



214 Massachusetts Avenue, NE • Washington DC 20002 • (202) 546-4400 • heritage.org

CONGRESSIONAL TESTIMONY

The Lisbon Treaty: Implications for Future Relations Between the European Union and the United States

**Testimony before:
Committee on Foreign Affairs
Subcommittee on Europe
U.S. House of Representatives**

Tuesday, December 15, 2009

**Sally McNamara
Senior Policy Analyst, European Affairs
The Heritage Foundation**

My name is Sally McNamara. I am Senior Policy Analyst for European Affairs at The Heritage Foundation. The views I express in this testimony are my own, and should not be construed as representing any official position of The Heritage Foundation.

Testimony

After eight years of popular rejection, political cajoling and endless hand-wringing, the EU has finally ratified the Lisbon Treaty without a shred of democratic legitimacy or public support.

The Treaty contains all 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. The Lisbon Treaty shifts power away from nation-states to Brussels in critical areas of policymaking--such as defense, security, foreign affairs, criminal justice, judicial cooperation and energy--where the United States finds more traction on a bilateral basis. It restricts the sovereign right of EU member states to independently 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.

An Undemocratic Passage Which Lacks Public Legitimacy

The Lisbon Treaty was borne from the twice rejected European Constitution, which was voted down in public referenda held in France and Holland in 2005. The Lisbon Treaty itself was rejected in a referendum held in Ireland in 2008, until Dublin was forced into holding a second referendum in October 2009. Ireland's EU Commissioner, Charlie McCreevy stated that if the Lisbon Treaty had been put to a public vote across the European Union, it would have been rejected by 95 per cent of EU member states.¹

In one of the biggest acts of political betrayal in modern British history, the Labour Party denied the British public a long-promised referendum on the Treaty, despite overwhelming support for a public plebiscite.² The widespread lack of public support and legitimacy suffered by this Treaty should be of concern to all institutions who uphold the democratic values of openness, honesty, rule-of-law and transparency.

Negative Foreign Policy Implications for the United States

As with past EU treaties, one specific policy area has been heralded as critical to further European integration. The Single European Act brought about the Single Market and the

¹ Martin Banks, "Ireland commissioner says most EU countries would reject Lisbon Treaty," *The Daily Telegraph*, June 28, 2009, at <http://www.telegraph.co.uk/news/worldnews/europe/ireland/5675481/Ireland-commissioner-says-most-EU-countries-would-reject-Lisbon-Treaty.html> (December 10, 2009).

² Nile Gardiner, Ph.D. and Sally McNamara, "The EU Lisbon Treaty: Gordon Brown Surrenders Britain's Sovereignty," The Heritage Foundation WebMemo #1840, March 7, 2008, at <http://www.heritage.org/Research/Europe/wm1840.cfm> (December 10, 2009).

Maastricht Treaty instituted the single European currency. Undoubtedly, the major success of the Lisbon Treaty will be the EU's power-grab of foreign and defense policy, which is vital to realizing the EU's ambition of becoming the world's first supranational superstate.

The EU boasts that the Lisbon Treaty compels member states to speak with a single voice on external relations, and with a single legal personality Brussels will now sign international agreements on behalf of all member states. The Treaty formally abolishes the EU's pillar structure that provided for nation states to maintain the lead role in foreign affairs. Brussels' elites are claiming to finally have one telephone line to Europe.

All of this may sound enticing to the United States, which has long called for Europe to shoulder a greater share of the burden for global security. However, it is worth considering what has taken place to date, as a forewarning of what is to come.

Prior to the Lisbon Treaty, the EU already had an extensive sanctions arsenal through the Common Foreign and Security Policy (CFSP) but has repeatedly chosen not to use them. The EU has consistently frustrated the prospect of tougher sanctions against Iran, and has acted, in the words of Joschka Fischer, as a "protective shield" for Tehran against the United States.³ The EU even rolled out the red carpet for brutal Zimbabwean dictator Robert Mugabe in 2007, officially suspending its own travel ban to welcome him to Lisbon.⁴ In Afghanistan, the EU has been nothing more than a bit-part player with a police training mission criticized by the NATO Parliamentary Assembly as too small, underfunded, slow to deploy, inflexible, and largely restricted to Kabul.⁵

However, it is Brussels' disastrous handling of the Russia-Georgia War that fully illustrates the EU's limitations as a regional power. Then-EU President Nicolas Sarkozy took the reigns of leadership following Russia's illegal and immoral invasion in August 2008; yet despite the failure of his ceasefire and Russia's redrawing of Europe's borders by force, President Sarkozy went on to engineer a return to "business as usual" between Russia and the EU with indecent haste. This was done without any formal negotiation with NATO, who had suspended all high-level diplomatic contact with Russia in support of the EU-led ceasefire negotiations.⁶ Coincidentally, at the height of the crisis in the

³ Rory Miller, "If the US Makes Peace with Iran, Europe Will Pay the Price," Al Arabiya, April 7, 2009, at <http://www.alarabiya.net/views/2009/04/07/70096.html> (December 10, 2009).

⁴ Henrique Almeida, "Mugabe to Attend EU–Africa Summit, Brown to Boycott," November 27, 2007, at <http://www.reuters.com/article/worldNews/idUSL2747890420071127?pageNumber=1&virtualBrandChannel=0> (December 10, 2009).

⁵ NATO Parliamentary Assembly, "NATO Operations: Current Priorities and Lessons Learned," 2008 Annual Session, at <http://www.nato-pa.int/Default.asp?CAT2=1458&CAT1=16&CAT0=2&COM=1476> (December 10, 2009).

