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The EU Reform Treaty: Why Washington Should Be Concerned

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With warmer relations with Paris and Berlin, Washington might be forgiven for thinking that its strategic interests are now protected in continental Europe. However, this discounts the threat posed by the European Reform Treaty, signed by all 27 European Union (EU) member states on December 13 in Lisbon. The Reform Treaty, which is substantially the same as the failed European Constitution of 2004, must now be ratified by all member states before its planned introduction on January 1, 2009.

Under the personal leadership of German Chancellor Angela Merkel, the EU breathed life into the rejected constitution, which contained the building blocks of a United States of Europe. The new treaty will shift power from nation-states to Brussels in critical areas of policymaking—such as defense, security, and energy—where the United States finds more traction on a bilateral basis. It will restrict the sovereign right of EU member states to determine foreign policy and poses a unique threat to the Anglo-American Special Relationship. Above all, it is a treaty that underscores the EU's ambition to become a global power and challenge American leadership on the world stage.

Substantially the Same. The Reform Treaty retains all the essential components of an EU super-state that were included in the 2004 constitution, including a single legal personality, a permanent EU presidency, an EU-wide public prosecutor, and the position of foreign minister in all but name.¹ It extends qualified majority voting to 40 new matters, in areas such as foreign policy, energy, transport,

space, commercial policy, humanitarian aid, sport, tourism, and investment. In a stunning indictment of British government policy, the Labour-dominated House of Commons European Scrutiny Committee reported in October 2007 that, "Taken as a whole, the Reform Treaty produces a general framework which is substantially equivalent to the Constitutional Treaty."² The Committee's report makes clear that the British government has not carefully considered the Reform Treaty and that few, if any, exemptions from the Constitution's excesses have been secured in a way that will be unchallengeable by the European Union.

Foreign Policy Implications.

*Before undertaking any action on the international scene or entering into any commitment which could affect the Union's interests, each Member State shall consult the others within the European Council or the Council. Member States shall ensure, through the convergence of their actions, that the Union is able to assert its interests and values on the international scene. Member States shall show mutual solidarity.*³ (Treaty of Lisbon)

EU-integrationist Richard Laming argues that, as the Single European Act brought about the Single

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Market and the Maastricht Treaty instituted the euro, the major success of the Reform Treaty will be the EU's beefed-up role in foreign affairs. He states: "Henry Kissinger's famous request for a phone number to call will now have an answer."⁴

The EU boasts that the Reform Treaty compels member states to speak with a single voice on external relations. With a single legal personality, Brussels will now sign international agreements on behalf of all member states. The European Commission arrogantly claims that with the Reform Treaty in place, "the European Union is uniquely well placed to find the answers to today's most pressing questions... and to see European values promoted effectively in the global community."⁵ However, the EU already has an extensive sanctions arsenal through the Common Foreign and Security Policy (CFSP) but more often than not, chooses not to use it. The EU has refused to use sanctions to fight the broader war on terrorism and continues to drag its feet over implementing tougher sanctions against Iran.

The Reform Treaty formally abolishes the EU's pillar structure that provided for nation states to maintain the lead role in foreign affairs, and America must recognize the dangers.⁶ In the few areas where the EU does speak with one voice—at the United Nations' Intergovernmental Panel on Climate Change (IPCC) and the World Trade Organization (WTO), for example—the United States has lost traction in dealing with its European allies on anything resembling a bilateral basis. Frequently, it has found itself pitted against an institution whose

position has been pre-determined and which is intent on morally prosecuting American policy. This sets a dangerous precedent. If the EU's ability to supersede the autonomy of its member states is replicated in wider areas of foreign policy—such as the decision to join the United States in military action—America will find itself isolated and facing hostility from an organization that has been endemically anti-American in recent years.

A Threat to the Special Relationship. The institutional and political constraints of further European integration will severely limit Britain's ability to build international alliances and make foreign policy. The biggest damage would be done to Britain's enduring alliance with the United States.

