benefit can be derived from a deeper EU absorption that limits Britain's time-tested relationship with the United States.

Conclusion. The Reform Treaty will be finalized later this year and will require ratification by all 27 member states. At present, 18 member states have ratified the previous Constitutional Treaty, with Ireland, Denmark, and Britain among those who have not. Adding to the intrigue, Tony Blair has been

touted as the first EU president, starting in 2009. Overall, Blair's European legacy will be that he gave away British independence and self-determination in order to play the role of "the good European." The Reform Treaty that he helped negotiate will bring Europe much closer to the French vision of a protected integrated European Union than the British vision of a free-trading, inter-governmental Europe and will do huge damage to Britain's wider commitments in the world.

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