⁶ Sally McNamara, "The EU's Common Foreign and Security Policy: How It Threatens Transatlantic Security," The Heritage Foundation Backgrounder #2250, March 17, 2009, at http://www.heritage.org/Research/Europe/bg2250.cfm#_ftn21 (December 10, 2009).

South Caucasus, the EU signed a deal with Moscow to provide Russian helicopters for the EU-led mission to Chad.⁷

The Lisbon Treaty's ability to reign in its members from taking independent action should also concern Washington. Under the Lisbon Treaty, EU member states are now required to consult the other members *before* undertaking international action and to ensure that their decisions are in line with EU interests.⁸ Giving the EU the ability to supersede the autonomy of its member states in areas of foreign policy—such as the decision to join the United States in military action—will seriously impair the ability of America's allies in Europe to stand alongside the United States where and when they choose to do so. It will see America isolated and facing hostility from an organization which is designed to serve as a counterweight to American “hyperpower.”⁹

The Lisbon Treaty poses the biggest threat to national sovereignty in Europe since the Second World War. It erodes the legal sovereignty of European nation-states and hands power to unelected and unaccountable bureaucrats and foreign-service officers, far removed from member states. It duplicates NATO's role and function and decouples America from Europe, killing the concept of indivisible security which has kept the peace in Europe for 60 years.¹⁰

A Threat to the Anglo-American Special Relationship

The institutional and political constraints imposed by the Lisbon Treaty will severely limit Britain's ability to build international alliances and independently determine its foreign policy. The biggest damage would be done to Britain's enduring alliance with the United States.

It is frequently argued that the United States can make its voice heard in the European Union by virtue of its Special Relationship with the UK. However, sovereignty can not be traded for influence. According to *The Times*, the EU's increase in size has been bought by losing its punch.¹¹

⁷ Jamie Smyth, "Russian Military Force to Assist EU Mission in Chad," *The Irish Times*, September 4, 2008, at <http://www.irishtimes.com/newspaper/world/2008/0904/1220372097381.html> (December 10, 2009).

⁸ "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." 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 (December 10, 2009).

⁹ 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.

¹⁰ Sally McNamara, "The EU's Common Foreign and Security Policy: How It Threatens Transatlantic Security."

¹¹ "Shrouded in Myths," *The Times*, February 10, 1996.

Further, the imposition of qualified majority voting in 40 new areas represents a significant loss of sovereignty for member states, and a removal of Britain's ability to block the most egregious aspects of EU policy. For example, French President Nicolas Sarkozy successfully removed the EU's policy commitment to free and undistorted competition from the Lisbon Treaty. Sarkozy did not even attempt to hide his intention in doing so: "The word 'protection' is no longer a taboo," he said.¹² The EU has already been described by the *International Herald Tribune* as the "global antitrust regulator." The Lisbon Treaty confirms the EU's move away from the Anglo-American free market economic model, toward a statist sclerotic Rhineland model.¹³

It is vital that the United States recognize the value in dealing with its enduring allies on a bilateral level. On issues of foreign affairs, defense, security, justice and home affairs – including counterterrorism cooperation and intelligence sharing – bilateral relations are especially important to the U.S. However, in its desire to create a United States of Europe, the EU has pursued policies which downgrade 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. As Dr. Henry Kissinger stated in 2001:

"When the United States deals with the nations of Europe individually, it has the possibility of consulting at many levels and to have its view heard well before a decision is taken. In dealing with the European Union, by contrast, the United States is excluded from the decision-making process and interacts only after the event Growing estrangement between America and Europe is thus being institutionally fostered."¹⁴

Conclusion

Europe doesn't need a constitution. The European Union is not the United States of Europe. The EU is a grouping of 27 nation-states, each with its own culture, language, heritage, and national interests. The EU works best as an economic market that facilitates the free movement of goods, services, and people. It is far less successful as a political entity that tries to force its member states to conform to an artificial common identity. The Lisbon Treaty will bring Europe much closer to the French vision of a protected integrated European Union than the British vision of a free-trading, intergovernmental Europe. It will do huge damage to American interests in Europe; and contrary to any democratic tradition it is a self-amending treaty which can aggrandize power not explicitly conferred on it by the Treaties. As Lady Thatcher states in her seminal book *Statecraft*: "That such an unnecessary and irrational project as building a European superstate was ever embarked upon will seem in future years to be perhaps the greatest folly of the modern era."¹⁵

¹² "EU Treaty deal meets praise and criticism," *EurActive*, June 25, 2007.

¹³ Stephen Castle, "Ruling on Microsoft Reflects EU's Global Reach," *International Herald Tribune*, October 22, 2007, at www.iht.com/articles/2007/10/22/business/ruling.php (December 10, 2008).

¹⁴ Henry Kissinger, *Does America Need a Foreign Policy?* (New York: Simon & Schuster, 2001), p. 57.

¹⁵ Margaret Thatcher, *Statecraft: Strategies for a Changing World* (London: HarperCollins, 2002), p. 410.

The Heritage Foundation is a public policy, research, and educational organization operating under Section 501(c)(3). It is privately supported and receives no funds from any government at any level, nor does it perform any government or other contract work.

The Heritage Foundation is the most broadly supported think tank in the United States. During 2008, it had nearly 400,000 individual, foundation, and corporate supporters representing every state in the U.S. Its 2008 income came from the following sources:

Individuals	67%
Foundations	27%
Corporations	5%

The top five corporate givers provided The Heritage Foundation with 1.8% of its 2008 income. The Heritage Foundation's books are audited annually by the national accounting firm of McGladrey & Pullen. A list of major donors is available from The Heritage Foundation upon request.

Members of The Heritage Foundation staff testify as individuals discussing their own independent research. The views expressed are their own and do not reflect an institutional position for The Heritage Foundation or its board of trustees.