

EU-27 WATCH



No. 9
July 2010

ISSN 1610-6458

www.EU-27Watch.org

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On the project

Due to the new treaty provisions of the Lisbon Treaty and the economic crises the enlarged EU of 27 member states is on the search for a new modus operandi while also continuing membership talks with candidate countries. The EU-27 Watch project is mapping out discourses on these and more issues in European policies all over Europe. Research institutes from all 27 member states and the four candidate countries give overviews on the discourses in their respective countries.

The reports focus on a **reporting period from December 2009 until May 2010**. This survey was conducted on the basis of a questionnaire that has been elaborated in March and April 2010. Most of the 31 reports were delivered in May 2010. This issue and all previous issues are available on the EU-27 Watch website: www.EU-27Watch.org.

The EU-27 Watch No. 9 receives significant funding from the **Otto Wolff-Foundation, Cologne**, in the framework of the *"Dialog Europa der Otto Wolff-Stiftung"*, and financial support from the **European Commission**. The European Commission is not responsible for any use that may be made of the information contained therein.



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Editorial Team

Publisher: Prof. Dr. Mathias Jopp
Executive Editor: Dr. Katrin Böttger
Managing Editor: Julian Plottka
Editorial Staff: Daniela Caterina, Gregory Kohler,
Christoph Kornes
Layout: Matthias Jäger

Contact: info@EU-27watch.org
www.EU-27watch.org

iep Institut für
Europäische Politik
Bundesallee 23
D-10717 Berlin
Tel.: +49/30/88.91.34-0
Fax: +49/30/88.91.34-99
E-mail: info@iep-berlin.de
Internet: www.iep-berlin.de

Ireland**Jury still out on Lisbon**

Shane Fitzgerald*

The provisions of the Lisbon Treaty are probably more familiar to the weary voters of Ireland than to any other citizens in Europe. Although two hard-fought referendum campaigns saw everything from abortion to military conscription to unemployment being deployed as political weapons and distractions, the core innovations of the treaty did get a fair airing and are relatively well understood. Less well understood is how exactly these innovations will play out in practice. The work of President of the European Council Herman Van Rompuy, for example, is watched with interest in Ireland but, in the context of a landscape of European political leadership that remains cluttered and contested, a consensus as to the skill with which he is carrying out his duties has yet to be reached.

A similar benefit of doubt extends to Catherine Ashton in her new role as High Representative of the Union for Foreign Affairs and Security Policy. To the degree that the EU's Common Foreign and Security Policy (CFSP) is a benign and progressive one, Ireland is keen that it projects it as effectively as possible and therefore welcomes any initiative that helps Europe express its priorities more clearly on the world stage. While there are – arising out of Ireland's tradition of military neutrality – certain concerns relating to European cooperation in the defence arena, these were to a large extent allayed by the specific guarantees sought and secured by the Irish government ahead of the second referendum on the Lisbon Treaty.¹

With regard to Catherine Ashton's relations with the European Council, Ireland will be hoping in particular that she enjoys good relations with the incoming British government. A good working relationship between the UK and its EU partners is important for all member states but especially so for its nearest island neighbour. The geographic, economic and historic ties between Ireland and the UK are such that an actively Eurosceptic Britain could have profound and detrimental effects on the Irish national interest. One Irish hope would be that the work of Catherine Ashton might act to advertise and normalise the European Union to a sceptical British press and population.

Article 21 of the Treaty on European Union in the consolidated version of the Lisbon Treaty commits the EU's international affairs to be guided by the principles of "democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law." Ireland will be supportive of policies which further such principles. However, the Minister for Foreign Affairs, Micheál Martin, emphasises the declaration attached to the treaty which makes clear that its CFSP provisions do not affect the existing responsibilities of member states for the formulation and conduct of their distinctive foreign policy.² As a small, neutral state, this is a crucial area of sensitivity for Ireland and the preservation of these assurances will be watched for carefully. Given the nature of EU missions as defined by the Petersburg tasks and the predominance of civil over military missions, Ireland has, to date, been able to play a full role in respect of its treaty commitments (for example, an Irish commander, Pat Nash, led the recent EUFOR mission to Chad on the ground).

As to the issue of the European External Action Service (EEAS), the government position, at a time of great constraint on state resources, is that the EEAS will provide an opportunity to leverage Irish diplomacy both in the European context and in the international arena. The Minister for Foreign Affairs is of the opinion that "there will be a real benefit to the State through the experience gained by the rotation of Irish officials between the EEAS and the Irish diplomatic service."³ Speculation as to the appointment of Irish diplomats and Commission officials to key positions in the new service has already begun.⁴ If there are concerns over the EEAS in the national debate, they relate to the danger of Ireland losing its distinctive national voice overseas.

Ireland performed strongly when it last held the rotating council presidency in 2004, taking advantage of the leverage that the previous system afforded small countries with the capacity to act strategically. Ireland will next host the presidency in early 2013 as the first in a trio which includes Lithuania and

* Institute of International and European Affairs.

