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A Retrospective UK Referendum on the Lisbon Treaty?

David Cameron and the Big Fight

Roderick Parkes

For the eventuality that the EU-wide ratification process will still be open when his party comes to power, the leader of the main British opposition party, David Cameron, has promised to hold a referendum on the Lisbon Treaty. The Conservative leadership has even hinted that it would hold a retrospective referendum were the party to come to power after ratification has been completed. Following on the tail of the Irish “no”, these developments will lead some EU leaders to re-evaluate their commitment to the Lisbon Treaty. Thanks to his eurosceptic ideology, they reason, Cameron will prove immune to international pressure and will do his utmost to scupper the Treaty. Yet, a closer examination suggests that, although Cameron faces very real ideological constraints from within his own party, he is ready to proceed in a most non-ideological fashion: Cameron will pragmatically exploit these party-political constraints in order to wring concessions from the UK’s EU partners.

The British Prime Minister, Gordon Brown, appears to have lost the popular support necessary for stable government. It is a far cry from 2007, when Brown dropped hints that he was ready to capitalise upon his public popularity following the ousting of Tony Blair: In September of that year, Brown openly toyed with the idea of holding an early general election. Most analysts now agree that his “election plan” was less a serious intention than an effort to destabilise the rival Conservative Party. Whatever the case, Brown enjoyed the necessary opinion-poll figures to lend his vocal considerations credibility.

The ploy backfired badly, with Brown effectively cutting his own honeymoon-period short: In order to arouse interest in an otherwise one-sided election, the British media rehabilitated the Conservatives and their leader, David Cameron—a man who had been roundly criticised for weeks as a “flip-flop”. Since October 2007, when Brown backed out of a general election he had never actually called, the Labour Party’s ratings in the voter-intentions polls have hovered around the 30%-mark. By contrast, the Conservatives have basked in the glow of media approbation. Their ratings have nudged 45%. If it holds, the Conservatives’

lead will translate into a sizeable majority in the next British Parliament.

The political situation is not so acute as to trigger a general election. The Labour government still has a stable majority in Parliament. Certainly, there has been some speculation that Brown will himself be the victim of a Labour “putsch”. However, most Labour MPs resist this option precisely because it would entail an early general election: The protests at Brown’s own elevation to the premiership without a popular vote mean his successor would crave a popular mandate. For the many Labour MPs in unsafe seats, the resulting general election would curtail their job prospects considerably.

If he chooses to, then, Brown will likely succeed in staving off a general election for as long as is constitutionally possible—until mid-2010. In itself, however, this will do nothing to improve his chances of subsequent victory.

The primacy of domestic politics

The prospect of a Conservative win at the next general election has unleashed a flurry of activity in Europe’s capitals. In particular, the pledges and hints made by the Conservative leadership concerning a “retrospective referendum” on the Lisbon Treaty have immediate ramifications for the whole of the European Union.

Since the Irish “no”, some EU leaders have been sceptical about investing in the Lisbon Treaty as the means to end the EU’s institutional impasse. The possibility of a Conservative victory will only weaken their commitment to the Treaty: Thanks to his eurosceptic ideology, the reasoning goes, David Cameron would be unreceptive to international pressure against holding a referendum. Moreover, any consultation of the British public on the Treaty will end in a resounding “no”. The Lisbon Treaty is doomed, and the European Union needs to find alternative means to realise its institutional ambitions—preferably on a sub-treaty level, and with effect before the Conservatives come to power.

Yet, even if EU leaders’ calculations about the likelihood and timing of a Conservative victory were to prove correct, their general logic would still be awry: It involves a faulty understanding of the Conservative leadership and its motivations. In particular, the impression of Cameron as an unreconstructed ideologue is misplaced.

Rather than sharing the strong eurosceptic persuasion prevalent in his party, Cameron has been prepared to pragmatically harness these ideological forces for his own political purposes. This propensity was evident in Cameron’s 2005 pledge to remove his party from the pro-integrationist European People’s Party (EPP) group in the European Parliament: Cameron made this commitment in order to bolster his campaign for the leadership of the party, rather than because of any anti-European conviction.

The referendum pledge should be understood in this light. Cameron’s initial calls for a referendum on the Lisbon Treaty were certainly a reaction to ideological pressure from eurosceptics in the party. Yet, he appears to be willingly keeping the issue alive. Making the most of a tricky situation, Cameron is prepared to harness ideological pressures in a pragmatic fashion. He looks set to exploit the referendum issue so as to facilitate a Conservative victory in the next general election.

