



REFERENDUM BRIEFING NO 1 IRELAND'S SECOND REFERENDUM ON THE TREATY OF NICE, OCTOBER 2002

**Dr Karin Gilland
School of Politics
Queen's University Belfast
E-mail: k.gilland@qub.ac.uk**

Key points:

- The referendum held on 19 October, 2002 reversed the previous June 2001 No vote and enabled Ireland to ratify the Treaty of Nice.
- Turnout increased by about 14% from the 2001 referendum.
- Compared to the June 2001 Nice referendum, the size of the Yes vote doubled whereas the No vote remained roughly the same.

Introduction

Unlike other EU member states, Ireland has a constitutional requirement to hold a referendum after the Oireachtas (the two Houses of the Irish parliament: the Dáil and the Seanad) has voted to accept any changes to the European Treaties. On October 19 2002, therefore, the Irish people were asked to vote on the changes agreed at the December 2000 Nice summit and accepted them by 62.89%. This result was entirely in line with the previous Irish referendums in favour of: accession (1972), the Single European Act (1987), the Maastricht Treaty (1992) and the Amsterdam Treaty (1998). However, the vote in favour of Nice was controversial because it was the second time the Irish people were asked to ratify the Treaty having previously rejected it on 7 June, 2001 by 53.87% to 46.13%.¹ Levels of turnout were also very different in the two Nice referendums: 34.79% in June 2001 and 49.47% in October 2002.

¹ See: K. Gilland, 'Ireland's (First) Referendum on the Treaty of Nice' *Journal of Common Market Studies* Vol 40, 3. 2002.

Background

The story of the October 2002 Nice referendum begins with the shock and disbelief that followed the defeat of the same Treaty in a referendum in June 2001. Three major measures were taken between the two referendums: the establishment of the Forum on Europe; the creation of more rigorous Oireachtas structures for monitoring European affairs; and the Seville declaration on neutrality.

The government established the Forum on Europe with the intention that this would ‘facilitate a broad discussion of issues relevant to Ireland’s membership of an enlarging Union,...and to consider the range of topics arising in the context of the debate on the Future of Europe.’² The Forum provided a space for members of the Oireachtas (and others, nominated by parties represented in the Oireachtas), Irish and Northern Irish MEPs, as well as non-elected members who formed a Special Observation Pillar (including the social partners, groups active in the Nice referendum campaign or European affairs generally, registered political parties not represented in the Oireachtas and parties from Northern Ireland). The Forum also accepted submissions and evidence from a wide cross-section of additional groups and individuals. The Forum hearings were disseminated through publicly available reports. In the months prior to the second Nice referendum the Forum travelled around the country and held public meetings, in an effort to promote debate and awareness. The impact of the Forum on the result of the second Nice referendum is impossible to measure precisely. However, since it consisted almost exclusively of people and groups with a prior interest in European issues, talking to each other, it is questionable whether the Forum’s establishment accounts for any of the difference between the two referendum results.

The second measure taken improved parliamentary monitoring of European affairs. To allow the Oireachtas to monitor European affairs more effectively, the Irish government introduced rules and guidelines requiring ministers to appear before relevant parliamentary committees before and after attending European Council meetings, to explain the government’s position and any decisions taken at the Council. However, the government can abolish this requirement at will, so it is not necessarily a very strong safeguard of the Oireachtas’ ability to monitor European affairs, nor of its ability to scrutinise the government. Still, it is a clear advance on the Oireachtas’ previous scrutiny procedure.

The third measure was intended to assuage public concerns about the future of Irish neutrality if the Nice Treaty were ratified. At the Seville European Council (21-22 June, 2002) the other EU14 governments accepted an Irish declaration that spelled out the so-called triple lock - UN mandate; cabinet approval; Dáil approval - on Irish participation in EU activities of a military nature.³ The triple lock was nothing new, and moreover the

² See: www.forumoneurope.ie

³ The most likely reason why the government did not seek any assurances on abortion, to counter arguments from the anti-abortion lobby in a second Nice referendum, is that in the intervening period there was a referendum on abortion in Ireland, which presumably took the issue completely off the agenda

declaration had no legal status, so this measure on the part of the Irish government must be understood primarily as a political signal to the Irish electorate. In response to the Irish declaration, the European Council issued a declaration of its own. It recognised the right of Ireland (and all other member states) to decide in accordance with national constitutions and laws whether and how to participate in any activities under the European Security and Defence Policy.⁴

Domestically, the Irish declaration was subject to criticism and ridicule from parties opposed to the Nice Treaty, which also opposed a second referendum: 'If it were a cheque it would bounce' said Green Party TD Mr John Gormley of the declaration.⁵ The declaration's legal standing, the fact that it added no new safeguards for neutrality and the question of constitutionally enshrining neutrality as an alternative to the declaration were issues that were aired, as well as how democratic it was to hold a second Nice referendum at all.

