

REFERENDUM BRIEFING PAPER NO 16 THE REFERENDUM ON THE TREATY OF LISBON IN THE REPUBLIC OF IRELAND, 12 JUNE 2008

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Key points:

- The Republic of Ireland was the only one of the 27 EU member states to hold a referendum to ratify the Treaty of Lisbon.
- The referendum took place just over a year after the general election which saw the Green Party go into coalition with Fianna Fáil and the Progressive Democrats.
- In the midst of the campaign, Bertie Ahern resigned as Taoiseach, being replaced by Brian Cowen.
- The country voted by 53% to 47% against the Treaty, with a 53% turnout.
- The 'No' vote was concentrated amongst women, young people and the working class.
- Although many voters indicated a lack of understanding of the content of the Treaty of Lisbon, polls suggest a high level of engagement with the issues rather than the referendum being a 'second-order election'.
- The government is now faced with contrasting pressures, with a number of EU voices calling for a second referendum while most Irish commentators would rather avoid such a scenario.

Background

Early in January 2008, a commentator on Irish radio drew an analogy. Noting the brief but very intense political spotlight enjoyed by the first state to hold a caucus as the US presidential primaries got under way, Olivia O'Leary looked ahead. In the summer,

¹ I would like to thank Prof. Michael Marsh and Dr Andy Storey for their assistance and suggestions.

Ireland would be holding a referendum on the Treaty of Lisbon, and would get its own spotlight. “All of Europe will be watching, just like we’re a caucus, Europe’s Iowa.”

It was an interesting analogy, but one that overlooked a couple of details. In the USA, Iowa happens to be the first state to vote, but all the other 51 states follow suit; in the EU, Ireland was the only member-state risking a public referendum on the Treaty of Lisbon. And in the USA, Iowa might enjoy a brief spell in the political limelight, but it does not decide the outcome of the election; across the pond, the Irish vote could determine whether or not the Treaty of Lisbon could come into force.

Lisbon was the seventh occasion that the Republic of Ireland had voted on a European issue. For the most part, those earlier referendums had been passed easily and comfortably, allowing Ireland to acquire a reputation as a ‘good’ – or, at least, an ‘obedient’ – member state. But in 2001, to the astonishment of the political establishment in Ireland and across the EU, the country had initially voted against the Treaty of Nice.

Although the vote was overturned in a second referendum a year later,² the veneer of being a ‘good’ European had been cracked - not least because the ‘No’ vote could not be solely attributed to a moment of success for long-standing opponents of the EU. Equally important were the very evident criticisms of the EU emerging within parties that had previously been staunch advocates of integration. Leading members of the Fianna Fáil-Progressive Democrat coalition that had been in power since 1997 had openly expressed concerns about the direction of integration.

However, during the early build-up to the Lisbon referendum, there were reasons to predict that another ‘No’ vote was very unlikely. First of all, having had their scare in 2001, the leaders in Fianna Fáil seemed determined to avoid another slip. Secondly, the outcome of the 2007 general election in the Republic of Ireland appeared to weaken the ‘No’ side.³ Two parties with a tradition of opposition to EU treaties had disappointing results. The Socialist Party lost its lone parliamentary seat while, after a series of electoral advances, Sinn Féin failed to make further progress. Furthermore, the aftermath of the election produced a slightly new government with one very new participant. Fianna Fáil and the Progressive Democrats were returned to power with a new coalition partner; the Greens, a party that had again been a regular advocate of ‘No’ votes in successive referendums.

It would be unfair to portray the Green Party as ‘selling out’ on the European issue as soon as they had the chance of participating in government. For some time an evolving internal debate in the party had presaged a move to a more pro-EU position. But this gradual transformation came to a head with Lisbon. The party’s parliamentary group called for a ‘Yes’ vote at the end of 2007, and in January 2008, the Greens held a special convention to consider adopting this position as overall party policy.

² See: Karin Gilland, ‘Ireland’s Second Referendum on the Treaty of Nice, October 2002’, *Opposing Europe Research Network Referendum Briefing No 1* at <http://www.sussex.ac.uk/sei/documents/irelandno1.pdf>.

