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A Bi-monthly Review of European Affairs from the Czech Perspective

Special Issue: "The Czech Republic and the Lisbon Treaty"

Dear readers,

You have just opened the 5th issue of the Association for International Affairs' regular European Programme Newsletter. For this special issue, we chose the topic "The Czech Republic and the Lisbon Treaty". We believe that a series of articles written under the supervision of Karel Ulík will bring new information and inspirational incentives to this intensely discussed matter.

Before parting for a holiday break, we would like to thank you for your support. We are delighted to receive positive responses from many places in the Czech Republic as well as from foreign readers of our English version. We would also like to thank you for your critical comments, thanks to which we can constantly improve the quality of the Newsletter.

My personal thank you goes to all my colleagues who have so far contributed to the preparation of our newsletter – young people who bring to the sphere of international relations an excellent level of expertise, potential for further development and last, but not least, a considerable amount of enthusiasm.

With kind regards on behalf of all Newsletter team members

Ivana Jemelková,
Head of the European Programme and Coordinator of the Newsletter

In this Issue

Reflections of the Irish Referendum
The Czech Political Scene and Irish "No"
Lisbon Treaty: Six Countries to Go
Constitutional Part of the Czech Ratification Process
Czech Presidency According to the Old Scenario

Mini-analyses

Reflections of the Irish Referendum
Jana Drlíková, Jana Slavíková

On 12 June 2008, 53.4 % of the Irish voters rejected the Lisbon Treaty (LT) in a referendum. The information campaign was launched relatively late, one reason for which might be was launched

relatively late, one reason for which might be that opinion polls had been slightly in favour of the LT supporters. However, while the proportion of “yes” voters fluctuated around 40 %, with the approaching referendum, the “no” camp was catching up fast.

Having taken the EU presidency over, Nicolas Sarkozy is trying to find a suitable way how to make the Irish change their stance. Not only did the French president announce his visit to Dublin, where he intends to discover the reasons of Irish “no”, but the information has also leaked into the media that the existing number of Commissioners might be preserved as a concession to the LT opponents.

Both political parties that had led the campaign against the LT prepared to meet the head of France. Sinn Féin as well as Libertas refuse the idea of a new referendum, but they welcome the discussion on the future course of the EU. Nevertheless, they require a new treaty and better conditions for Ireland. The pro-LT Labour Party and Fine Gael leaders, on the other hand, refused to attend the arranged meeting at the embassy.

The Irish themselves are cautious towards the French president's plans. The head of Irish diplomacy has warned before that his country is going to need time to assess the situation. Micheál Martin, Minister of Foreign Affairs, said that Ireland did not wish to be blackmailed by anybody and that a decision about the future fate of the LT would be made from the Irish perspective and in the best interest of the country. Ireland is planning to unveil an in-depth analysis at the meeting of Council in October. Still, Mr Martin believes that they will manage to resolve the situation successfully. The results of recent opinion polls are promising, because they indicate that 82 % of the Irish think Ireland benefits from the EU membership.

The LT would also be rejected in other EU member states, surveys say. The TNS agency found out last year that up to 63 % EU citizens do not wish the adoption of the LT or a similar treaty. According to polling agency STEM, the situation in the Czech Republic seems to be alike. This April 53 % of population wished the LT was adopted and 47 % were against. Then, however, the opinion turned as it did in Ireland: last polls show that only 47 % of Czech citizens support the ratification of the LT by the Parliament. What is also interesting is the fact that mere 21 – 23 % of respondents in all the STEM surveys feel they understand the changes included in the Treaty. In spite of that the opinion prevails, the surveys say, that a treaty transferring more powers to Brussels should be approved by people in a referendum.

The Czech Political Scene and Irish “No”

Sylvie Milerová

What could be described as a custom in our country concerning less important matters is also true with the Lisbon Treaty (LT). The opinions of Czech politicians are also scattered in what concerns the LT and resolving the situation after the Irish people refused it. However the LT is specific because it takes down the traditional barriers between the Left and the Right. While KSČM asserts that after the Irish referendum the treaty cannot and will not come in force, ČSSD calls for an immediate ratification and on the top of it sees it as one of the conditions for a “truce” during the Czech presidency. The Greens are also in favour of the continuation of the ratification process in the EU, however in their statement they proclaim their respect for Irish people's will. KDU-ČSL has somewhat traditionally taken up the “let's wait and see what happens” position, because it calls for the political parties to wait for the judgment of the Constitutional Court, which now scrutinizes the treaty.

