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Understanding Klaus The Story of Czech Eurorealism

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Abstract

It is somewhat ironic that Czech eurosceptics managed to delay the ratification process of the Lisbon Treaty at a time when they seem to be in decline as a political force. President Klaus and his allies are becoming increasingly isolated within Czech political circles and lack the support of any established political party other than the Communists. The twin pressures of domestic vote utilisation and socialisation at the EU level are making Czech eurorealists within the Civic Democratic Party less eurosceptic. It is still too early to speak of any complete change within the party, however, and any evidence of a re-orientation of the party's EU policy remains ambiguous.

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UNDERSTANDING KLAUS

THE STORY OF CZECH EUROREALISM

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Introduction

The spotlight fell on the Czech Republic recently as the last remaining hurdle to a successful ratification of the Lisbon Treaty. Interestingly, if we look at the views of its population, the Czech Republic is not a particularly eurosceptic country. What is specific about the Czech Republic, however, is its political elite. The major right-wing party in the country, the Civic Democratic Party (ODS), is frequently described in scholarly literature as being soft-eurosceptic¹ and President Václav Klaus has become one of the toughest opponents of the Lisbon Treaty. The author attempts to provide answers to two different questions in this paper. Firstly, how should one understand Czech euroscepticism and, in relation to this, what kind of Europe do Czech critics of the EU actually want? Secondly, the author turns to the question of where Czech eurosceptics are heading now. The claim is made that the Czech political elite is gradually being socialised into the EU project and that we are in fact witnessing a slow dissolution of Czech euroscepticism. Thus, the recent turmoil over the Lisbon Treaty should be understood as having been caused by a small faction of the Czech political elite, led by Václav Klaus, which is finding itself increasingly isolated.

This Working Paper has the following structure: firstly, the background to Czech euroscepticism is presented, focusing on the Civic Democratic Party. Secondly, the author discusses the Czech domestic battle over the Lisbon Treaty, focusing in particular on the hard core of critics, notably President Václav Klaus and his allies, and thirdly an analysis of recent developments in the Czech Republic is presented.

Czech eurorealism

Czech euroscepticism is non-populist in nature and therefore also different from what is commonly seen in most other EU member states. In the Czech Republic euroscepticism is more widespread among the political elite than among the wider public. According to Eurobarometer polls, the Czech population belongs to the EU mainstream in terms of their support for the Union. For instance, when answering the question about whether EU membership is considered a 'good thing', the country is only slightly below average.² What is particular to the Czech Republic is the Civic Democratic Party (ODS). The ODS is the main right-wing party and is commonly described in the literature as being soft-eurosceptic. In contrast to, for instance, the British Tories, the ODS cannot expect to win many votes by criticising the EU; in fact, their

¹ See S. Hanley (2008), "Embracing Europe, Opposing EU-ropo? Party-based Euroscepticism in the Czech Republic", in A. Szczerbiak and P. Taggart (eds), *Case Studies and Country Surveys: Opposing Europe? The Comparative Party Politics of Euroscepticism*, Oxford: Oxford University Press, pp. 243-262.

² Eurobarometer 69 (2008). Národní Zpráva Česká Republika [National Report Czech Republic]. Available at http://ec.europa.eu/public_opinion/archives/eb/eb69/eb69_cz_nat.pdf [accessed: 17 July 2009].

voters are more pro-European than the Czech electorate at large.³ Thus, their euroscepticism cannot be explained as a means of vote utilisation.

Therefore, the party's euroscepticism can be described as being more ideological than populist, and in order to understand the origins of the party's view on the EU, it is necessary to look at the internal party discourse on the EU. The party coined the term 'eurorealism' for their position on the EU prior to membership, which, however, they did not challenge. The eurorealism of the ODS can be described as a view of the EU in which the big powers dominate and strive for the fulfilment of their own interests, and in which small/middle-sized states gain most if they protect their own sovereignty and reject the further transfer of power to the EU level. The party, therefore, is sceptical of the increased influence of the EU institutions, which are thought to be too easily controlled by the big states.⁴

The eurorealist position of the ODS has largely been shaped by the party's founder, former Prime Minister and current President, Václav Klaus. Klaus, who founded the party after separation from the Citizens' Forum in 1991, left the party in autumn 2008. Despite this, his influence is still felt in the party's position on the EU and was one key factor in explaining why a majority of ODS delegates voted against the Lisbon Treaty in Parliament in February 2009. Any short review of the development of the party's view on the EU reveals that Klaus' opinion was always more critical of the EU than the official party position.

