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Editorial: 2009, a Turning Point for Europe?

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The year 2009 was a momentous one for the European Union that brought a long-awaited conclusion to the near decade-long period of institutional reform that had begun in December 2001 with the Laeken Declaration's commitment to a more democratic, transparent and effective Union. With the entry into force of the Lisbon Treaty in December 2009, a death knell was rung for the European Communities,[1] and the European Union assumed full responsibility for the European integration project. Equipped with a permanent Chairperson for the European Council, titled, naturally, 'President', to match the authority of the Presidents of the European Parliament and the European Commission and acting in concert with the new European foreign minister, or more properly, High Representative for Common Foreign and Security Policy, it was hoped Europe would be more likely to speak with one voice in global affairs.

This process of redesigning and recalibrating Union structures and procedures was originally necessitated by the decision of the Member States to open the EU's doors to include the states cut off from western Europe by the power politics of the cold war. The great eastward enlargements of 2004 and 2007 had, of course, been made possible by the central European revolutions of 1989 and the year 2009 marked the 20th anniversary of these changes that had set Europe on its path to ever-closer Union. Much of what the revolutionaries of 1989 had hoped to accomplish had been achieved: the states of central Europe had become democracies, market economies, had 'returned to

[1] With the exception of Euratom.

Europe', and a significant part of the gap in living standards between east and west had been closed. Yet by 2009, the uncertainty and fluidity that marked the first phase of post-cold war European history appeared to be over as new divisions in the European continent between Member States, candidate countries and neighbours became ever more entrenched. The ruling of Germany's Constitutional Court on the Lisbon Treaty in June 2009 also appeared to preclude the possibility of any deeper European integration for the time being, citing, albeit ambiguously, the Union's democratic deficit. Thus the grand idea of an ever-closer and wider European Union spanning the whole continent appears for the moment to have run its course. It is not certain what will follow in its place.

The year 2009 did not begin well for the European Union. Although January marked the entry of Slovakia into the euro area and the inauguration of Barack Obama as president of the United States, millions of EU citizens began the year in the cold as the perennial conflict between Russia and Ukraine over gas prices flared up once again. At the beginning of 2009, the global financial crisis that had entered a particularly virulent stage following the failure of Lehman Brothers in September 2008, appeared to have brought the European economy to the brink of the abyss with the German economy contracting by 3.8 per cent in the first quarter of the year alone (Eurostat, 2009). An economic crisis comparable to that of the Great Depression of 1929–33 was widely forecast at the turn of the year. In the event, the European economy bounced out of recession far sooner than expected with the French and German economies returning to growth in the second quarter of the year. Although agreements struck by the G20 appeared to rescue the financial architecture of capitalism, the financial earthquake had unleashed an economic tsunami. The cost of bank bail-outs and government stimulus packages designed to mitigate the extent of the downturn saddled the citizens of some European Union Member States with large levels of debt which they looked likely to be paying off for several decades. This in turn looked likely to reduce still further the trend economic growth rate of many EU Member States. The full effects of the economic crisis of 2008–09, including its impact on the solidarity of the euro area, will not be fully felt for several years, but 2009 may come to be seen as a turning point in the history of European capitalism, and the year in which the centre of gravity of the world economy returned to Asia for the first time since the Industrial Revolution.

Throughout the year, the Lisbon Treaty bumped and stumbled its way towards final ratification. Once Irish voters had dutifully endorsed the treaty at the second time of asking in October after they had secured some promises on tax, abortion, defence and the retention of one commissioner per Member State, all eyes turned to the Czech Constitutional Court and the country's

contrarian, eurosceptic president, Václav Klaus. Klaus, who had enjoyed annoying MEPs in a speech in February when he likened the EU and its institutions to Soviet-era dictatorships and could not contain his glee in June 2008 when the Irish had voted no in the first referendum, tapped into deep-seated Czech concerns by raising the spectre of the post-war Beneš decrees and suggesting that ethnic Germans (or rather their descendants) might use the Charter of Fundamental Rights to claim back their confiscated property. When the Czech Constitutional Court finally issued its verdict, however, with reluctance and the promise of an opt-out from the Charter, Klaus signed the treaty.