Greece. Irish observers will be watching the intervening presidencies closely to learn how to operate most effectively under the new regime.

One issue that has been raised in the domestic debate is the new dynamics of meetings of the European Council under the Lisbon Treaty. Previously, these meetings were between the heads of state and government and their foreign ministers. Now, just the heads of state and government meet, although they can decide to be accompanied by a minister. There is a concern, which has been expressed in the UK also,⁵ that removing foreign ministers from the European Council network might lead to a shift in foreign policy making from Foreign Affairs departments to Prime Ministerial ones. In a political system such as Ireland's which tends towards a coalition government, one could anticipate tensions arising in a future coalition in which the two departments were headed by ministers from different parties.

The issue of the democratic legitimacy of the European Union, although prominent in the national debate over the Lisbon Treaty, is not as big a concern among the largely pro-European Irish electorate as it is among more Eurosceptic populations such as those of the UK, France or the Netherlands. It is also widely understood that the Lisbon Treaty contains many apparent remedies to the EU's "democratic deficit", including a strengthened European Parliament, a bigger role for national parliaments in legislative scrutiny, and a new European Citizens' Initiative (ECI).

Insofar as the ECI empowers citizens and increases democracy in the Union, it will be welcomed by Irish people and their elected representatives. However, concern is likely to be expressed at any Commission attempt to neuter the initiative by setting high barriers to participation or by stringently filtering the petitions through mechanisms such as the "admissibility check" recently discussed by Vice-President of the European Commission Maroš Šefčovič.⁶

The opposition Labour Party's spokesman on Europe, Joe Costello, notes that, although there are a host of thorny issues to be resolved before the initiative is up and running, there has been "precious little public debate" in Ireland so far.⁷ The Oireachtas (Irish Parliament) Joint Committee on European Affairs has published a report on the ECI in which it expresses its support, saying that the initiative "has the potential to create a real public space within the European Union and contribute to bridging the so-called 'democratic deficit'".⁸ But, as a member of the opposition Fine Gael party, Lucinda Creighton, said in this context in the Oireachtas recently: "It is important that the European Union is seen to deliver on commitments made to the people, particularly in Ireland given that we held a referendum. Those commitments must be tangible and delivered."⁹

In respect of demonstrating the integrity of European democracy, the Irish government must also deliver on its own commitments. A revised programme for government, agreed in October in the wake of the second Lisbon referendum, contained an express commitment to push for the early adoption of legislation to establish the ECI.¹⁰ The Irish government, at a time of widespread public disillusionment and anger at the political establishment, will be keen to help get this one right. If the mechanism does not provide a proper vehicle for democratic expression, it will be ridiculed. But if appropriate safeguards are not put in place, a cascade of populist, or even extremist, petitions might ensue, with damaging effects on the reputation of both the government and the EU.

The revised programme for government also committed to ensuring that the Oireachtas more closely engages with European institutions and affairs. To that end, an Oireachtas Sub-Committee on the Review of the Role of the Oireachtas in European Affairs is examining how the parliament can best use the new powers and entitlements granted to it under the Lisbon Treaty. It will be issuing its report in the coming weeks. Its findings are likely to lead to a significant revision of the way in which the parliament deals with EU matters, including but not limited to parliamentary scrutiny of legislation emanating from Brussels.¹¹ A number of civil society and professional organisations, including the Law Society of Ireland and the Irish Society for European Law, are currently conducting research in this area. Gavin Barrett of University College Dublin argues that Ireland's failure in the past to address adequately matters of democratic accountability means that it has more ground to make up than other member states in this area.¹²

¹ See for example: Institute of International and European Affairs: Lisbon: The Irish Guarantees Explained, available at: <http://www.iea.com/publications/lisbon-the-irish-guarantees-explained> (last access: 10 May 2010).

² KildareStreet.com: Dáil written answers: Tuesday, 30 March 2010. Department of Foreign Affairs: Diplomatic Representation, available at: <http://www.kildarestreet.com/wrans/?id=2010-03-30.688.0&s=catherine+ashton#g690.0.r> (last access: 10 May 2010).

³ KildareStreet.com: Dáil written answers: Thursday, 1 April 2010. Department of Foreign Affairs: European External Action Service, available at: <http://www.kildarestreet.com/wrans/?id=2010-04-01.1162.0> (last access: 10 May 2010).

⁴ Reported in The Sunday Business Post, available at: <http://www.sbpost.ie/news/ireland/irish-diplomats-tipped-for-ec-jobs-49132.html> (last access: 10 May 2010).

⁵ See for example: House of Commons: Foreign Affairs Committee Transcript, available at: <http://www.publications.parliament.uk/pa/cm200910/cmselect/cmfa/c144-i/c14402.htm> (last access: 10 May 2010).