³ See: Michael Holmes, ‘Europe and the General Election in the Republic of Ireland, May 24 2007,’ *European Parties Elections and Referendums Network Election Briefing No 34* at http://www.sussex.ac.uk/sei/documents/epern_35_ireland.pdf.

Although the majority of the party was in favour, the convention failed by just 13 votes to reach the two-thirds majority stipulated in party rules. This left the Greens without an official policy on Lisbon, although individual members were free to canvas on either side. Some prominent Greens were still very active on the 'No' side, notably former MEP Patricia McKenna. But for the first time, many Greens were calling for a 'Yes' vote.

Set against the possible weakening of the opposition, there were also some difficulties on the 'Yes' side. First of all, the general economic situation was worsening. After years of high growth, the 'Celtic Tiger' boom years were ending, and there were plentiful predictions of impending economic problems. The weeks before the referendum saw protests from farmers about the WTO negotiations, from fishermen about soaring fuel prices and restrictive quotas, and from trade unions about increasing job insecurity.

Another factor was the series of tribunals to investigate allegations of political corruption, and Fianna Fáil Taoiseach Bertie Ahern had been called to answer questions before one such tribunal on a number of occasions. Ahern had already indicated his intention to retire before the next general election, but the pressure of the tribunal perhaps precipitated his decision to step down on 7 May. This had a dual effect. First, it meant that at a key period in the build-up to the referendum, Fianna Fáil's attention was focused not on the EU but on the transition from Ahern to the new leader, Brian Cowen. Second, the tribunal's investigations contributed to an environment of scepticism about politics and politicians.

The campaign

The government delayed declaring the date for the referendum until 25 April, but by that time the campaign was already well under way. For the most part, the 'No' campaign was built around groups and issues familiar from earlier EU referendums. The change of policy by the Greens left Sinn Féin as the only parliamentary party calling for a 'No' vote. But a number of smaller parties were also active - particularly left-wing ones such as the Socialist Party and the Socialist Workers' Party. In addition, a number of pressure groups were active in the 'No' campaign. These ranged across the political spectrum. On the left, two trade unions came out against the Treaty, Unite and the Technical, Engineering and Electrical Union (TEEU). On the right, there were fundamentalist Catholic groups and a new group called Libertas, advocating a neo-liberal form of opposition to the Lisbon Treaty.

The main arguments being made by the opposition bore strong similarities to earlier campaigns. One issue common to virtually all groups on the 'No' side was concern about the perceived democratic deficit in the Union, with groups citing the unelected nature of the proposed Council President as well as complaints about ignoring the French and Dutch 'No' votes on the Constitutional Treaty.⁴ This was closely linked to

⁴ For more on these referendums, see: Sally Marthaler, 'The French Referendum on the ratification of the Constitutional Treaty, 29 May 2005', *European Parties Elections and Referendums Network Referendum Briefing No 12* at http://www.sussex.ac.uk/sei/documents/epern_rb_france_2005.pdf; and

concerns about protection of national sovereignty, in particular highlighting the cession of an Irish Commissioner and the perceived strengthening of the power of bigger states. Another issue raised by a number of groups was opposition to the militarisation of the EU and protection of Irish neutrality.

However, there were also issues specific to particular groups. On the right, Libertas focused strongly on issues of taxation and trade, arguing that Lisbon would permit EU interference in Ireland's highly pro-business tax rates. The group was led by businessman Declan Ganley, and its arguments gained further support from other prominent business leaders such as aviation entrepreneur Ulick McEvaddy. Also on the right of the campaign, the fundamentalist Catholic group C oir (which translates as 'fairness') argued that Lisbon would lead to an undermining of Ireland's laws on abortion.

From the other side of the political spectrum, a left-wing critique emerged from groups like the Socialist Party and from some unions. They argued that the Court of Justice's rulings in the controversial Laval and Ruffert cases showed the EU to be a fundamentally pro-business neo-liberal project, inimical to workers' rights. They claimed that Lisbon would involve a move towards further liberalisation of public services.