In its early days the ODS did not differ much in its views on EU issues from other Czech political parties. The desire to join the European institutions was, at the time, one shared by all the parties, with the possible exception of the Communist Party. It is even doubtful whether EU membership was viewed as being significantly different from, for example, membership of the Council of Europe, an organisation that the Czech Republic (Czechoslovakia) joined in 1991. However, if we look at Mr. Klaus' own speeches and articles from the early 1990s, he himself expressed a more critical view of the EU than the official party documents. He repeatedly described European integration as a dilemma of "how to be European without dissolving like a lump of sugar in a cup of coffee".⁵

The party turned more eurosceptic in 1997-98 after a party and a government crisis caused by ambiguous party spending. The crisis had two consequences that prompted a change in the party's EU policies. Firstly, as a consequence of the turbulence within the party, many of Klaus' more pro-European rivals within the party simply left. Secondly, the crisis meant that the party was forced into opposition, where it remained until 2006. It was after the crisis that the party started presenting its views on Europe as eurorealistic. To a large extent the eurorealism of the ODS resembled that of the opposition parties in other post-communist countries, such as Hungary and Poland. In all three of these countries, a frequent criticism was that their governments did too little to defend national interests during membership negotiations. However, the ODS went one step further by articulating their eurorealism more coherently, for instance, in the *Manifesto of Czech Eurorealism* of 2001.⁶

³ Ibid.

⁴ The ODS thus reached a conclusion on this issue that opposes that of most academic literature focusing on small states. See B. Thorhallsson and B. Wivel (2006), "Small States in the European Union: What Do We Know and What Would We Like to Know?", *Cambridge Review of International Affairs*, 19(4), p. 655.

⁵ V. Klaus (1994) "Česká cesta" [the Czech Road], Praha: Profile, p. 136.

⁶ Jan Zahradil, Petr Plečický, Petr Adrián and Miloslav Bednář (2001), "Manifest českého eurorealismu (dokument k ideové konferenci ODS)" (available at <http://www.ods.cz/docs/dokumenty/zahradil-manifest.pdf>).

Consequently, the party had an ambivalent position on EU membership even before this became a reality in 2004. It was ambivalent in the sense that the party criticised large parts of the integration project but did not, in most cases, question the necessity of membership. The membership as such could not be challenged, while hardly anyone questioned the economic benefits of EU accession. Simultaneously, however, in the party discourse the nation state is considered to be the natural unit, and therefore all attempts to restrict sovereignty are considered unnatural. The party was thus faced with a dilemma: how far could restrictions of national sovereignty be compensated for by economic benefits?⁷

As stated, euroscepticism in the Czech Republic is largely a phenomenon confined to the Civic Democratic Party. However, the Communist Party has also provided the country with a eurosceptic left, and that party was the only one that encouraged its voters to reject EU membership in the referendum of 2003. The Communist Party is anyway considered to be an anti-system party which, despite the fact that it usually wins approximately 10% of the votes, is marginalised within the Czech political spectrum. There have also been other smaller political subjects and one-man parties that have been represented in the European Parliament. But these were formed and gained votes primarily thanks to their charismatic leaders (i.e. Jana Bobošíková and Vladimír Železný).

