

## **Should there be a referendum on the next European treaty?**

The debate about whether or not there should be a referendum in the UK on the next European treaty is tied up with the debate about what that treaty might contain. Four main lines of argument have emerged.

### **1. “The next treaty should be ratified in parliament, not by a referendum”**

This view argues that European treaties are complicated, technical documents, arrived at after careful negotiation between 27 national governments. The voters are unlikely ever to have enough knowledge to be able to make an informed judgement, putting together all the different elements of the treaty. Furthermore, any referendum is likely to turn into a glorified opinion poll on the government of the day rather than a serious consideration of the text at stake. The UK has a tradition of parliamentary democracy. For example, see Marcel Berlins in the Guardian (20 June 2007):

<http://www.guardian.co.uk/commentisfree/story/0,,2106887,00.html>

For a criticism of this argument, see argument (2).

### **2. “There should be a referendum on the next treaty, whatever it says”**

According to this view, the European Union cannot claim to be getting closer to the people if they are excluded from the most important decisions it takes. For example, see the new website by Diana Wallis MEP (Lib Dem, Yorkshire) and Danish MEP Jens Peter Bonde: <http://x09.eu/en/about/>

### **2(a) “There should be a referendum on the next treaty, but the treaty should be clear, simple and substantial”**

There is a variant of argument (2) which recognises the problems of complexity raised by argument (1). It argues that the text put forward for a referendum should therefore be clear, simple and substantial enough to make a referendum viable, while the referendum itself should be held in all European countries on the same day. The Union of European Federalists has launched a website to argue this: <https://www.europeanreferendum.eu/>

### **3. “There should only be a referendum if the next treaty is substantial enough”**

Both Labour government and Conservative opposition support this argument, while taking opposite views of course on what counts as a substantial treaty. This argument, unlike all the others, also means that it is necessary to wait for the outcome of the final negotiations before finally deciding whether or not there should be a referendum. For an example of the argument that there should be a referendum on the next treaty, see a letter published in the Financial Times (20 June 2007) from a group of Eurosceptic business leaders: <http://www.ft.com/cms/s/a73d180a-1eca-11dc-bc22-000b5df10621.html>

In the debate about whether the next treaty is substantial enough to require a referendum, bear in mind the following:

- (a) No previous European treaty has been submitted to a referendum in the UK. Both the Single European Act and the Maastricht treaty, which created far more new powers for the European institutions than are envisaged in the current debate, were ratified in parliament.
- (b) No referendum has been held on changes to any other international organisation of which the UK is part – not the creation of the World Trade Organisation, for example, nor the change in Nato to allow it to operate out of area (e.g. in Afghanistan, which is quite a long way from the North Atlantic).
- (c) The decision to hold a referendum on the former constitutional treaty in 2004 was not based on any constitutional principle, but on a party political calculation by Tony Blair in the run-up to the European elections. Under Britain's unwritten constitution, the only constitutional principle that seems to apply is that the government of the day can do whatever it can get away with.

#### **4. “There should be a referendum on EU membership as a whole”**

Advocates of this point of view argue that, even if the proponents of the next treaty are correct to assert that the new treaty is not itself a substantial new document (argument (3) above), there has already been a substantial acquisition of powers by the European institutions since 1975 which has not been approved by a referendum. No-one in Britain under the age of 50 has voted on the issue of Europe, so a referendum on the subject is overdue. For example, see an article by Conservative MEP Daniel Hannan in the Daily Telegraph (20 June 2007):

<http://www.telegraph.co.uk/opinion/main.jhtml?xml=/opinion/2007/06/20/do2005.xml>

Points to bear in mind about this argument:

- (a) Not only has there been no referendum on Europe since 1975, there has been no referendum on Scottish independence, nor electoral reform, nor the future of the monarchy in all that time either. The argument that Europe requires a referendum logically implies that there should be referendums on other issues, too.
- (b) What would a referendum on EU membership settle? After the referendum in 1975, which voted Yes by a margin of 67 per cent to 33 per cent, Tony Benn said “When the British people speak everyone, including members of Parliament, should tremble before their decision and that's certainly the spirit with which I accept the result of the referendum.” However, only a year later, the Safeguard Britain Campaign (now know as the Campaign for an Independent Britain) was launched. Would another referendum settle the argument once and for all? Or even for the next generation?
- (c) Unlike a referendum on the next treaty, a referendum on leaving the European Union altogether would see all three major parties lined on the same side, arguing for Britain to stay in. Labour, Conservative and Liberal Democrat parties are all in favour of EU membership. In the 2005 general election, in his most promising constituency (Erewash) anti-EU campaigner Robert Kilroy-Silk got only 5.8 per cent of the vote. Even though the British people do not love the EU, they would not go so far as actually to want to leave it.