

EDITORIAL COMMENTS

After Maastricht – What now?

Hardly was the ink dry on the Treaty on European Union than criticism began of many of its facets. The new Treaty was intended to strengthen political union, and to create an economic and monetary policy which would lead ineluctably to the creation of the single currency. However, committed Europeans criticize it as not going far enough in ensuring a common foreign and security policy, while its aim of promoting political union is criticized as being no more than a pious hope. On the other hand, for many, the Treaty goes too far.

Some critics are unhappy about the pillar structure which was embraced by the treaty-makers. Others see in the protocol on Social Policy and the Agreement on Social Policy concluded by the Member States with the exception of the United Kingdom, a concrete and unwanted example of Europe "à la carte". Another feature is the use of Treaty provisions to obviate recourse to the Court of Justice, both as regards the Irish abortion question and as regards interpretation of the *Barber* judgment. The use of Treaty provisions in these circumstances could be construed both as a disturbing sign of distrust of the Court (which sits oddly with the new provisions of Article 171 (2), which indicate quite the opposite), and an unhappy precedent for future treaty-making. One could continue.

The question now facing the Community is whether the new Treaty will unravel. The problems concerning ratification in Ireland as regards the abortion issue are well known. On 6 April 1992, the Council refused Ireland's request to modify the Treaty to take account of recent changes in that country's abortion law. As a result, it was being mooted that two

to three referenda might have to be held, two on abortion and one on the Maastricht Treaty in order to separate the abortion issue from the Treaty, and thereby to ensure approval of the Treaty. A Solemn Declaration is likely to be adopted by the Member States to palliate this difficulty. In Germany, it appears that one of the main obstacles to ratification has been removed after agreement that the Constitution should be amended to require the approval of the *Länder* before powers are transferred to the Community. However, doubts remain in Germany as regards the Treaty's provisions on monetary policy, which call for the introduction of a single currency.

The outlook for ratification is also bleak in other Member States. In Denmark, the Treaty must be ratified by referendum by an electorate which is increasingly disenchanted with the Community. Spain and Portugal continue to threaten to block the Maastricht agreement until a satisfactory financial package for the poorer countries is agreed upon. In France, there are problems connected with the grant of voting rights in municipal elections and constitutional amendments will be necessary following the ruling of the Constitutional Council of 9 April 1992 that certain points in the Treaty do not conform to the Constitution. The irony is that approval in the United Kingdom is certain, but that country opted out of substantial parts of the Maastricht package.

What is one to make of all this? Is it simply that only now a debate is beginning in the Member States about the desirability of political and economic union, whereas this should have preceded the Maastricht summit? Almost uniquely, such a prior debate took place in Britain, mostly over the federalism issue. Alternatively, are we merely witnessing one of those two-steps-forward-one step-backward shifts in public opinion which has characterized the history of European integration? In that case, the difficulties referred to above may prove to be merely ephemeral.

The Maastricht Treaty must now be seen in a wider context. Following the Maastricht summit, the Commission presented two documents. The first was the Delors II package, concerning the financing of the Community from 1993 to 1997. It also presented its working plan for the current year.

The Delors II package (appropriately entitled "From the Single Act to Maastricht and Beyond, The Means to Match Our Ambitions") is

designed to meet three aims which it identifies as crucial for the future development of the Community. First, it seeks to improve cohesion by creating the necessary conditions for the economic convergence needed to make the transition to the final stage of Economic and Monetary Union on 1 January 1997. This includes the creation of a Cohesion Fund in favour of the less prosperous Member States (Greece, Ireland, Portugal and Spain). Second, it aims to make European economies and businesses more competitive (networks, recasting of research policy, vocational training and retraining). Third, the package is designed to enable the Community to expand its international responsibilities, including the common foreign and security policy. The Commission estimates the cost of economic and social cohesion at 11 billion ECU, and measures to increase competitiveness and increased external action at 3.5 billion ECU each.

To pay for this the Commission seeks an increase in Community resources of almost one-third, from 63.2 billion ECU in 1992 to 83.2 billion ECU in 1997. In 1988, the ceiling on Community resources was set at 1.20% of GNP for 1992. For 1997, the last year of the period covered by the Delors II package, the Commission is proposing 1.37%, which would allow the budget to grow by 5% per year in real terms.

The companion document, the Commission's working plan for 1992, is built around three major priorities: completing the single market and organizing the economic and social area, strengthening cohesion in the Community through approval of the Delors II package and consolidating the Community's international role (including the implementation of the European Economic area, consolidation and working out of association and cooperation agreements with the former Eastern bloc and preparations for enlargement).

It is likely that the Delors II package will meet with the same scepticism which is currently greeting the Maastricht Treaty on European Union. This is logical, as the two are so closely linked. The argument on the Delors II package will of course turn on cost, but it is likely that the debate will be more complex and will be informed by those considerations which are critical of the Maastricht outcome, and which are mostly based on how European citizens view the Community.

As the Community, and the prospect of the internal market, becomes increasingly attractive when seen from the outside, when seen from the

inside, by its own citizens, it seems costly, complex, remote and with an unclear purpose. Whereas the 1992 process leading to the creation of the single market is easily understood and an almost universally shared aim, political union, described by President Delors in the Delors II document as being "the main objective of the European venture", is not. The end of the cold war may also have changed the way in which Europeans view the Community. Its political vocation no longer appears so necessary to some. Moreover, events such as the lack of consensus between the Member States during the Gulf war are identified as demonstrating the impossibility of European cooperation in the fields of foreign policy and defence.

If these comments are an accurate reflection of part, at least, of prevailing sentiment (which as noted above may change quite rapidly) it is easy to understand why the Maastricht Treaty on European Union fails to inspire consensus or enthusiasm, and why the Delors II package is likely to face opposition. The first document is both too technical as regards monetary union, and too tentative as regards political union. The Delors II package, for its part, relies on a support for the twin concepts of European integration and solidarity which simply may not be there in the changed climate referred to above. Moreover, proposed in recessionary times, it is an extremely costly programme.

However, although the Treaty on European Union is imperfect, nevertheless, like the Single Act, it is a concrete and important step forward. Moreover, the Delors II package or a variant thereof is necessary, as it is the inevitable price to be paid for the further European integration posited by the Maastricht Treaty. Approval of the Treaty and the Delors II package, or a variant thereof, is imperative.

What is needed now is political leadership which can show the value and necessity of political integration even after the single market has been achieved. A mere act of faith will not be enough.

What is also needed is patience. Events have moved so quickly, and the Community has been so successful that we tend to forget how far we have come in the last decade, since the White Paper on the completion of the single market and the Single Act. As President Delors remarked in the Delors II document, "we are on the way to pulling off the gamble".