More significant for the future development of the European Union, however, was the verdict of the German Constitutional Court in June 2009 (*Bundesverfassungsgericht*, 2009). Whilst it ruled that there were 'no decisive constitutional objections to the Act Approving the Treaty of Lisbon' passing through the *Bundestag*, the Court's decision could be interpreted as placing a brake on further European integration because it does not believe that the European Parliament can be regarded as sufficiently representative to make decisions as *European* decisions on the political direction of the Union. The Court stated that the 'principle of electoral equality does not apply to the European Parliament' since the relative weighting of each European citizen's vote for their representatives in the European Parliament is not identical, which of course compensates for the differences in population between, say, Malta and Germany. As such, the EP cannot be regarded as meeting 'the principle of democracy [. . .] which is accepted by the developed democratic states'. It concludes, therefore, that there cannot be said to be 'independent people's sovereignty of the citizens of the Union in their entirety'. Whilst this decision could be seen at the very least as a rebuff to the European Parliament, and perhaps a brake on deeper European integration, it must be balanced against Germany's commitment in the Basic Law (constitution) to 'establishing a united Europe'.

Despite the Treaty's limitation and its suboptimal institutional arrangements, Lisbon provides the EU with at least an improved constitutional framework to deliver, for example, as Monar notes in this volume, on the Stockholm objectives in the field of justice and home affairs. Nonetheless, as many contributors to the Annual Review stress, the treaty's success in bringing about a more efficient and effective Union will depend on a quality absent in the wording of the treaty: political will.

The eye-catching provisions of the Lisbon Treaty created two new posts, a President of the European Council and a High Representative for Foreign and Security Affairs. As it began to look as if it was a question of when rather than if Lisbon would be ratified many names were floated

including Jean-Claude Juncker and Tony Blair. The choice of Herman van Rompuy and Catherine Ashton raised many eyebrows and provoked much debate. As Tony Barber argues in his contribution to the Annual Review, 'EU leaders left themselves open to the criticism that they had been too unambitious and allowed political horse-trading to triumph over merit'. Although neither had the political profile on appointment to stop the traffic in Washington and Beijing, both of them have the ability and personal characteristics to grow into their roles. Nevertheless, they face major challenges. Ashton, for instance, is charged with launching the European External Action Service and will have to juggle her role as the Council's lead on foreign affairs with her position as a Vice-President of the Commission. Moreover, the EU has not been able to project itself on the world stage. As Allen and Smith note in their contribution to this volume, a survey of the EU's external political and security activities in 2009 highlights that the EU 'struggles to "punch its weight" in the world'. Indeed, EU leaders were reminded of the roles and responsibilities of a major world power on the day that the Lisbon Treaty came into force (1 December) when President Obama announced that the US was looking for Europeans to respond positively with both hard and soft power instruments to his long awaited and much anticipated decision to increase US troop levels in Afghanistan.

Perhaps it was symbolic that the Lisbon Treaty was finally ratified almost 20 years to the day that the Berlin Wall fell. On a cold, wet night in Berlin the iconic event of 1989 was commemorated by significant figures associated with the heady days of the collapse of communism. Two months earlier, Germany's chancellor Angela Merkel, who was a citizen of East Germany in November 1989, had led her party to victory in the German federal elections. The success of the Free Democrats at the ballot box enabled the formation of a centre-right government bringing to an end the grand coalition, which had governed the EU's largest Member State since 2005.