How then can we explain the persistence of euroscepticism in the Czech Republic and in the ODS? To some degree the persistence of this scepticism and the reasons why the country held up the Lisbon Treaty can be explained by the particular nature of the ODS party discourse on the EU. The eurosceptic approach has become a dogma within the party that is difficult to change, even if the leadership would like to do so (see below). The second question, which is harder to answer, is why this articulation of Europe has been so successful in the Czech Republic. As in all candidate countries, EU membership was largely viewed as an unquestionable necessity before the country actually joined. Therefore, quite naturally, a reaction was expected. However, whereas this was the case in the Czech Republic and Poland, for instance, Slovakia and Hungary both had less euroscepticism among their political elite and both also ratified the Lisbon Treaty and the Constitutional Treaty rapidly.

Following the argumentation of Czech EU critics, we can interpret at least two crucial drivers behind Czech euroscepticism. First of all, the Czech political elite had great confidence in their own transformation process in the 1990s, manifested by their disregard for the Visegrád Cooperation and their frustration over the unnecessarily long accession period. Second, they viewed the Czech Republic as a historically natural part of the more prosperous ‘West European’ region, not only because during the interwar period Czechoslovakia was the only lasting democracy in Central Europe, but also because of its relative wealth during this period. The Czechs themselves therefore perceived their state as being relatively strong compared to the other new post-communist member states and in a relational sense vis-à-vis the old member states, so some parts of the elite found it hard to accept the asymmetrical relationship between the EU and the candidate states. The negative experiences of the accession period are still the main reason for the persistence of Czech euroscepticism.⁸

⁷ For a detailed discussion, see M. Braun, “Talking Europe: the Dilemma of Sovereignty and Modernization”, *Cooperation and Conflict*, 43(4), pp. 397–420.

⁸ See M. Braun (2008), *Modernisation Unchallenged: The Czech Discourse on European Unity*, Institute of International Relations, Prague.

The Civic Democrats and the Lisbon Treaty

ODS voters are, according to opinion polls, more positive about the Lisbon Treaty than the average Czech voter.⁹ The ODS leadership also advocated the ratification of the Treaty, primarily for two reasons. The first is that between 2007 and 2009, the ODS was in a coalition government with two smaller, pro-European parties (the Christian Democrats and the Greens). Thus, a rejection of the Treaty could have endangered the survival of the Mirek Topolánek cabinet. Second, it was believed that a non-ratification of the Treaty could have had negative consequences for the upcoming Czech EU presidency in 2009. For all these reasons it is surprising that part of the ODS party put up a fight over the Treaty and also managed to severely delay the ratification process.

The Lisbon Treaty (LT) was approved in both chambers of the Czech Parliament during spring 2009, and thereafter only a very small part of the political elite, led by Mr. Klaus and a few senators loyal to him, continued in their attempts to delay the completion of the Czech ratification process. They, however, claimed to respect the original ODS position on the Treaty, which since the Convention on the Future of Europe consisted of a resistance to revise the Treaty. During the Convention the Civic Democrats criticised the inclusion of the Charter of Fundamental Rights in the Treaty and the increased powers of the European Parliament and favoured what they called a “Europe of Democracies” – basically a more intergovernmental form of cooperation.¹⁰

After the Convention and the Intergovernmental Conference of 2003, the ODS profiled itself as a strong opponent of the Treaty.¹¹ The party’s resistance to the Constitutional Treaty (TCE) was ideological and since many ODS members argue that the TCE and the LT are virtually the same, the same criticism is being applied to the LT. The resolution of the party congress in 2006 is illustrative of the party’s position. It prohibited politicians from the party from accepting any new transfer of powers to the EU or extending the qualified majority voting in the Council to more issues.¹²

President Klaus and his allies

Mr. Klaus is sometimes described as unpredictable. This is not only his media persona outside the Czech Republic but increasingly also in domestic print. Why Klaus acts in the way he does is a frequently asked question. There have recently been speculations about Klaus’ connections with Russia, for instance, since only Russia would stand to benefit from the non-ratification of the Lisbon Treaty. Among other reasons, a non-ratification would hamper progress towards a common EU energy policy, so following this line of thought, Klaus is pro-Russian and therefore a trouble-maker in the EU.¹³ Rather than attempt to explain the true motives of President Klaus, which in any case is not possible, an account of Klaus’ view of the EU and the Lisbon Treaty

⁹ STEM Surveys (2008). Informace z výzkumů STEM trendy 10/2008 [Information from STEM surveys – trends]. Available at <http://www.stem.cz/clanek/1635> [accessed: 17 July 2009].

