

# Editorial

## One Down, Two More Hurdles to go for Maastricht

With the Danish referendum successfully behind it, political attention in the Community is now focused on the United Kingdom's ratification of the Treaty on European Union. By the time this issue appears the third reading in the House of Commons should be completed and the Bill should be before the House of Lords. The Lords can at worst delay the Bill, but at the end of the day they cannot prevent it becoming law if the Commons insists. That will not prevent certain peers from donning the apparent clothes of democracy – somewhat strange in view of the composition of the House of Lords – by calling for a referendum in the United Kingdom. Such tactics, also designed to delay if not defeat ratification, are unlikely to bear fruit. In fact the voting patterns in the first Danish referendum and in the French referendum indicate particular weaknesses of referenda, namely that a slim majority is scarcely convincing as an expression of popular will, and that people display an alarming tendency not to address the issue put before them, but to vote in one direction or the other on the basis of considerations extraneous to the referendum – such as their confidence

in the government or in the economy – or on the basis of misunderstandings induced by subtle but apparently credible misrepresentations. Any referendum in the United Kingdom would be complex because in order to allow a true representation of feelings the people would have to be offered an opportunity to express their opinion on the social chapter point, not just on what has been negotiated. However, although there is no sign of the self-appointed Euro-sceptics quietening down, it may be hoped that ratification in the United Kingdom will now proceed apace.

The other Member State which has yet to ratify the Treaty is Germany, where a challenge has been mounted before the Federal Constitutional Court on the question whether the German *Grundgesetz* permits the transfer of competence to the Community which the Treaty on European Union requires. The democratic guarantees afforded at Community level are, it is argued, less strong than those of the *Grundgesetz* and should be at least equal. In view of the fact that the Treaty on European Union strengthens democratic involvement in Community decision-making (without, regrettably, going anywhere near far enough) and that the Federal Constitutional Court has already accepted that there is sufficient protection of human rights at the

Community levels for it no longer to seek systematically to be able to review Community legislation against the standards of the *Grundgesetz*, it may be thought likely that the Constitutional court will not stand in the way of ratification.

The Treaty on European Union is not out of the woods yet, but the direction of the Community has been revived and it is now incumbent on the Member States – and the Community itself – to ensure that in future steps along the integration path, resulting from the intergovernmental conference to be convened in 1996, they carry the peoples of the Community with them more clearly than they have done this time. Consolidated texts would be one way of giving a helping hand to that process.

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