Inevitably, this meant that although, in previous referendums, there had been a reasonable amount of cooperation on the 'No' side, there was no real attempt to do so in relation to Lisbon. Such co-ordination as existed was amongst like-minded groups, so for instance left-wing groups worked together in an umbrella body called the Campaign Against the EU Constitution, while pro-neutrality groups collaborated in the Peace and Neutrality Alliance.

On the 'Yes' side were the three largest parties in the state – Fianna F ail, Fine Gael and the Labour Party – together with the Progressive Democrats. In addition, a large number of groups came out in support of the Treaty, including employers' organisations, most trade unions and various other interest groups. However, there were a number of interesting features about the 'Yes' campaign. First of all, the media was less supportive than in previous referendums. From the mid-1990s onwards, British newspapers had increasingly sought to penetrate the Irish market, and newspapers ranging from the Sun and the Star to the Daily Telegraph and Daily Mail had set up Irish editions. This brought some of the Euroscepticism common to British 'red-tops' into the Irish market.

A second feature of the 'Yes' campaign was the number of 'ditherers' - groups that 'hummed and hawed' about their stance, who ultimately called for a 'Yes' vote, but ended up doing so in such a half-hearted and qualified fashion that many of their supporters were left unconvinced. Top of this particular list were the farmers' organisations. For a long time, the Irish Farmers' Organisation (IFA) and the Irish Creamery Milk Suppliers' Association (ICMSA) threatened to call for a 'No' vote

Robert Harmsen, 'The Dutch Referendum on the ratification of the European Constitutional Treaty, 1 June 2005', *European Parties Elections and Referendums Network Referendum Briefing No 13* at http://www.sussex.ac.uk/sei/documents/epern-rb_netherlands_2005.pdf.

unless the government promised to use a veto over any WTO trade deal, although they eventually came out for a 'Yes' vote. Similarly, the country's largest trade union, the Services, Industrial, Professional and Technical Union (SIPTU), refused to endorse a 'Yes' vote, though it stopped short of advocating a 'No'. Even amongst employers' groups, there was evidence of divisions. Although the organisation itself was calling for a 'Yes', a poll of managers of small and medium sized firms by the Irish Small and Medium Enterprises (ISME) association suggested that almost three-quarters of them were going to vote 'No'. And the president-elect of the Chambers of Commerce of Ireland stated that, while he accepted the official pro-Lisbon position of his organisation, at a personal level he did not support the Treaty.

Third, a number of very prominent voices on the 'Yes' side confessed that they had not read the Treaty text. This was of particular importance given that some on the 'No' side was arguing that the document was incomprehensible, and was saying "if you don't know, vote no". First up in the 'rogue's gallery' was the new Taoiseach, Brian Cowen, who admitted that he had not read the treaty "from cover to cover". Later on, the Irish Commissioner Charlie McCreevy stated that "no sane or sensible" person could be expected to read the document. A leaked email from a senior official in the Department of Foreign Affairs contained an acknowledgement that the Treaty was "largely incomprehensible to the lay reader", while the president of the Referendum Commission, Mr Justice O'Neill, noted "it certainly would not be your favourite holiday reading. It is a dense legal document."

It is also worth noting the dearth of co-ordination on the 'Yes' side. An umbrella grouping, the Irish Alliance For Europe, was active, but more comprehensive collaboration proved elusive. Although the leaders of Fianna Fáil, Fine Gael and the Labour Party eventually agreed to appear on a common platform just three days prior to the vote, their attempts at coordination were riven by party-political sniping. Even the common photo-shoot caused a spat, when the leader of the Green Party complained that he had not been included.

But perhaps the biggest problem throughout for the 'Yes' campaign was finding a positive argument for Lisbon. The various groups emphasised the general advantage of being a part of the European Union, with little reference to any specifics of the Treaty. Instead, there were two tendencies of the 'Yes' campaign which actually played into the hands of their opponents. First, a number of 'Yes' campaigners issued warnings about the loss of influence Ireland would suffer if it voted 'No', which was somewhat self-defeating given that their opponents were arguing that the EU was marginalising small countries. Secondly, there was a tendency to denigrate the opposition, with for example Bertie Ahern dismissing 'No' campaigners as "loolah's" (meaning 'lunatics'). Again, this was probably counter-productive.