¹⁰ P. Kratochvíl and L. Königová (2005), “Jak utvářet Evropu: konvenčně nebo konventně? Konvent jako alternativní metoda přípravy základních smluv evropské integrace” [How to shape Europe: Conventionally or by the Convention? The Convention as an alternative method of preparing basic treaties of European integration], *Mezinárodní vztahy*, 2/2005, pp. 24-41.

¹¹ ODS (2004). STEJNÉ ŠANCE PRO VŠECHNY: program pro volby do Evropského parlamentu [Equal Opportunities for All, a Manifesto for the Elections to the European Parliament]. Available at <http://www.ods.cz/volby/programy/2004e.php> [accessed 7 July 2009].

¹² ODS (2006), “Usnesení 17. kongresu ODS” [Resolution of the 17th ODS Congress], available at <http://www.ods.cz/akce/kongresy/17.kongres/stranka.php?page=450> (1 October 2008).

¹³ See, Respekt Vol. 15, 2009.

will be presented here, a view that in itself is rather coherent but far from the mainstream one, either within the EU at large or within the Czech Republic.

To this end it is helpful to look at the first request of a group of senators put to the Constitutional Court in this matter from spring 2008. It should be noted that these senators, most of them members of the ODS, are closely linked to Klaus and therefore the points raised also reflect Klaus' concerns. In this request the senators posed six specific questions regarding the Treaty.¹⁴ These points are also the ones most frequently used by Klaus and his followers in their criticism of the Treaty. The first question referred to the division of competences, the second to the flexibility clause, the third to the so-called passerelle clause, the fourth to the possibility of the EU being a subject of international agreements, the fifth to the increased competences of the EU within the former third pillar and the sixth to the status of the Charter of Fundamental Rights.¹⁵

President Klaus argued in the hearing at the Constitutional Court regarding the LT that the main problem of the compatibility between the LT and the Czech Constitution is that the Treaty would give the EU the overall say over competences through the flexibility clause and the 'passerelle' clause. These clauses enable the competences of the EU to extend into new areas and to change the decision-making in selected areas from unanimity to a qualified majority after a unanimous decision in the Council. Klaus argues that "there cannot be the possibility that the EU institutions could interpret the range of transfer of competences on their own, or even transfer competences from our country, even if we would agree or not agree to this."¹⁶ Since the Czech government is present in the Council, Klaus' point is only intelligible if the "we" in the above sentence is understood to mean the Czech Parliament. The fact that the Treaty enables some changes of competences if the Council so decides unanimously means that the Czech Parliament has lost the 'competence of competences', which is unacceptable to Klaus. Therefore the President's position should not be understood as being that of an intergovernmentalist; what he favours might be called an inter-parliamentary model of integration.

To Klaus, the European Parliament could never provide a basis for the democratic legitimacy of the EU, since in his view democracy is by definition linked to the nation state. He argues that a liberal democracy cannot function without "... a citizenship principle based on the natural loyalty of people towards their own nation and with an elementary feeling of national identity".¹⁷

Following on from this, Klaus has repeatedly stated that European cooperation should be based on intergovernmental cooperation, where no state can be overruled by others.¹⁸ Thus, he actually rejects any form of qualified majority voting (QMV) or simple majority voting in the Council. It is therefore hard to imagine what kind of a deal would satisfy this group of Czech Lisbon Treaty critics. Klaus' views on Europe are currently too far from the mainstream position in the Czech Republic and in the EU to make any completely satisfactory deal possible.

¹⁴ The court verdict stated that these points do not contradict the Czech Constitution.

¹⁵ Senát (2008), "Žádost o posouzení souladu Lisabonské smlouvy s ústavním pořádkem ČR Senát Parlamentu České republiky podává" [Request for examination of the compatibility of the Lisbon Treaty and the Constitutional Order of the Czech Republic, required by the Senate of the Czech Republic].