In the general election of 17 May, 2002, Nice (and 'Europe' generally) was conspicuous by its absence from the campaign.⁶ This was despite – or perhaps because – the government coalition parties, Fianna Fáil and the Progressive Democrats, promised a second Nice referendum before the end of 2002 if they were returned to government. So did the opposition parties Fine Gael and Labour, in the event that they should form a new government. The Green Party, Sinn Féin and a handful of left-wing micro parties viewed the result of Nice I as a great success and vowed not to hold any more referendums on the issue.⁷ After the general election, the Fianna Fáil – Progressive Democrat coalition quickly lost favour with the people, for a number of reasons that had nothing to do with Nice or the EU.⁸ Table 1 shows that the popularity of the government, and the personal appeal of the Taoiseach, were at record lows at the time of the 2002 referendum. In contrast, at the time of the 2001 referendum government popularity was roughly twice as high (the May 2001 figures are the closest in time to that referendum), and the Taoiseach's personal satisfaction rating a third higher than in October 2002. This did not bode well for the government's ability to persuade the Irish people to vote in favour of the Nice Treaty in October 2002.

⁴ See: European Union. 2002. Declaration of the European Council, 21 June 2002; and Ireland. 2002. National Declaration by Ireland on the Treaty of Nice.

⁵ See: *Dáil Éireann Official Report*, 25 June, 2002.

⁶ See: K.Gilland, 'Europe and the Irish General Election of May 2002,' Opposing Europe Research Network/Royal Institute for International Affairs Election Briefing No 2 at <http://www.sussex.ac.uk/Units/SEI/oern/ElectionBriefings/index.html>.

⁷ Had the election outcome been different, so that either the Greens or Sinn Féin had been invited into a coalition, they might have been able to prevent a second Nice referendum. However, it may also have turned out that they would have modified their position in order to enter government.

⁸ For example, the state of public finances suddenly turned out to be much worse than the government parties had intimated during the election campaign. As a consequence the planned, state of the art sports stadium Campus Ireland that was Taoiseach (Prime Minister) Bertie Ahern's pet project had to be cancelled. A damning report into politicians (primarily from Fianna Fáil) accepting 'donations' from businessmen was also published.

Table 1. Satisfaction with the Government and the Taoiseach

| Date | | Government Satisfaction (%) | Taoiseach Satisfaction (%) |
|------|------|--------------------------------|-------------------------------|
| Sept | 2000 | 43 | 55 |
| Jan | 2001 | 58 | 66 |
| May | 2001 | 59 | 64 |
| Jan | 2002 | 52 | 68 |
| Feb | 2002 | 56 | 67 |
| Apr | 2002 | 57 | 69 |
| May | 2002 | 61 | 70 |
| Sept | 2002 | 36 | 51 |
| Oct | 2002 | 33 | 44 |

(Source: *Irish Times*, 17 October 2002).

The Campaigns

The government (and the Yes side more generally) could not, therefore, rely on its popularity to win the day in the 2002 referendum. The question was: would voters, fed up with a body politic that seemed increasingly corrupt, bother to vote at all, and would they distinguish between their opinion about the government and their opinion about the Nice Treaty?

The government and the main opposition parties (Fine Gael and Labour) campaigned in favour of the Treaty together with the major trade unions (Irish Congress of Trade Unions, Irish Farmers' Association, Irish Business and Employers' Confederation) and other groups such as the Alliance for Europe and Irish Co-operative Organisation Society. Their central arguments focused on preparing the EU for enlargement, and that enlargement would be beneficial for Ireland. In addition enlargement was presented as something of a moral obligation to show solidarity to the people of Central and Eastern Europe who had suffered under Soviet rule and subsequently spent 10 years trying to democratise. 'Giving others the same chance Ireland got in 1973' was a central segment of this argument. In the context of enlargement, securing Ireland's future economic competitiveness was also an issue: enlargement was argued to give better access to markets for Ireland's export-oriented economy. Campaign posters showed wide-eyed, innocent Irish children whose future job prospects required a Yes vote. The Labour Party cleverly tried to exploit the government's unpopularity while at the same time avoiding to use the Nice Treaty as a stick with which to beat the government. Their slogan read 'Hold Your Fire. FF [Fianna Fáil] can wait. Europe can not. Vote Yes'. The Yes campaign spent a total of €1.68 million.⁹