At the start of the year, a series of opinion polls had indicated that the Treaty would pass comfortably. They showed a majority of at least two-to-one in favour, though with a large number of people undecided. The first real alarm bells for the 'Yes' side came in a Red C poll conducted for the Sunday Business Post on 26 April. This showed a sudden narrowing of the gap, with the 'Yes' side ahead by only 35% to 31%. After that, most polls indicated a very tight contest. Indeed, a TNS/mrbi poll for the Irish Times on 5 June showed the 'No' side leading for the first time. By the last

weeks of the campaign, it was clear that the Treaty of Lisbon was by no means assured of its passage.

The results

As Table 1 shows, the final result was a clear victory for the ‘No’ side, by a margin of almost 110,000 votes. Only ten of the country’s 43 constituencies returned a ‘Yes’ majority. The turnout, at about 53%, was generally interpreted as being good. This was significant, because one of the arguments that had been advanced to explain the ‘No’ vote in the first Nice referendum, and to justify holding the second referendum, was that turnout had been very low.⁵

Table 1: Ireland’s European referendums, 1972-2008

Date	Topic	Yes%	Yes#	No%	No#	t/o%
10 May 1972	membership	83.1	1,041,890	16.9	211,891	70.9
26 May 1987	Single European Act	69.9	755,423	30.1	324,977	44.1
18 June 1992	Maastricht Treaty	69.1	1,001,076	30.9	448,655	57.3
22 May 1998	Treaty of Amsterdam	61.7	932,632	38.3	578,070	56.2
7 June 2001	Treaty of Nice (1)	46.1	453,461	53.9	529,478	34.8
19 Oct. 2002	Treaty of Nice (2)	62.9	906,202	37.1	534,887	49.5
12 June 2008	Treaty of Lisbon	46.6	752,451	53.4	862,415	53.1

Sources: Department of the Environment and Local Government, *Reifrinn in Éirinn/referendums in Ireland 1937-1999*, Dublin: The Stationery Office, 2000; K. Gilland (2002) ‘Ireland’s Second Referendum on the Treaty of Nice, October 2002’, *Opposing Europe Research Network Referendum Briefing No 1* at <http://www.sussex.ac.uk/sei/documents/irelandno1.pdf>; and *Irish Times* 14 June 2008.

Two opinion poll surveys provided indications of the patterns of ‘Yes’ and ‘No’. A Eurobarometer survey revealed a significant difference in terms of gender, with women more likely to have voted ‘No’ (56%) than men (49%). There was also evidence of an age differential, with younger people much more likely to have voted ‘No’ than older people - the ‘Yes’ vote was as low as 35% amongst 18-24 year olds, rising to almost 60% amongst over-55s. There was also a clear class element, with manual workers preponderantly on the ‘No’ side (74%) while those in managerial classes showed the strongest propensity to vote ‘Yes’ (60%).⁶ Finally, a Red C poll for the *Sunday Business Post* suggested that farmers had voted ‘Yes’ by about 64% to 36%, but that the overall vote in rural communities was strongly on the ‘No’ side.⁷ This suggested that the dithering by farmers’ organisations might have been significant beyond their immediate members.

Both surveys also revealed patterns of voting by party support. Sinn Féin supporters showed the greatest allegiance to their party stance, with the Eurobarometer poll indicating about 95% of them voted ‘No’. There was also clear evidence that Labour

⁵ See: ‘Ireland’s Second Referendum on the Treaty of Nice, October 2002’, p5.

⁶ See: European Commission, *Post-referendum survey in Ireland: analytical report*. Brussels: European Commission/Flash Eurobarometer report no. 245, 2008.