¹⁶ V. Klaus (2008), "Vystoupení prezidenta republiky na jednání Ústavního soudu o Lisabonské smlouvě" [The Speech of the President during the negotiations of the Constitutional Court on the Lisbon Treaty], available at <http://www.klaus.cz/klaus2/asp/clanek.asp?id=KO4I54HvOCa4>.

¹⁷ V. Klaus (2005a), "Využijme 'období reflexe' pro vymezení jiné Evropské unie", *Lidové noviny*, 16 July.

¹⁸ V. Klaus (2007) "Před debatou o euroústavě" [On the upcoming debate on the Constitutional Treaty], *Hospodářské noviny*, 13 June.

From this perspective Klaus' proposal to include two sentences in the Charter of Fundamental Rights assuring the legality of the Beneš decrees should be seen as merely a tactical move. The reason why Klaus dislikes the LT is not due to any real fear of Sudeten German property claims, but his general disagreement with the direction of the European integration process.

However, the main reason why Klaus eventually put his signature to the Treaty is likely to be that he is aware of the limitations of his office. It is not in his competences as President of the Republic to veto this kind of international treaty, which has already been accepted by a qualified majority in both chambers of the Czech Parliament. Klaus therefore came in for criticism for not respecting the Czech constitution from Czech MPs, journalists and legal experts. However, the government took a more reticent position since the quickest way to secure Czech ratification of the Treaty was to seek agreement with the president. In the end this strategy also proved to be an effective one. Since at the end of October 2009 the European Council agreed to the Czech opt-out from the Charter of Fundamental Rights and at the beginning of November the Czech Constitutional Court confirmed the LT's compatibility with the Czech constitution, Klaus could no longer refrain from finalising the Czech ratification process. If he would have tried to do so, he would most certainly have faced a constitutional complaint for failing to fulfil his constitutional duties.¹⁹

The socialisation of the Czech political elite

Even if the leadership of the ODS reoriented their policies primarily as a consequence of strategic concerns relating to the presidency and the coalition government, there is some indication that we are witnessing a real change in the EU policies of the ODS. It is likely that this is related to the increased interaction of leading politicians with their European counterparts in the period leading up to the Czech EU Presidency, and is thus a consequence of socialisation. The socialisation hypothesis suggests that the collective norms that operate in the EU gradually affect and change the identity of the participants.²⁰ Some evidence of a change of preferences is offered by former Prime Minister Mirek Topolánek, who invested much of his political capital in the ratification of the Treaty in the Czech Republic even after he left office.

Topolánek also brought some politicians with a more pragmatic view of the EU into high politics during his period as prime minister, such as former Deputy Prime Minister Alexandr Vondra. Other leading ODS politicians changed the discourse about the EU, such as the former Minister of Interior Ivan Langer. Langer was one of the very few high-ranking ODS politicians who rejected Czech membership of the EU prior to accession.

Yet, we cannot speak of a complete change in EU rhetoric of the ODS, and even Topolánek continuously criticises parts of the treaty. The ODS leadership is in the difficult position of also trying to satisfy the eurosceptic elements of the party. There is a split within the party over, among other issues, the EU policy that culminated when Klaus resigned from his post as honorary chairman and left the party in 2008.

If we look at the larger political elite, a whole range of eurosceptic subjects competed for seats in the elections to the European Parliament. However, none of these groupings was successful. Only Jana Bobošíková and her party Suverenita (sovereignty) made a rather good election and managed to gain 4.3%, which is close to the Czech threshold of 5%. But her success came

¹⁹ See J. Kudrna (2009), "Ať Klaus zváží odchod" [Klaus should consider resignation], *MF Dnes*, 15 October.

²⁰ J.T. Checkel (2007), "International Institutions and Socialization in Europe: Introduction and Framework", in J.T. Checkel (ed.), *International Institutions and Socializing in Europe*, Cambridge: Cambridge University Press, pp. 3-30.

primarily by her appealing to anti-German sentiment among a certain sector of the population. Thus, the outcome of these elections seems to confirm that in general, Czech voters are not very eurosceptical, particularly not the right-wing voters.

