

# Not so Nice: The Irish Referendum on EU Enlargement

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January 2002

At a time when the British government is pondering whether to hold a referendum on the *Single European Currency* – and at a time when pundits debate whether such a plebiscite is winnable – the Irish referendum on the 7th of June 2001 provides food for thought. The Irish were asked to ratify the *Nice Treaty*. They did not. 53.87 percent voted *nil* (no), albeit on a small turnout of a mere 34.79 per cent (despite the inclusion of two other ballots on the same day<sup>2</sup>). The outcome spurred the perception that the Irish voters have become increasingly *Euro-sceptic* (The Economist 2001).

## Background

Ireland was the only country to hold a referendum on the Nice Treaty. Following a Court Ruling in 1986, the constitutional position in Ireland is that all amendments to the European treaties must be submitted to referendums (O' Mahony 1998). The prospect of yet another referendum in Ireland did not however send shivers down the Brussels spines. Previous plebiscites on European issues had been pro-hegemonic (Qvortrup 2000), though there has been a slippage in the yes vote in each campaign following the accession referendum in 1972 (see table 1).

The referendum campaign on the Nice Treaty was not followed closely across the continent. Few – if any – expected a no-vote. Having capitalised on substantial funds from the EU, the Irish have traditionally been among the most enthusiastic supporters of European integration.

Following the defeat, the Taoiseach (Prime Minister), Bertie Ahern, and foreign minister, Brian Cowen were forced to go to the EU summit in Gothenburg with a less than desirable result. The other European governments were not exactly respectful of the Irish voters' rejection of the Treaty. The response was, perhaps, predictable for observers who remember the European governments' reaction to the Danish voters' rejection of the Maastricht Treaty in 1992 (Svenson 1996, 43). The summit effectively ignored the verdict of the Irish voters and declared that ratification and enlargement could not be halted, that the Irish government would have to solve the problem forthwith. While, the other European governments softened their approach later, they showed little regard for the verdict of the voters, let alone the principle of democracy, as set out in the Irish 1937 Constitution. The Irish Constitution upholds the right of the people '...in final appeal, to decide all questions of national policy, according to the requirements of the common good' (Article six).

## Why?

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<sup>1</sup> I am grateful to Delores Taffe, University of Limerick for help, suggestions and research assistance. I have, further, received comments from Dr. Bill Kissane and Professor Brendan O'Leary, both of the LSE. The usual disclaimer applies

<sup>2</sup> There was an amendment designed to delete any remaining references to the death penalty in the Constitution (this was approved by 62.08 per cent), and an amendment dealing with the ratification of the International Court (approved by 64.22 per cent).

Could the government have expected the outcome? Perhaps not. The government was riding high in the opinion polls. Moreover, the latest *Eurobarometer* poll (Eurobarometer 53) showed that support for European Union membership in the Republic of Ireland stood at 75 per cent. While down from 83 per cent in the previous Eurobarometer, this was still a substantial figure, as the EU average satisfaction rating (in all fifteen states) stood at 49 per cent. Further, 86 per cent admitted that Ireland had benefited from EU membership. It would seem that the Government had little to fear, and that the referendum would be an almost trivial formality – like the previous ones.

**Table One**

<i>Referendums</i>	<i>Year</i>	<i>Turnout</i>	<i>Yes vote</i>
EEC Accession	1972	71%	83%
Single European Act	1987	44.1%	69.9
Maastricht Treaty	1992	57.2%	69.1
Amsterdam Treaty	1998	56.2.%	61.74
Nice Treaty	2001	34.79	46.13

*Source: C2D. Geneva*

The yes side was bolstered by the support of the main political parties, business, the bulk of the Trade Union movement (with just one section dissenting), the farming organisations, and the mainstream media. On paper the combined electoral support for Fianna Fail (FF), Fine Gael (FG), Labour, and the Progressive Democrats (PD) accounted for 85 per cent of the votes cast in the last general election (this was held in 1997). This augured well, if only voters could be trusted to follow the cues and signals given by the parties. Even the Catholic bishops issued a statement, which seemed to favour a yes vote.

They were challenged by a motley but determined set of no groups, whose campaign outperformed the combined might of the proponents of the treaty. The no campaign comprised such diverse groups as ‘*No to Nice*’ (drawn largely from *Youth Defence*, a pro-life group), the *Green Party*, *Sinn Fein*, the *Irish Campaign for Nuclear Disarmament*, the *Justice and Anti-poverty Body Action from Ireland* (AFRI), the *Peace and Neutrality Alliance*, the *National Platform*, and *Christian Solidarity*.

It did not help the yes-side parties that they proved unable to work together with a general election looming in 2002. It seems that the yes-side parties did not co-operate as they did not trust one another, and as they were engaged in party-political rivalries. The heterogeneous no side was not, by contrast, marred by rivalries.