Cameron knows that Conservative victory at the general election is by no means in the bag. The reaction to Labour’s recent bye-election victory in Glenrothes suggests that the media are ready to rehabilitate Brown in order to create a livelier general-election race. And if any issue can shift media coverage against the Conservatives, it is surely European policy.

This is not because the Conservatives are wildly out-of-step with British popular opinion on the European Union—in fact, Conservative European policies like the referendum pledge broadly reflect the electorate’s own eurosceptic bent. The destabilising potential of European-policy issues instead lies in their capacity to excite indis-

cipline and ideological behaviour amongst Conservative parliamentarians. These traits are traditionally punished by the British electorate.

In recent general elections, the Conservatives have been able to keep the lid on their difficult relationship with the EU. In the run-up to the next poll, this will not be possible for two reasons.

Firstly, with the return of Peter Mandelson to the national fold, the Labour government looks ready to stress its “constructive role” in the European Union: Although Labour’s professed commitment to the EU may not resonate with public opinion in the United Kingdom, this is hardly important in electoral terms. What counts is that Labour can claim to have shown a degree of leadership and unity on EU issues. This will throw the Conservatives’ weaknesses into sharp relief.

Secondly, Cameron’s pledge to withdraw his party from the EPP will be due for realisation after the 2009 elections to the European Parliament. Forming an alternative party-group in the Parliament will be no easy matter. The European Parliament’s rules of procedure require that a group consist of parties from one-fifth of the European Union’s 27 Member States. If the Conservatives’ “natural allies” in the European Parliament do not come forward, the Conservative leadership may find itself trying to forge alliances with small radical parties. Cameron will have to lure these parties in by means of concessions over the management and political direction of the putative group. This process could cause fissures in the Conservative party—a prospect to which the British media will be alert.

It is therefore paramount for David Cameron to prevent the Labour government from making political capital out of his party’s ideological wrangling over Europe. Now that the eurosceptics in his party have placed the referendum issue on the political agenda, Cameron can turn an otherwise hostile situation to his advantage. He can use the issue to increase his leverage over Brown.

Even though the United Kingdom has now ratified the Lisbon Treaty, it did so by parliamentary means alone. The “missed referendum” remains a sore topic for Labour. The Blair government had promised a popular consultation on the European Constitutional Treaty (ECT). After the ECT failed, the Brown government refused to hold a referendum on its successor, the Lisbon Treaty: The changes entailed by the new Treaty were minor when compared to the ECT, Brown said. Opinion polls suggest that a sizeable tranche of the British public rejects Brown’s argument.

The referendum issue thus retains its potential to destabilise the government. By poking around in Labour’s sore, Cameron is banking on a simple calculation—that the Brown government will not mock the Conservatives’ difficulties over the EU for fear of exciting questions about the “missed referendum”.

Two-level games

Even if his European-policy commitments were made for reasons of domestic politicking rather than ideology, they will still cause Cameron considerable problems. By pledging to hold a referendum on the Treaty, for example, Cameron is getting out of a domestic scrape, but he appears to be escalating his own European-policy problems. And yet, precisely because his *modus operandi* on European affairs is broadly non-ideological, the Conservative leader has been able to calculate a pragmatic strategy that he hopes will extricate him from this situation.

Although Cameron faces restraints on his scope for manoeuvre at both the national and European levels, he can translate these constraints into political resources with a little skill. When negotiating with EU-level actors, Cameron can strengthen his hand by pointing to the tricky party-political situation he faces: Cameron need simply argue that hostility from ideologues in the party would unravel any common EU agreements into which he has been unwillingly

pushed. Meanwhile, in justifying European agreements to eurosceptics in his party, Cameron can point to the countervailing pressures he faced from EU actors behaving in an ideological, pro-European fashion. At both levels then, the Conservative leadership can feign having been pressured into positions that it secretly favours.

Cameron's ratification promise opens real scope for these kinds of two-level games. Working on the basis that Gordon Brown will unlikely call elections before mid-2010, the Conservative leadership has projected two scenarios:

