



WILL THE IRISH GUILLOTINE LISBON?

By Hugo Brady

On June 12th Ireland will hold the EU's only referendum on the Lisbon Treaty. The fate of the treaty – a wide-ranging set of reforms to EU decision-making – hangs on the vote: all 27 member-states must ratify for it to enter into force. If the Irish say Yes, Ireland will become the 16th EU country to pass the treaty, virtually assuring its uneventful passage through the parliaments of the other 11 member-states. Polls show that the Yes side maintains a fragile lead, but there is a real risk that the traditionally pro-European Irish could vote No, thereby blocking reforms that the EU's governments say are vital. More importantly, a No would land a critical blow to the morale of Europe's political establishment and force the EU into a further bout of negotiations about institutions and rules. The likely outcome of the referendum is a close result that will be determined by the level of voter turn-out.

A race to the finish

On May 6th, EU governments heaved a collective sigh of relief when Bertie Ahern, Ireland's long-serving taoiseach, stepped down as leader of the country's coalition government. Though still popular, Ahern's authority to campaign for a Yes vote in the upcoming referendum was fatally undermined by his questioning before a corruption tribunal. Brian Cowen, his successor as taoiseach and leader of the governing Fianna Fáil party, quickly launched a campaign to ratify the treaty, hoping that his honeymoon period as the new leader and a jump in approval ratings for his party would ensure success.

Cowen, a popular and tough politician, believes passionately that the treaty is vital to Ireland's national interests. Small countries can wield undue influence in the EU system if they are perceived, as Ireland is, to be an enthusiastic member. Cowen has engaged his party's considerable canvassing machinery in a door-to-door campaign to mobilise voters. Although late in starting – the 'No' side had been virtually unopposed for months – the campaign has shored up support for the treaty. According to the last independent polls, conducted in mid-May, 41 per cent of voters now support the treaty, with 33 per cent opposing it and 26 per cent remaining undecided.¹ Ominously, however, the No side seems to be scooping

up more undecided voters than the Yes campaign. Previous campaigns have been decided by a late shift in voter opinion in the days before the poll. Both sides will hold back their most potent arguments for the close of the debate, hoping to capture the imagination of undecided voters and swing the vote in their favour.

¹ Pat Leaby, 'Both sides gain and race will go to the wire', *The Sunday Business Post*, May 25th 2008, www.sbpost.ie.

Cowen's efforts are helped by the fact that Ireland's businesses, media and political mainstream are almost uniformly pro-European. The main opposition parties are also running Yes campaigns. Both the second largest party, Fine Gael, and the Labour Party have urged their voters to "resist the natural temptation" to use the poll to punish the government at a time of slowing economic growth, falling house prices and rising inflation. The Green Party, which disliked previous EU treaties, is now in government and has said it will not oppose this one. With all main business organisations supporting the treaty, as well as a group representing civil society, the Irish Alliance for Europe, the treaty's passage would seem likely, if not assured.

Nevertheless, the Yes side is still fighting an uphill battle. Most voters know little about the EU and are instinctively suspicious about voting for an international treaty that few understand and many feel has not been explained clearly enough. In addition, a significant amount of pro-European voters who would

normally support the established parties remain divided on the treaty, reluctant to hand Cowen's party an early tribal victory.

Hence the Irish may well vote down the treaty. If they do, Cowen has said he will not hold a second referendum. Although a second vote was held on the Nice treaty in 2002, the government maintains that this was a one-off due to exceptionally low voter turnout and general public willingness to go to the polls again. However, the truth is that no-one is really sure what would happen in the event of a No vote. The next steps would be dependent on the exact circumstances of the vote: how many voters had turned out and which No arguments had seemed to swing the result.

What is clear is that an Irish rejection would sap the political will of governments to implement a difficult set of reforms to the EU's institutions, first agreed as part of the constitutional treaty in 2004. Certainly the EU's forthcoming summit on June 19th would be held amidst a feeling of crisis, where the weakening consensus behind the reforms could finally unravel. An Irish No would also be bad news for Gordon Brown, the embattled British prime minister, who stood firm against a campaign calling for a referendum in the UK on the Lisbon treaty. Brown could come under strong pressure to abandon the treaty's ratification, now in its final stages in the British parliament, and declare the EU's attempts to reform itself over. If the treaty is abandoned, EU countries are likely to give up on attempts to ratify wide-ranging reform treaties, preferring instead the ease of working more closely together through *avant-garde* groups on matters such as defence, foreign policy or taxation.

The campaign

From the start of the campaign, the Yes side has been hampered by the fact that the Lisbon treaty contains no grand project, such as the euro or enlargement to the east, to capture public attention. The treaty is already a 'plan B', an attempt to move the EU on from its disastrous attempt to pass a constitutional treaty in 2005. As a result, the treaty is mostly a set of bureaucratic reforms, save, perhaps, the Charter of Fundamental Rights that has been tacked on to its main text. (In a rare moment of humour in the campaign, the Irish commissioner, Charlie McCreevy, quipped "there is no plan C".)

Faced with the chore of communicating complex reforms, Yes campaigners have instead stressed the benefits of EU membership to Ireland's economy, the need to make European institutions work better, and the damage a rejection would do to Ireland's influence in Brussels. Such arguments have been used in previous referendums. But they may be too defensive or hackneyed to motivate potential Yes voters to turn out on a working day. High voter turnout has been critical to winning previous campaigns.