It was not altogether surprising that the yes-parties failed to make an effort to co-operate. They had little incentive to concentrate their endeavours. Earlier opinion polls predicted a relatively easy win. Yet, alarm bells should have begun to ring on Saturday June 2 when an *Irish Times/MRBI* poll revealed that 45 per cent intended to vote yes, the figure two weeks previously had been 52 per cent. Some 28 per cent indicated that they would be voting no, the earlier poll had shown a 21 per cent no vote. The number with no opinion remained the same at 27 per cent. Perhaps surprisingly the political parties took little notice of the poll.

Past experience and present conditions should have dictated that the result would have been favourable to the yes campaign. What was the reason for the outcome? Elections and referendum outcomes are the result of many factors. Any attempt at an explanation will necessarily leave details, and focus on a few major determinants. The evidence from the polls and the campaign –

but not necessarily other campaigns - suggest that the following factors were to blame for the outcome:

- the booming economy;
- party-political infighting, and;
- mixed and confusing messages

The voters had deep and real fears to contend with, but in addition there were many matters of contention bubbling beneath the surface between and within the political parties.

Referendums are generally won during recessions, when the voters are willing to experiment. The Swedes and the Finns voted for membership of the EU after the two countries had taken a hammering following the ERM-debacle in 1993. The Norwegians – who had been practically unaffected by the meltdown of the ERM – could afford to vote no! The Irish likewise. With a GDP growth of 11 per cent there was little incentive to experiment with changes, not least if these would lead to a reduction of Ireland's net-gains of EU-membership.

Further, the yes campaign was lacklustre and ineffective. The political parties did not present a unified front, other than agreeing on the necessity for a yes result. Indeed, they seemed more concerned with party-political point-scoring, than with securing a yes-vote.

## **The Campaign**

The timing of the vote and the length of the campaign was severely criticised. Ruairi Quinn, leader of the Labour party said the referendum was held so quickly due to partisan electoral considerations. The Taoiseach, he claimed, wanted to keep the autumn free for a General Election, and gave this consideration priority over the Treaty (Irish Times, 15/06/01). Door to door canvassing, which normally distinguishes Irish elections was used mainly, and to good effect, by the no side. Posters urging a no vote began to appear overnight throughout the country, with succinct and stark messages. Those issued by the 'No to Nice' campaign were particularly effective - striking black and red posters with the message 'You will lose! Power. Money. Freedom.'

In contrast the few posters put up by the mainstream political parties barely merited a glance. 'No to Nice' spokesperson, Justin Barrett described FF posters as 'basically background noise' (Irish Independent, June 9 2001).

Yes posters proclaimed that 'Nice is good for Ireland, good for Europe' almost as if it were some unpleasant medicine which had to be taken for the health of all. Fine Gael's poster campaign was an exercise in cost effectiveness, with an eye to matters of domestic concern. Pictures of the candidates for the next general election appeared on the posters each containing a personalised message to the effect that 'Mary Bloggs' supports a yes vote'.

As a result of the McKenna judgement<sup>3</sup> the government was restrained from using public funds to advocate partisan positions in referendums. This meant that the political parties had to dig into their own pockets to fund referendum campaigns. None of the main political parties dug into their coffers. Fianna Fail admitted it spent precisely 40, 612 Irish pounds on its campaign and affected surprise that the no camp could be so well resourced and organised. Bertie Ahern accused the no

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<sup>3</sup> McKenna-v-An Taoiseach (No.2) 1995 I.R. P. 37.

side of accepting foreign cash, from Eurosceptic Tories and American fundamentalist groups, but offered no proof.

The response from the no camp was to produce receipts and seek a high Court injunction to prevent the Taoiseach spreading false information. The political parties judged it wise to exercise restraint in spending, with a by-election on June 30<sup>th</sup> in the South Tipperary constituency. The main parties feared that their allies would free ride, and were hence unwilling to commit funds. In short, party political considerations took centre stage.

The three largest parties were desperate for a victory in the by-election. Fianna Fail had lost five by-elections since taking power, Fine Gael's new leader, Michael Noonan, needed to win so as to consolidate his position as an effective party leader, and Labour had been humiliated in the same constituency a year previously when they lost their seat to an independent socialist. In addition there was speculation that Ahern would call a general election in the Autumn (the general election is due in 2002).

No party wanted to fight a general election with depleted funds thereby giving the other parties an advantage. Further, the cash flow from corporate donations had been hit by tales of scandals and corruption emanating from the Moriarty Tribunal, and was due to suffer further depletion with the new electoral reform bill which will set a maximum limit on the amount of money a party or politician from companies, or individuals. As a result of the McKenna Judgement the government set up the Referendum Commission.<sup>4</sup> This was charged with presenting the arguments for and against in a balanced and impartial way. However it had to struggle to remain within the McKenna judgement, inform the electorate and stimulate debate at the same time.