Probably the blurriest is the opinion of ODS, the leader of the government coalition. Its honorary president and president of the Czech Republic, Václav Klaus, whose views still considerably influence the party members, overtly greeted the referendum's results and did not hesitate to liken “Europeanism” to Esperanto, a dead and artificial language. On the other hand it seems that PM Topolánek does not have any firm ideological stance towards the LT, other than such that seems

to be politically most beneficial to him at a given moment. This showed blatantly when he stated that if the Parliament does not ratify the Czech – U.S. radar treaty, he cannot imagine that ODS members would vote for the LT. MEP Jan Zahradil is also in favour of such barter. For a change Alexandr Vondra stated that the Czech Republic should not succumb to statements of other countries such as France, which threaten that further enlargement of the EU, one of Czech priorities, is impossible without the adoption of the LT.

In the official press release of the PM one can read that the Czech Republic should use the time provided by the judgment process of the Constitutional Court for a discussion at home but also in the EU and calls on ČSSD for a constructive approach. However it seems that the PM himself did not help this approach with his recent hard-line statement linking the Lisbon and the radar treaties. Nevertheless, the official stance of the Czech government, in accord with other countries of the Visegrád Four, is that thanks to the Irish “no” – no matter whether the ratification process continues or not – the LT cannot be brought into effect.

Lisabon Treaty: Six Countries to Go **Marián Zachar**

The refusal of the Lisbon Treaty (LT) in the Irish referendum brings more uncertainty into the European integration Process. Even though today it is impossible that the LT comes into effect without all member countries approval, most European politicians do not see any other option than the continuation of the current ratification process. Even though the official EU web pages state the ratification currently continues in just three countries (the Czech Republic, Italy and Sweden), more countries have not expressed their formal consent yet.

The positive approach of the Dutch Parliament and the relatively fast ratification of the LT in Belgium might have encouraged the EU representatives a bit after the Irish referendum. In spite of a longstanding political crisis and a rather complicated ratification system (all five regional parliaments must vote in favour, as well as both chambers of the federal parliament), Belgium pronounced “yes” on 10 July.

Spain reacted similarly. In regard of the elections in March, voting on the LT was expected no sooner than in September. However after the election, the decision process in the parliament speeded up and five days after the Belgian “yes” the Spanish senate finished the ratification process with an absolute majority of votes. The last formal step missing in the whole process is the signature of the king Juan Carlos.

Except of Ireland, the Czech Republic and Germany that are mentioned in other articles in the Newsletter, the situation remains open only in Poland, Italy and Sweden. Great Britain has deposited the signed treaty in Rome on 16 July and therefore officially finished the ratification process. Thus the discussion about a British referendum, which became ever more common after the Irish “no”, is over.

The Polish parliament already ratified the LT in April and despite the originally dismissive attitude of the president, who has probably been persuaded by his French counterpart to change his mind, it seems, that in the end he will sign the treaty. In spite of the appeals of the Italian president, Italy did not manage to discuss the LT before the early elections. A parliamentary vote is expected in the upcoming weeks. Thanks to a convenient majority, no problems are expected in Italy, while only the Northern League and the Communists oppose the LT. Similarly, those in favour of the LT are in majority in the Swedish Riksdag. There the opposition calls for abeyance while the ratification is scheduled for autumn, probably November.

With the number of countries waiting for ratification decreasing, a growing interest of the whole EU in the situation in the Czech Republic is to be expected.

Constitutional Part of the Czech Ratification Process

Jan Potucký

In April 2008, the Czech Senate asked the Constitutional Court (CC) to judge the accordance of the Lisbon Treaty (LT) with the Czech constitutional order. The Czech president Václav Klaus welcomed this decision in his official statement addressed to the Constitutional Court. On the other hand the government thinks that the Treaty does not contradict the Constitution.

It is a grand premiere for the CC, because until now it has never assessed constitutional conformity of an international treaty. Therefore it also has to discuss procedural questions e.g. whether it will scrutinize the constitutional government solely of the parts doubted by the Senate or the LT in its entirety.

Regardless of the political context of the whole situation one might expect that some legal questions concerning the European integration will be clarified. The heart of the matter lies principally in questions of state sovereignty, competence transmission and the discussed Charter of Fundamental Rights of the EU (more [here](#)). Among other the upper chamber deems it necessary to investigate whether the shift in these aspects has not exceeded the powers delegated by the Czech Republic to the EU by the article 10a of the Constitution.

The Constitutional Court has already started to work on the matter. The result will be known in autumn, the chairman of the court, Pavel Rychetský estimates that the decision will be come to light in September. If the Constitutional Court rules the LT incompatible with the constitutional order, then it won't be possible to ratify the Treaty without changing the Constitution.

We are not the only European country who faces these problems. Many member states went down the same road in the past. Currently, German Constitutional Court occupies itself with the Treaty thanks to the impulse by a Bavarian CSU MP, Peter Gauweiler. The same MP sent the Treaty establishing a Constitution for Europe to Karlsruhe, however because it was rejected by the French and Dutch, the discussion was halted.