By contrast, referendums tend to galvanise anti-establishment forces. Sinn Féin, the small nationalist party that fared poorly at the last general election, may be the only opposition party to campaign against the treaty. But several anti-EU groups are running energetic No campaigns as well. One example is C oir, a small ultra-conservative group of Catholic activists which had a significant role in the Irish rejection of the Nice treaty in 2001. C oir's wildly exaggerated claims that the treaty would legalise gay marriage, abortion, euthanasia, prostitution and hard drugs in Ireland are designed to alarm social conservatives. Anti-establishment left-wing groups warn that the treaty will transform the EU into an undemocratic, militarised super-state, allow the privatisation of public services and mean an end to Ireland's sovereignty and tradition of neutrality. Such organisations are much more motivated and committed than the established party machinery. As in past referendums, they can be expected to achieve a 30 to 35 per cent No vote.

A slick new pressure group, Libertas, hopes to significantly add to this percentage by targeting the most critical votes in the campaign: those of wavering moderates. Libertas mostly eschews the traditionally extreme arguments of veteran anti-EU campaigners. It concedes the majority view that EU membership has undoubtedly been good for Ireland. But the group argues that ratifying the Treaty of Lisbon would bring the good times to an end by reducing Irish voting power in Brussels, harmonising its low corporate taxes upwards, and stripping the country of its 'national' representative in the European Commission.

Led by a wealthy businessman, Declan Ganley, Libertas has become the leading voice of the No campaign. It hopes to foster a kind of Celtic Tiger euroscepticism amongst a public that is increasingly bewildered by a succession of referendums on EU integration. Ireland has never been unthinkingly pro-European. Before passing previous referendums the Irish have won special declarations and protocols on defence policy, abortion as well as an opt-out on border controls and immigration policy. Hence the central message of the Libertas campaign is that voters should say No to the Lisbon treaty in order to secure a special protocol to protect Ireland's low rates of corporation tax.

Farmers and trade unions have found it difficult to make up their minds on the treaty. They have made their support for a Yes vote contingent on receiving assurances from the government about their own interests, however unconnected to the text. While the largest trade union body, the Irish Congress of Trade Unions, has called for a Yes vote, it will not actively campaign for one. However a large crafts union, the Technical, Engineering and Electrical Union, is actively opposed. Its membership cites recent cases from the European Court of Justice as evidence that the EU is undermining worker's rights. (In 2007, the court ruled that EU companies could post workers temporarily in other member-states without paying them the same wages as local workers). SIPTU, the largest single union, has withheld its support for the treaty, unless the government introduces new laws strengthening collective bargaining rights. Tensions between the government and the unions are rising ahead of forthcoming national pay talks.

Farmers, supportive of previous treaties due to years of EU financial support, have been incensed by proposals to open up the single market to beef imports from Argentina and Brazil. The proposals are a part of an attempt by Peter Mandelson – the EU's trade commissioner – to re-start stalled world trade talks and have no relevance to the text of the treaty. Some observers fear that Mandelson's proposals could have the same impact on the campaign as the so-called 'Bolkestein directive' did in referendums on the constitutional treaty in France and the Netherlands in 2005.² Cowen is desperate to avoid a similar juxtaposition in Ireland between the Lisbon treaty and the WTO talks. He has successfully placated farmers with an unlikely commitment to veto the WTO proposals in their current form. For their part, the farmers have accepted the logic that a Yes vote will give Cowen a stronger hand to defend Irish agricultural interests in Brussels.

² *The draft directive was aimed at creating a single European services market and was irrelevant to the text of the constitutional treaty. Nonetheless, many No voters used referendums on the constitutional treaty in France and the Netherlands to voice their opposition to it.*

Foreign policy and defence issues were prominent in previous referendums, but have so far failed to ignite public attention. This could be good news for the Yes side, pointing to the fact the touchy issues such as neutrality can be resolved by political assurances. But it could also mean that voters have simply become apathetic when it comes to the EU.

Previous EU referendums in Ireland have established the rule of thumb that a turnout of close to 50 per cent should ensure the treaty passes. (Turnout in the second referendum on the Nice treaty was around 1.5 million votes, or 49.5 per cent of the electorate). To win, the Yes side must therefore give voters incentives to say Yes, and a real sense of what they could lose by voting No or staying at home. But if the Yes campaign exaggerates the threat of plummeting Irish influence in the EU to provoke a higher turnout, this could backfire. The Irish will go to the polls knowing that the Netherlands and France voted down an EU treaty, with no obvious long-term consequences for either country.

Counting on middle Ireland

The Irish consistently record high levels of support for the EU. However, being pro-European in general does not translate into automatic support for any EU treaty brought forward in a referendum. That would be fatuous. Each of Ireland's five referendums on EU integration since 1986 has been a stressful affair, involving a kind of crash course in EU affairs administered every few years but never retained in the public mind. Ireland's partners in the EU, though relieved by each Yes result, tend to forget that such polls are always difficult to win.

³ *Richard Sinnott, 'Voters' confidence in their knowledge of treaty is crucial', The Irish Times, May 20th 2008.*

A key factor in the result will be whether the Yes side can give undecided moderate voters confidence that they understand the relative significance of the treaty and the issues at stake.³ This is not necessarily the same thing as knowing specific facts about the text. Unless voters are reasonably certain or re-assured by the politicians they trust, the treaty will fall. The future of the EU could hang on whether prosperous middle Ireland, whose very existence is considered one of the triumphs of European integration, will care enough on the day to turn up.



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Hugo Brady is a research fellow at the Centre for European Reform.

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