There were more fundamental problems which affected the yes campaign. The no side had the advantage of being able to focus on one issue - to secure a no to Nice. There was evidence of co-operation between the disparate anti-Nice groups, especially in terms of local canvassing and leaflet distribution. The prize was too great to be lost over ideological bickering. They were aided by the unease which had been gradually building up over the 'my vision of Europe' speeches from European leaders, by the anger over the reprimand issued by the Commission to Finance Minister, Charlie McGreevy on his budgetary policies, and by the call for tax harmonisation by Lionel Jospin during the final stages of the referendum campaign.

The main political parties were distracted from their handling of the referendum campaign by the different games being played out in the political shadows, i.e. the Tipperary by-election. A robust, unified front would have sent a powerful message to the electorate, however, the party-political considerations prevented this. Despite their commitment to the Treaty it was clear that the opposition parties believed that the onus was on the government to play the main part. Michael Noonan, leader of the main opposition party, Fine Gael advised Fianna Fail not

'...to be playing the two ends of the market, speaking out of different sides of their mouth and using different people to make these speeches. I want them to be up, forthright, in front of this campaign as the Government with the responsibility' (Irish Times, 22/05/01).

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<sup>4</sup> Its first outing was during the campaigns for the ratification of the Belfast Peace Agreement, and the Amsterdam Treaty

The three week campaign was punctuated by criticisms of government strategy, and Labour and FG immediately absolved themselves from any share of blame in the final outcome, despite the fact that their own efforts were hardly impressive.

There were also different agendas within the government itself, which is a coalition between FF and the PDs. It has been evident for some time that there are differences in approach to European integration between Bertie Ahern, Taoiseach and leader of FF, and Mary Harney, *Tánaiste* (deputy prime minister) and leader of the PDs. Ahern's belief is if we are in, then we must be fully in. The *Tánaiste* has come out against further European integration, saying it would be against the interests of Ireland which, she says, is spiritually "a lot closer to Boston than Berlin" (Irish Times, 21/7/2000).

Speaking to a meeting of the *American Bar Association*, Ms Harney warned against a centralised Europe "with key political economic decisions being taken at Brussels level". Stressing that she "believe[d] in a Europe of independent states, not a United States of Europe" (Irish Times, 21/7/2000).

Remarkably there are cross party links here. Finance Minister, Charlie McGreevy (FF) and Harney tend to support the American model of free markets, low tax and lower social provision. That there are different agendas being played out within FF is also clear. Ms Síle de Valera warned that EU directives and regulations "can often seriously impinge on our identity, culture and traditions".

She did not favour closer integration within the EU, stating that our embracing of Europe had led us at times "to forget our close and very important ties with the United States of America" (Irish Times, 19/9/2000). It was, therefore, hardly surprising that the government parties were unable to present a convincing case to the electorate.

In retrospect to place all the blame for the no vote on the political parties would be unfair. As Michael Gallagher pointed out referendum issues rarely run along party lines (Irish Independent 11 June 2001). Party supporters may show the same diversity of views on issues, just like their elected representatives, and vote accordingly. A pre referendum poll (Irish Times/MRBI poll 2 June 2001) showed that while support for The Nice Treaty among PD supporters stood at 65%, it was merely 51 per cent for FF supporters, 50 percent among Labour voters, and 45 per cent among the strongly pro-European party FG.

## Conclusion

The polls indicated that the government was within close range of victory. It is possible the outcome would – or at least could – have been very different had the yes parties been able (and willing to co-operate). They did not. The yes side was split as a result of internal rivalries between the respective yes parties. The focus on the Tipperary by-election created tension within the yes-camp. The proponents of the Nice Treaty were anxious not to carry the full cost of the campaign lest their the other yes-parties would gain an advantage in the by-election. The result: the parties of the yes side failed to co-operate.

The No-side, by contrast, succeeded in maintaining unity - ostensibly because the parties were too ideologically heterogeneous to pose an electoral threat to each other.

Yet, it is possible that the treaty would have been rejected even if the pro-treaty parties had managed to co-operate. Evidence from previous referendums on European integration suggest that voters tend to reject proposed treaty changes if the domestic economy is performing well. With a GDP growth in excess of 11 per cent, the Irish had little incentive to vote yes!

It is impossible to single out one single determining cause. Politics is not an exact science. Many different concerns combined to bring about the rejection of the Nice Treaty. Fear of loss of independence, the neutrality status of Ireland, loss of subsidies, anger at the government for taking the voters for granted, precipitated a majority of the voters to vote no. Further, the row with the European Commission over public spending, several ministers Euro-critical remarks, and general disagreement as the the aim of Irish membership of the EU, seem – with the benefit of hindsight – to explain the outcome. The referendum was another case of Murphy's Law: all that can go wrong, will go wrong!

Whether these factors will combine in the No-side's favour in the next referendum on the Nice-Treaty (possibly to be held in late 2002) remains to be seen. One thing, however, is undisputed, the Irish can no longer be counted upon as Euro-Enthusiasts. Proponents of further European integration are well advised to remember this, lest they should suffer the same fate as the Irish yes-side.

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