- ▶ In the first, the EU-wide ratification process is successfully completed by mid-2010. Despite the leadership's current hints, a future Conservative government would have no interest in holding a referendum. Cameron would therefore rule out a public consultation, presenting any referendum to his party as detrimental to the British interest: If the new Conservative government held a retrospective referendum that ended badly, Cameron could argue, the United Kingdom would surely have to renegotiate the country's position in the European Union, and its bargaining hand would be weak. The leadership's current insinuations about holding a retrospective referendum may be empty, but they nevertheless provide Cameron with leverage. They give him political resources with which to prise concessions from the UK's EU partners in return for "accepting" a treaty that he has in fact long reconciled himself to. These resources may, for example, prove useful should Cameron seek to realise his separate pledge to withdraw Britain from the EU's Social Chapter.
- ▶ In the second scenario, the EU-wide ratification process is still open in mid-2010 and the Conservatives must carry out their promise of holding a referendum. Yet if the Treaty has not been ratified by 2010, its health will anyway be extremely suspect. A negative British referendum will merely hurry the Treaty's inevitable

demise. In such a situation, the UK's EU partners will not line up to punish the new Conservative government. Most Member States will instead seek to realise the failed Treaty's choicest proposals without resorting to a further bout of treaty-change: There is scope under the existing treaties for EU governments to "cherry-pick" elements of the Lisbon Treaty without actually adopting the text in its entirety. By making their opposition to any further integration of the European Union clear at this stage, the Conservative leadership is creating useful political resources for itself should this process of cherry-picking start up.

This is all very well, but an appreciation of Cameron's strategy is not necessarily of much help to EU actors. Even if the Member-State governments were to realise that the Conservative leadership is engaged in an elaborate bluff, this would not necessarily strengthen their hand. It in no way diminishes the domestic ideological pressures exerted on Cameron.

If, however, EU actors are aware that the Conservative leadership is prepared to be complicit in "forcing" EU positions on its own party, this may help all governments define a mutually suitable compromise.

Dealing with the Conservatives

By thus joining in with Cameron's two-level games, the Member-State governments could well be able to negotiate their way out of the upcoming ratification minefield. Yet, the long-term sustainability of this *modus operandi* is questionable.

Although Cameron might indeed turn out to be a receptive contact-person for EU actors, it would be a mistake to exaggerate his future role as an independent player in European affairs. Already today his European-policy actions remain almost entirely reactive to the ideological eurosceptics in his party. His efforts to eek out a certain margin for manoeuvre for himself have succeeded only after tortuous wrangling.

Worse, each time Cameron expands his margin for manoeuvre by playing two-level games, he will be storing up problems for the future. Cameron's manner of creating elbowroom for himself in EU affairs will likely involve exaggerating the already extensive mutual antipathy between the Conservative Party and the UK's EU partners. (Cameron will try to win concessions from EU actors by stressing how inimical his party would be to the EU's deviation from his preferences. He will justify EU agreements to the party by stressing the degree of hostile international pressure he is under.) Whilst this tactic may ease the Conservative leadership out of a tight spot, it can only bolster the perception of all parties that Britain is out of place in the European Union.

Indeed, when playing these games, Cameron may be tempted to play on the idea that the only alternative to the current situation is an end to British membership of the European Union—a most undesirable outcome in which there are no winners: Even if his party dislikes what the Union is doing, Cameron can argue that this is still better than the prospect of British withdrawal. By the same token, if the UK's partners object to the Conservative government's behaviour, Cameron can still claim that this is better than the prospect of an EU of 26. This polarised picture of the options available to the United Kingdom is a false one. This would not, however, prevent such a picture from reframing the terms of the public debate about Britain's position in the European Union and thus legitimising the idea of withdrawal.

The prospects therefore appear bleak. Yet, thanks to incipient changes in the make-up of the Conservative party, EU actors may be able to do something about it. Currently, eurosceptic views are most concentrated amongst those Conservatives who resist Cameron's efforts to "renew" the party. One motivation behind Cameron's eurosceptic commitments therefore lies in a desire to appease a recalcitrant older generation of colleagues. These parliamentarians would

otherwise have rejected his attempts to commit the party to more moderate social and economic policies as well as to a less Realist foreign policy. With the general election, a new cohort of Conservative politicians will be elected to Parliament. They will likely share the party's euroscepticism. Yet, they will also be committed to the party's new economic, social and broader foreign-policy goals. This diminishes the party-political rationale for Cameron to make eurosceptic pronouncements.

Moreover, these new goals appear more in line with the priorities of other EU actors than the Conservatives' established policy goals have been. Indeed, Cameron's express desire of seeing the European Union concentrate on the "three G's"—globalisation, global warming and global poverty—will find a receptive audience in many European capitals. This appears a fruitful basis for future UK engagement in the EU as well as a way of offsetting the party's euroscepticism.

By capitalising upon this process of programmatic renewal in the Conservative Party as well as on the emergence of a new generation of Conservative parliamentarians, EU actors might just be able to overcome an otherwise prickly relationship.

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