⁷ See: Red C, *EU referendum opinion poll June 2008*. Dublin: Red C Opinion Poll, conducted for the *Sunday Business Post*, 2008.

supporters had voted 'No', with the Red C poll suggesting that as many as two-thirds of Labour supporters did so. According to both polls, Fine Gael supporters were split almost 50-50 on the Treaty, something of a surprise given the party's traditionally very strong pro-EU position. About 60% of Fianna Fáil supporters voted in favour of the Treaty, and supporters of the Progressive Democrats were the most likely to have voted 'Yes'. However, the polls disagreed in relation to Green Party supporters, with the Eurobarometer poll suggesting 57% of them voted 'No', while the Red C poll gave the same figure voting 'Yes'.

The surveys also provided indications of the reasons for the vote. Amongst 'Yes' voters, the prime motivation was a sense that the Treaty of Lisbon was in Ireland's best interests (32%), followed by a general feeling that Ireland has benefitted from EU (19%), then that voting 'Yes' would keep Ireland fully engaged in Europe (9%) and that Lisbon would help the Irish economy (9%). Motivations amongst 'No' voters were much more diverse. The strongest unifying 'No' feature was a perceived lack of understanding (22%), followed by a desire to protect Irish identity (12%). Smaller percentages picked out specific issues such as safeguarding neutrality, retaining an Irish Commissioner and preserving the tax system (all 6%).

One feature that showed up clearly was that voters felt that the 'No' side had won the arguments - 68% of all voters, including as many as 57% of 'Yes' voters, thought the 'No' campaign had been more effective. This was further borne out by perceptions of the main issues of the campaign. Over 80% of 'No' voters, and 77% of 'Yes' voters, associated Lisbon with losing an Irish commissioner; over 60% of all voters, and almost 80% of 'No' voters, said they thought Lisbon would lead to changes in Irish tax rules; 45% of all voters thought Lisbon might make abortion more likely; three-quarters of those who voted 'No' believed Lisbon would compromise Irish neutrality; and a similar figure thought that a 'No' vote would strengthen Ireland's hand for a re-negotiation of the Treaty.

All of these arguments indicate the success of the 'No' side in setting the agenda of the campaign, and in winning the subsequent debates. But the polls revealed a further aspect of interest. Amongst all voters, 89% supported Irish membership of the EU, including 98% of 'Yes' voters but also as many as 80% of 'No' voters. Indeed, the Red C poll indicated that a considerable minority of No voters (40%) believed Ireland should integrate more deeply with the European Union. This fits in with the perspective adopted by most of the parties and groups active in the 'No' campaign. It is very rare indeed for such a group to advocate an end to European integration or an Irish withdrawal from the Union. Instead, their arguments are pitched as support for the principle of integration but opposition to specific measures.

Consequences and interpretations

The usual way of seeing European referendums has been as 'second order elections', ones where voters are commenting on the performance of their government rather than on the subject matter of the referendum itself. So did Ireland vote 'No' because of extraneous issues? In particular, was the vote really an expression of disenchantment

with the government, and nothing to do with Europe? It seems unlikely. Opinion polls suggest that people were not voting on the basis of their attitudes towards the government - and, indeed, following the referendum there was no evidence of a falling off in support for either the government or for the pro-Treaty opposition parties. In other words, the Lisbon Treaty referendum took on more of the characteristics of a 'first-order election'.

A related interpretation would focus on the performance of the government in the referendum campaign. Did Ireland vote 'No' because of the weakness of the 'Yes' campaign? There is certainly plenty of evidence to suggest that the 'Yes' side ran a very poor campaign. They were distracted by other events, they were late in getting their campaign going, which in turn meant that they were unable to wrest the initiative from the 'No' side, and they were afflicted by blunders and by political in-fighting. However, it would be very dangerous to assume that a repeat referendum could be won easily if the 'Yes' side simply did a better job. Such a conclusion implies that the 'No' vote was based on ignorance, whereas there are extensive indications that those who voted 'No' did so for coherent and logical reasons.