⁶ Reported by Euractiv: EU commissioner vows to block 'silly' petitions, 6 May 2010, available at: <http://www.euractiv.com/en/future-eu/eu-commissioner-vows-block-silly-petitions-news-493794> (last access: 10 May 2010).

⁷ Joe Costello: Issues around EU citizens' initiative should be tackled, Irish Times, 2 February 2010, available at: <http://www.irishtimes.com/newspaper/opinion/2010/0202/1224263579088.html> (last access: 19 May 2010).

⁸ Oireachtas Joint Committee on European Affairs EU Scrutiny Report No. 6, available at: <http://euaffairs.ie/publications/6th-Scrutiny-Report.pdf> (last access: 9 June 2010).

⁹ Dáil debates: Wednesday, 31 March 2010. European Council Meeting: Statements, available at: <http://www.kildarestreet.com/debate/?id=2010-03-31.300.0> (last access: 10 May 2010).

¹⁰ Green Party: Renewed Programme for Government, 10 October 2009, available at: http://www.greenparty.ie/en/government/renewed_programme_for_government_pdf_for_mat (last access: 10 May 2010).

¹¹ Sub-Committee on Review of the Role of the Oireachtas in European Affairs Home Page, available at: <http://www.oireachtas.ie/viewdoc.asp?DocID=14847> (last access: 10 May 2010).

¹² Gavin Barrett: Reviewing the Role of the Oireachtas in European Affairs, available at: <http://www.ilea.com/publications/reviewing-the-role-of-the-oireachtas-in-european-affairs> (last access: 19 May 2010).

Questionnaire for EU-27 Watch, No. 9

Reporting period December 2009 until May 2010 – Deadline for country reports 21 May

All questions refer to the position/assessment of your country's government, opposition, political parties, civil society organisations, pressure groups, press/media, and public opinion. Please name sources wherever possible!

1. Implementation of the Lisbon Treaty

On the 1 December 2009 the EU-reform ended with the entering into force of the Lisbon Treaty. However, the new treaty provisions still have to be implemented. Some procedures and conditions have to be determined. In other cases, procedures, power relations, and decision-making mechanisms will change due to the new provisions.

- How is the work of the new President of the European Council, Herman Van Rompuy, assessed in your country? Which changes to the role of the rotating council presidency are expected?
- How is the work of the new High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton, assessed in your country? Please take into particular consideration both her role within the European Commission and her relationship to the Council of the European Union.
- On 25 March 2010 a "Proposal for a Council Decision establishing the organisation and functioning of the European External Action Service" was presented. How is this concept perceived in your country? Which alternatives are discussed?
- On 31 March 2010 the European Commission presented a proposal defining the rules and procedures for the European Citizens' Initiative (ECI). What are the expectations for the ECI in your country? What are the various positions concerning the rules and procedures?

2. Enlargement and European Neighbourhood Policy

The European Commission has given its opinion on Iceland's application for EU-membership and a decision from the Council is expected before the end of June. Croatia seems to have settled its border dispute with Slovenia. Against this background:

- Which countries does your country expect to become members of the European Union in the next enlargement round? What are the opinions in your country on the membership of these countries?
- How are the membership perspectives of those countries discussed, which are not expected to become a member in the next enlargement round?

The Eastern Partnership and the Union for the Mediterranean were the last major projects dealing with the European neighbourhood:

- How are these projects assessed in your country?

3. European economic policy and the financial and economic crisis

The European Council agreed on 25/26 March on the key elements of the Europe 2020 strategy, the successor of the Lisbon strategy. While not being on the formal agenda the economic and financial situation in Greece was discussed. The European Council agreed on a finance package combining bilateral loans from the eurozone and financing through the International Monetary Fund.

- How is the finance package for Greece assessed in your country? Are there any opinions on the process, how the agreement on the package was reached?
- Which lessons should be drawn from the Greek case for a reform of the Stability and Growth Pact?
- How is the idea of "a strong coordination of economic policies in Europe" perceived in your country? What concepts of an European economic governance are discussed in your country and which role do they assign to the Euro group?
- How is the Europe 2020 strategy discussed in your country? What are the priorities for the Europe 2020 strategy from your country's perspective?

4. Climate and energy policy

The climate conference in Copenhagen took note of the Copenhagen Accord but did not reach a binding agreement. The next conference of the parties (COP 16 & CMP 6) will take place at the end of November 2010.

- How is the Copenhagen conference assessed in your country? Please take into consideration the negotiation strategy of European Union and the results of the conference.
- Does the European Union need to change its own energy and climate policy in order to give a new impulse to the international negotiations?
- Is a global agreement within the UNFCCC the best strategy to fight climate change? If not, which alternative strategy should the European Union follow?
- What is your country's position on financing mitigation and adaptation efforts in developing countries?

5. Current issues and discourses in your country

Which other topics and discourses are highly salient in your country but not covered by this questionnaire?