Die Linke, a leftist Party followed with its own incitement. Both chambers of the German Parliament have ratified the Treaty; the only thing missing is the signature of the H. Köhler, the President. He has decided to accept the request of the CC and will hold back his signature until the court pronounces its opinion, which will probably take a few months. Similarly as in the Czech Republic – if the CC deems the Treaty incompatible than a constitutional reform will be needed.

Czech Presidency According to the Old Scenario

Václav Bacovský

Even though the Irish rejection of the Lisbon Treaty gave rise to a lot of questions and uneasiness in Europe, for the Czech government, paradoxically, one of the uncertainties concerning our EU presidency has been solved.

So far, the Czech government has had to take into consideration three scenarios. Now, however, it seems that despite the efforts of Nicholas Sarkozy the Treaty will not have been ratified by all EU member states by the end of this year and the Czech presidency will go along in the “classical form”. This way we will avoid certain unclarities concerning the implementation of the LT, and we can focus on one six months scenario six months in advance.

Another advantage for the Czech Republic is the fact that the rejection already came in June. Therefore, it is France who has to solve the related problems and the room for Czech priorities is not threatened to such an extent it would be if trouble with the ratification process appeared during or immediately before our presidency. Also, the role of neither the Czech prime minister nor the minister of foreign affairs will be reduced due to a new head of the Common Foreign Policy.

Nevertheless, no fundamental changes are taking place because of the Irish “no”. The role of the presiding country lies mainly in the communication within and beyond the EU (not only with the individual EU institutions and member states, but also with the candidate states, media and wide public). Anyway, only a tiny amount of the programme priorities will actually be pushed through. That is because one of the important circumstances of our EU presidency, apart from the Lisbon Treaty, is the end of the European Parliament’s and the Commission’s term of office. From March on, at the latest, only residual agenda will be dealt with. In our case it will exceed common 80 % because France will devote most of its energy to solving the institutional reform. In addition, Czechs will inherit also another complicated agenda, such as the reform of the Common Agriculture Policy and the related revision of financial perspective.

The problems with the ratification process do not have any serious impact on the programme and communication aspects of our presidency. On the other hand, the mood in the EU will not be so favourable. Therefore, let’s not have any unreasonable expectations of our presidency.

They Said about The Lisbon Treaty...

Neil O’Brien, director of the Open Europe think-tank, about the Irish refusal of the Lisbon Treaty, 13 June 2008

“This is a resounding victory on behalf of ordinary people across Europe over an out-of-touch and arrogant political elite. If supporters of the EU constitution cannot even win in Ireland - one of the most pro-EU countries in Europe - it is clear their vision for the future of Europe is now discredited in a most fundamental way.” [More](#)

Martin Schulz, chairman of the Party of European Socialist in The European Parliament about the Irish commissioner for inner market and services, Charlie McCreevy, who admitted he had not read the Lisbon Treaty, 17 June 2008

“We have to ask Mr Barroso what kind of people he has in his commission, particularly if you have someone acting as the deregulation Pope in Europe who then goes home and says he hasn't read the treaty and doesn't understand it.” [More](#)

Václav Klaus, Czech president, on how the institutional reform should continue after the Irish “no”, 18 June 2008

“It is necessary to sit down to a table and write a completely new document of a different type based on different thoughts and other bases. If they make me stay in the hospital for long and rehabilitate, then I might try to draft it out of boredom.” [More](#)

Mirek Topolánek, Czech PM, about how he sees the chances of a ratification in the Czech parliament, 20 June 2008

“I am not going to force members of parliament to back Lisbon and I would not bet 100 crowns on a Czech “Yes”.” [More](#)

Jo Leinen, President of the European Parliament Constitutional Committee, 13 June 2008

“Communicating Europe is a disaster.” [More](#)

Interesting Publications

Centre for European Policy Studies

The policy brief “What next? How to save the Lisbon Treaty” examines possible scenarios of solutions of the current situation concerning the Irish rejection of the Lisbon Treaty. The authors suggest completion of the ratification process in the remaining states, so that the Irish have to face the question whether they want to join the rest of the EU states or stay apart.

Bertelsmann Stiftung

Dominik Hierlemann's work “Irish Vote, Europe's Future: Four Options After the 'No'”, might serve as an interesting comparison, because it is dedicated to the same problem. The author analyses four possible paths that might be followed by European politicians after the unsuccessful referendum. His suggestion does not heavily differ from the conclusions of the precedent publication – to finish the ratification process and make a new referendum in Ireland. To persuade them, he suggests a special declaration certifying Irish neutrality, tax independence and control over abortions.

The opinions expressed in this newsletter are those of the authors and do not necessarily reflect the views of the Association for International Affairs.

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