So what exactly were those reasons? Did Ireland vote 'No' because of outright opposition to European integration? Almost certainly not - there is far too much evidence to contradict this. Opinion polls consistently show a high degree of support for Irish membership of the EU, and, indeed, a considerable amount of support for the development of integration. Additionally, almost all of the groups campaigning for a 'No' vote were doing so having declared their support for the EU and European integration more broadly. Their emphasis instead was on either changing the direction of integration, or maximising Ireland's influence in the decision-making processes.

So did Ireland, therefore, vote 'No' because of opposition to the content of the Treaty? An initial instinct might suggest otherwise, because the dominant reason given in opinion polls for voting 'No' was a lack of information about the Treaty rather than aversion to its content. However, this could be a reflection of the fact that there were a multiplicity of reasons for voting 'No', rather than any single dominant narrative. If the various fragmented motives for voting 'No' are tallied, they indicate a large number of people voting against the content - or, at least, the perceived content - of the Treaty.

This leaves two big problems. First, to what extent were these perceptions accurate? Certainly, there is widespread agreement that some of the motivations adduced by 'No' voters are false. In particular, most people on both sides of the argument concur that Lisbon does not pose a threat to Ireland's constitutional restriction on abortion, but that did not stop a considerable number of people from believing the opposite. Secondly, to what extent can the disparate, even directly contradictory, 'No' opinions be aggregated? For example, Libertas argued that the EU over-regulates and restricts business, while left-wing groups decried the Union for being far too pro-business.

The one theme that linked most of the 'No' groups was a concern for nationalism, or perhaps more accurately 'nationalisms'. There was an overtly nationalist party, Sinn Féin, arguing in general for a better deal for Ireland; there was the Catholic nationalism of C oir, calling for protection of Irish social mores; there was the

economic nationalism of Libertas, calling for protection of Ireland's right to set its own taxes; and there is the foreign policy nationalism of some of the peace groups, calling for protection of Irish neutrality. But even this theme would leave the concerns of many of the left-wing groups un-addressed.

So what will be the way ahead? The new Taoiseach, Brian Cowen, met his EU colleagues a few days after the result was announced, and it was decided to allow the Irish government time to consider appropriate responses over the summer, and deliver its conclusions at an EU summit meeting in October 2008. But the government is torn between two competing demands. On the EU front, they are under pressure to find a way round the impasse. This is generally taken to mean a second referendum, after appropriate 'clarifications' of the Treaty's content have been negotiated. Indeed, some on the 'No' side have pinned their hopes on this approach, with Sinn Féin already having published a list of demands.

But on the domestic front, there is little desire for another referendum. There are many on the 'Yes' side who are adamant that the vote should be respected, perhaps mindful of the mileage that the 'No' side could make out of the argument that the EU was proving its lack of democracy by ignoring the initial Irish vote. For example, Fine Gael and the Labour Party are insistent that the referendum should not be re-run. And of course, whilst declarations, protocols and clarifications might persuade some 'No' voters to swap sides, there is also the prospect of those who voted 'Yes' going in the other direction in protest at the rather too obvious attempt to manipulate and subvert a democratic decision.

What does this mean for Ireland's relationship with the EU? Some doom-mongers amongst the 'Yes' campaign are probably right. While short-term concessions are possible, in the medium term, Ireland's stock has been considerably reduced, so the rejection of Lisbon will probably reduce the influence of Ireland at the EU table. But, in the long term, this is not solely an Irish problem it is a European one. The EU has failed to find an effective way of allowing its citizens to engage with its processes. Put simply, the 'permissive consensus', which allowed governments a very free rein to establish the Union, has not been sustained to allow for its further development.

This is the latest in a series of election and referendum briefings produced by the European Parties Elections and Referendums Network (EPERN). Based in the Sussex European Institute, EPERN is an international network of scholars that was originally established as the Opposing Europe Research Network (OERN) in June 2000 to chart the divisions over Europe that exist within party systems. In August 2003 it was re-launched as EPERN to reflect a widening of its objectives to consider the broader impact of the European issue on the domestic politics of EU member and candidate states. The Network retains an independent stance on the issues under consideration. For more information and copies of all our publications visit our website at <http://www.sussex.ac.uk/sei/1-4-2.html>.