Two decades after the semi-free elections in Poland which ushered in the first post-communist democratic government, June's elections to the European Parliament showed the best and worst of European democracy. Fewer than half of the EU's 375 million citizens turned out to cast their vote. Moreover, among the ranks of the army of MEPs elected to represent citizens was a significant brigade from the far right including the British National Party, Jobbik in Hungary and the Party for Freedom in the Netherlands. Prior to the election much publicity had been received by Declan Ganley (who had run the no campaign in the first Irish referendum on the Lisbon Treaty in June 2008) and his pan-European Libertas Party, but his challenge proved to be a damp squib. The winners of the elections were the centre-right forces of the European Peoples Party (EPP), although their number was depleted soon after

by the creation of the European Conservatives and Reformists Group led by the British Conservatives, the Polish Law and Justice Party and the Czech Civic Democrats promising to push an anti-federalist agenda in the EP. Nonetheless, the former Polish prime minister and member of the EPP, Jerzy Buzek, was elected President of the European Parliament. The victory of the centre-right in the EP elections tied to those of similar political colour being in power in Berlin and Paris, ensured Barroso would continue for a further term as Commission President.

Last year's editorial was entitled 'The Gathering Storm'. In 2009, the European Union managed to weather the storm, although it required the unwelcome donning of waterproofs and the hasty construction of new shelters, but dark clouds continued to lurk menacingly. As we write this editorial, for instance, question marks have been raised over the future cohesion of the euro area as Greece struggles to cope with the harsh winds of economic retrenchment. Moreover, the coming into force of the Lisbon Treaty occurred in the same month as the Copenhagen summit designed to provide a co-ordinated response to the non-metaphorical threat of climate change. Neither the EU, nor indeed much of the rest of the world for that matter, emerged from Copenhagen bathed in glory. Nonetheless, the location of the climate change conference reminds us of what the European Union can achieve: it was after all at summits in the Danish capital in 1993 and 2002 that decisions were taken to lay out the conditions for membership to the aspirant Member States in the former communist bloc and latterly to admit eight of those states into the club.

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This is our second issue of the *JCMS* AR as editors and we have continued our policy of commissioning contributions from practitioners and commentators from outside the academic world. Following last year's contribution 'Delivering a "Europe of Results" in a Harsh Economic Climate' by Commission President Barroso (2009), and given the importance of the financial and economic crisis for developments in the EU during 2009, we decided to commission our State of the Union address article from a key player in EU economic policy-making. We are honoured and delighted that this year's State of the Union address comes from the President of the European Central Bank, Jean-Claude Trichet. In his article, Mr Trichet explains the response of the ECB to the global economic and financial crisis over the past couple of years. Our second commissioned article comes from the Brussels bureau chief of the *Financial Times*, Tony Barber, who offers an insight into the process of choosing Van Rompuy and Ashton as the new President of the European Council and High Representative on Common Foreign and Security Policy,

respectively. His analysis highlights 'the sheer difficulty of brokering the necessary compromises among 27 nations ruled by governments of varying political complexions'.

Kalypso Nicolaïdis, Professor of International Relations at Oxford University, and a member of the Reflection Group on the future of the European Union kindly accepted our invitation to give the *JCMS* AR Lecture at the 2010 UACES Conference in Bruges, Belgium, entitled 'Europe: 2.0' and, following on from Vivien Schmidt's (2009) call to 'Re-envision the European Union', joins our series of articles that not only diagnose the current problems facing the European Union but suggest possible solutions to them. Nicolaïdis argues that 'sustainability is borderless, that distributed intelligence is centreless and that post-cold war mindsets must make way for the world-wide-web world'. Although she sees Europe as standing on the brink, she argues that the era of institutional wrangling needs to come to an end, allowing us to shift our attention to building sustainable integration which involves radically shifting our attention from 'discrete inter-governmental to public inter-societal bargains, and from short-term inter-national bargains to long-term inter-generational bargains'.

We would like to thank all the contributors to this issue of the *JCMS* AR for their efforts and efficiency in producing such excellent copy on time. Two long-standing contributors to the Annual Review, Debra Johnson and Amy Verdun, stood down this year. We extend our thanks to them for their insightful contributions over the years and welcome on-board two rising stars, Dermot Hodson from Birkbeck College, London and Richard Connolly from the University of Birmingham. We would also like to thank the outgoing editors of the *JCMS* over the past year – Jim Rollo, Dan Wincott and Charlie Lees – as well as UACES and the staff at Wiley-Blackwell. We look forward to working with the incoming *JCMS* editors, Michelle Cini and Amy Verdun, and hope our relationship will be just as productive.

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