The No campaign consisted of political parties (the Greens, Sinn Féin, Socialist Party, Workers' Party) and a number of other organisations (Immigration Control Platform, National Platform, and Afri [Action from Ireland]) who worked under a shared umbrella, the No to Nice campaign. It traded heavily on emotional and uncomfortable slogans and pictures. One poster read 'Goodbye UN [picture of (presumably Irish) blue-bereted UN

⁹ www.ireland.com/focus/nice

peacekeeper hugging a civilian], Hello Nato [picture of gun-toting, gas-masked soldier]'. Another showed a man with a gun to his head, with the caption 'Don't be bullied'. A third poster read, with reference to the June 2001 referendum, 'You still lose! Power. Money. Freedom.' The No campaign spent a total of €170 500.¹⁰

The Result

The October 2002 referendum decisively overturned the June 2001 No vote. 62.89% of the people cast a Yes vote this time, as against 37.11% No votes. Turnout also increased by about 14%, from 34.79% to 49.47%. In June 2001 only two constituencies (both in the Dublin area, but, embarrassingly, not the Taoiseach's own Dublin Central constituency) had a Yes majority; in October 2002 every constituency voted Yes.

Table 2. The Nice Referendums Compared.

| Referendum | Yes (%) | Yes (no.) | No (%) | No (no.) | Turnout (%) | Turnout (no.) |
|------------|---------|-----------|--------|----------|-------------|---------------|
| Nice 2001 | 46.13 | 453 461 | 53.87 | 529 478 | 34.79 | 997 826 |
| Nice 2002 | 62.89 | 906 202 | 37.11 | 534 887 | 49.47 | 1 446 588 |

Table 2 shows that even the government's pledge to 'fight it like a general election' did not raise turnout above 50%, compared to the 2002 general election, where turnout was 63.0%. It seems clear that a sizeable segment of the public do not approach EU referendums as if they were general elections. Nevertheless, raising turnout by 14% was an achievement, especially considering the government's relatively low level of popularity.

The increased vigour of the Yes campaign accounts for the lion's share of the significant increase in turnout. The Yes vote jumped from roughly 450 000 votes to over 900 000 votes. In other words, it doubled, in absolute terms. Meanwhile, the increase in the No vote was less than 5500 votes, representing just over a 1% increase on June 2001. In summary, not only did the unpopular government manage to get the vote out. It also managed to make voters distinguish between, on the one hand, disliking the government, and, on the other hand, voting in favour of the government-supported Treaty.

Comparing the June 2001 and October 2002 referendums, it emerges that the No camp exhausted their vote the first time round, whereas the Yes camp did not manage to get their vote out. The No camp clearly has a small but keen vote base that it does not have to work very hard to activate, while the Yes camp has a much larger, but also much more complacent, voter base. The Irish political establishment got away with it this time, but the lesson they take from the Nice experience must be that they have to earn their referendum victories and cannot simply take them for granted.

Consequences for the EU and Ireland

¹⁰ www.ireland.com/focus/nice

The consequences for the EU of the October 2002 Nice referendum is, of course, that the Treaty can come into effect in accordance with the timetable set out at the December 2000 European Council. More importantly, it means that enlargement can proceed without any major EU-internal obstacles. It is questionable whether the other EU member states would have allowed a second Irish No to Nice to remain an obstacle for very long, but the relief in other countries was nevertheless palpable.

The Irish government was also spared some blushes, and declared Ireland's continued future at the heart of Europe to be safe. A second No would not, of course, have meant that Ireland would have had to leave the EU, but it would probably have severely depleted Ireland's good-will account. This would have been unfortunate at any time, but especially so at a time when Ireland's days as net recipient of EU funding are coming to an end.

Conclusion

As the Irish referendum result was declared the European continent from East to West was unified in a deep sigh of relief. Ireland was the fifteenth and last EU member state to ratify the Treaty of Nice, thereby allowing enlargement to proceed without major delay. The Irish government saved itself some considerable discomfiture, though in truth other EU heads of government were probably thanking their lucky stars that they did not have to hold referendums as well.

In light of the October 2002 referendum, it would be a mistake to view the June 2001 outcome as a harbinger of great changes in Irish public opinion vis-à-vis the EU. What the Nice experience reveals is that Irish governments can no longer take referendum results for granted. They are winnable, but no more than that.