Britain has found its strongest, most enduring alliance in its Special Relationship with the United States. The common political, diplomatic, historical, and cultural values shared between Americans and Britons are deep and strong. Further still, Britain and America are prepared to defend these values—with military force if necessary. Common values are meaningful only if both parties are ready to defend them.

The EU's Common Foreign and Security Policy has always intended to assert the EU as a supranational actor on the world stage in place of nation states. The Reform Treaty gives great momentum to the CFSP and its defense arm, the European Security and Defense Policy (ESDP). The imposition of qualified majority voting in major foreign policy areas represents a significant loss of sovereignty for

1. Under the Reform Treaty, the existing post of High Representative will combine with that of the European Commissioner for External Relations under a new title of High Representative of the Union for Foreign Affairs and Security Policy. Under the rejected European Constitution, it would have been named the Union Minister for Foreign Affairs.
2. House of Commons European Scrutiny Committee, "European Union Intergovernmental Conference," Thirty-fifth Report of Session 2006–07, p. 16, October 9, 2007, at www.publications.parliament.uk/pa/cm/cm200607/cmselect/cmeuleg/1014/1014.pdf.
3. Conference of the Representatives of the Governments of the Member States, "Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community," Article 16b, December 3, 2007, at www.consilium.europa.eu/uedocs/cmsUpload/cg00014.en07.pdf.
4. Richard Laming, "A treaty for Foreign Policy," EUobserver.com, June 28, 2007, at www.federalunion.org.uk/news/2007/070628euobserver.pdf.
5. Council of the European Union, COM(2007) 412 final, "Reforming Europe for the 21st Century," at <http://register.consilium.europa.eu/pdf/en/07/st11/st11625.en07.pdf>.
6. Conference of the Representatives of the Governments of the Member States, "Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community," December 3, 2007, Article 1b, at www.consilium.europa.eu/uedocs/cmsUpload/cg00014.en07.pdf.

member states, especially the appointment of the EU Foreign Minister.⁷

The fact that its main European ally, the U.K., will not be able to veto the appointment of the EU's primary foreign policy actor should be enough to make Washington nervous. But the enhanced role for this unelected minister should be an even greater cause for concern. Under the treaty, the EU foreign minister will have the power to appoint EU envoys; a larger profile, budget, and diplomatic corps; the right to speak on member states' behalf in multilateral institutions (including the U.N. Security Council upon request); and the right to propose EU military missions on behalf of the European Commission.⁸ Brussels clearly seeks to become the U.S. Administration's first port of call to conduct its European foreign policy. The Administration should not, however, expect the warm response that it gets in London and other national capitals.

It is vital that the United States recognize the value in dealing with its enduring allies on a bilateral level. In its desire to create "One Europe," the European Security and Defense Policy has already duplicated NATO's role and structures and significantly downgraded the possibility of traditional

alliance-building by the United States. Replacing individual European allies with a single EU Foreign Minister means inevitably, even if unintentionally, American interests will lose in the discussions that matter most.

Conclusion. A demonstrably political document, the Lisbon Reform Treaty was only made available in English on July 30, 2007. The British government is effectively being asked to sign away its independence and self-determination after less than five months of deliberation. If there were ever a time for the White House to become unnerved about further European integration, then this is it. The Reform Treaty moves forward elite-driven plans for ever-closer union and will ultimately distance London from Washington. Britain remains in a unique position to fashion a European Union that better serves its interests as well as the transatlantic alliance. Its reluctant signature of the Reform Treaty can certainly be reversed during this ratification process. Washington must send its closest ally the message that it would have U.S. support in doing so.

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7. Conference of the Representatives of the Governments of the Member States, "Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community," December 3, 2007, Article 9e(1), at www.consilium.europa.eu/uedocs/cmsUpload/cg00014.en07.pdf.
8. The High Representative has the right to propose EU military missions on behalf of the EU Commission. Unanimity voting will, however, remain in the European Council.