However, there are three arguments contesting the view of a successful socialisation of the Czech political elite. Firstly, despite the pro-European views of ODS voters, and the pro-Lisbon Treaty approach of the ODS leadership, a majority of the ODS MPs and senators actually voted against the Treaty. Secondly, the ODS formed the European Conservative and Reform Group in the European Parliament, together with the British Conservatives and the Polish Law and Justice Party. Clearly, there is a possibility that this group can help conserve the eurosceptic approach of the ODS. The collaboration with the British Conservatives, in a way, gives legitimacy to the reluctant approach of the ODS while showing that their opinions are shared by a well-established West European party. Thirdly, and related to the second point, the ODS leader for the elections to the EP was Jan Zahradil. Zahradil, who is also deputy chairman of the newly formed party group, is, together with Klaus, one of the two main architects of ODS eurorealism. Even if he has lately expressed a more pragmatic view on the ratification of the Lisbon Treaty, there are few indications that he has actually changed his general opinions on the EU.

However, despite the fact that the development is not one-sided, which confirms the fulfilment of the socialisation thesis concerning the Czech political elite, it is likely that the hard core of Czech eurosceptics is becoming more and more isolated. The combination of socialisation on the EU level and vote utilisation is likely to limit the scope of right-wing Czech euroscepticism. The ODS internal party discourse is sticky however, and it remains to be seen to what degree an actual change of the party is possible and how quickly this change can take place.

Conclusion

The obstacles that surrounded the Czech ratification process of the Lisbon Treaty should not be understood as a proof of the strength of Czech euroscepticism. In fact the opposite is true. The socialisation process of the Czech political body would seem to be rather successful. The political elite are becoming more pro-European, partly as a result of the increased interaction with their European counterparts and EU officials, not least during the preparations for and the organisation of the Czech Council Presidency. The problems of ratifying the LT in the country should be seen as an attempt by an ever-shrinking part of the elite who resist socialisation to make a final imprint on the future of Europe.

Crucial for the future development of Czech euroscepticism, however, are developments within the ODS. President Klaus is not likely to change his position on the EU. Even if Klaus is no longer a member of the party, what is important for future developments is if his followers within the party strengthen their position ahead of the spring 2010 elections. There is a faction of the ODS party that is hard-line eurosceptic. The party discourse on the EU since the mid-90s has constructed a dogmatic view of the EU that has seemed to stick. Any attempts at greater reform of the party's EU policy are met by protests from this segment of the party. However, due to the double pressures of domestic vote utilisation and socialisation on the EU level, the influence of this group is likely to decrease.

Nothing suggests that the ODS will reconsider its commitment to the newly formed European Conservative and Reform Group in the European Parliament in the near future, but even if the party remains critical in its rhetoric of several crucial aspects of the current EU, there will be fewer concrete consequences of this.

The struggle over the LT was probably the last great opportunity for a dying breed Czech eurosceptics to make their voices heard. In the end it was only a very small part of the political

elite that tried to block the ratification process. Consequently, Klaus had no other choice but to put his signature to the Treaty after the Czech Constitutional Court had clearly stated the Treaty's compatibility with the Czech Constitution. The President, however, managed to achieve a Czech opt-out from the Charter of Fundamental Rights, despite the fact that by doing so he clearly exceeded the mandate of his office. It remains to be seen if there will be a future Czech debate on the domestic legitimacy of this opt-out.

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With the conclusion of the Convention, CEPS and other participating institutes decided to keep the network in operation. EPIN has continued to follow the constitutional process in all its phases: (1) the intergovernmental conference of 2003-2004; (2) the ratification process of the Constitutional Treaty; (3) the period of reflection; and (4) the intergovernmental conference of 2007. Currently, EPIN follows (5) the ratification process of the Lisbon Treaty and – should the treaty enter into force – (6) the implementation of the Treaty.

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