



CENTRE FOR EUROPEAN REFORM

briefing note

DON'T FORGET THE DUTCH REFERENDUM

By Daniel Keohane

Three days after the French vote on the EU constitutional treaty on May 29th, the Netherlands will hold its referendum. Current opinion polls predict that the Dutch will reject the treaty. If France votes No, the Dutch result will probably be irrelevant.¹ But if the French vote Yes, the EU could end up facing the tricky new problem of a Dutch No. Such a result might not kill off the constitutional treaty. But as a founding and traditionally influential member of the EU, a Dutch No vote would still represent a major set-back, throwing the whole ratification process into doubt.

¹ See 'What happens if France votes No?' CER, May 2005, www.cer.org.uk.

Why the Dutch could vote No

There are three basic reasons why the Dutch could vote No. First, many voters are dissatisfied with Dutch domestic politics. The Netherlands, traditionally a model of sleepy consensus politics, is currently enduring its most turbulent political period since the Second World War. The Dutch economy is stagnant, and the current centre-right government – a coalition of the Christian Democrats (CDA), the VVD Liberals and the D66, a small social-liberal party – is weak and divided. Some Dutch voters welcome the treaty referendum as an opportunity to give the government a bloody nose.

Second, there is growing disenchantment with the EU. The Dutch pay the most per capita into the EU budget, and many feel they get too little in return. The No campaign, a coalition of the far left and the religious right, is also playing on fears that the constitutional treaty will greatly erode national sovereignty. In particular, some Dutch fear (wrongly) that the EU will attempt to interfere with Holland's liberal social policies, such as legalised gay marriage and euthanasia. Others blame the euro for rising prices at a time when the economy is stagnating. This is the first time the Netherlands has held a referendum on an EU treaty, so widespread questioning of the benefits of EU membership is hardly surprising. Previously the

Dutch political elite signed and ratified EU treaties and there was little public debate about European integration. But now the Dutch public has an opportunity to make their concerns heard. As Lousewies van der Laan, deputy leader of the D66 liberals, stated recently: "I think it is clear that the love affair [with the EU] is over, not from the viewpoint of politicians, but definitely from the public."²

² Sarah Leitner and George Parker, 'Political elite startled as Dutch voters turn against EU', *Financial Times*, May 15th 2005.

Third, some Dutch think that the EU is not doing enough to help control immigration. The Netherlands has taken in large numbers of immigrants in recent years, especially – but not only – from predominantly Muslim countries. The argument made by anti-immigrant politicians, that "the Netherlands is full" has struck a cord with some voters. The 2002 murder of Pim Fortuyn, a populist anti-immigrant politician, and the assassination last year of Theo van Gogh, a film-maker, have exacerbated ethnic tensions, and have led to increasing anti-Muslim sentiment. As a result some Dutch oppose Turkey's eventual membership of the EU, since it is a predominantly Muslim country. They will vote against the constitutional treaty because they think this would block Turkish accession.

But what is most striking about the Dutch referendum campaign is the electorate's lack of interest. Even though this is the first ever referendum (on any issue) in the history of Dutch democracy, the novelty does not seem to have sparked the imagination of the voters. An opinion poll in mid-May, conducted by the independent Maurice de Hond polling institute, showed that 45 per cent of the Dutch supported the treaty while 55 per cent were against. However, a massive 62 per cent of voters said they would abstain.³ This lack of knowledge and interest amongst Dutch voters is astonishing, even though the lacklustre referendum campaign only recently got off the ground. It also stands in stark contrast with a Dutch government opinion poll in March 2005, in which 76 per cent of voters said they would vote.⁴

³ Results available on www.peil.nl.

⁴ See the Dutch foreign ministry's website, www.minbuza.nl.

What happens if the Dutch vote No?

If the Netherlands votes No, the Dutch government and the EU have essentially three options: the Dutch parliament could still ratify the treaty; the Netherlands could hold a second referendum; or the Dutch might have to leave the EU.

Even if the Dutch vote No, in theory it is still possible that the Dutch parliament would ratify the treaty, because the referendum is not legally binding. Dutch political parties are split about what to do in the event of a No. The smaller parties – the Greens, VVD Liberals, D66 and the Socialists – want the parliament to respect the result regardless. However, the Christian Democrats and the main opposition Labour party have said that they will only respect the result of referendum as long as the turnout is above 30 per cent. These two parties would have enough parliamentary votes to ratify the treaty. Realistically, however, it would probably not be possible politically to ignore a referendum result, as it would leave those parties open to the charge that they were subverting a democratic process.

If the treaty is rejected, then the Dutch government could potentially hold a second referendum. Legally, the 25 EU governments have until November 2006 to ratify the treaty, so there would be time for the Netherlands to organise another poll. And if the other 24 countries ratified the treaty, pressure would grow to hold a second Dutch vote. After all, the Danish and the Irish governments succeeded in securing positive votes second time round on the Maastricht (1992) and Nice (2001) treaties respectively. However, those countries only held second votes when they had received assurances on issues that had proved contentious. Similarly, the Dutch government might acquire a declaration from the EU heads of government assuring Dutch voters that the Union would never interfere with Holland's liberal social policies. Alternatively, the Dutch government could attempt to negotiate an opt-out from a contentious EU policy area, such as immigration.

The worst-case scenario, and probably the least likely, would be for the Netherlands to leave the EU. This scenario would only come about if all the other member-states ratified the treaty, which is by no means certain. The treaty still faces a difficult passage in referenda in other countries, such as the Czech Republic and Britain, which are both set to vote next year.⁵ However, if the other 24 countries ratify the treaty, they might want to adopt it. Unless it obstinately used its veto to stop the others going ahead, the Netherlands would have to

renegotiate its membership terms. In that event it is probably more likely that the Dutch would hold a second referendum. The government could cite plans by other governments to exclude their country as a reason for voting again. Alternatively the government could use Holland's isolation as grounds to ratify the treaty in the parliament (although whether the Dutch public would accept such a ratification wheeze is another matter).

⁵ See Daniel Keohane, 'A French lesson for Europe? A guide to the referenda on the EU constitutional treaty', CER, April 2005, www.cer.org.uk.

Conclusion

A Dutch No vote would be a major setback for the EU. The Netherlands is a founding member, has been a model EU member-state and the most influential of the smaller countries. A Dutch rejection would come as a shock – especially after a French Yes – because Holland has been one of the main beneficiaries from European integration, in terms of its prosperity and security. For officials in Berlin, Paris and London – as well as Belgium and Luxembourg – an EU without the Netherlands is unimaginable.

However, unlike France, the Netherlands is not a large powerful country, and trades on its constructive membership to gain influence at the EU table. A No vote would put Dutch influence in jeopardy. It is possible the Netherlands would be let off the hook by a treaty rejection in another country, such as Britain. But if the other 24 EU governments ratify the constitutional treaty, it is not certain that they will want to wait for the Netherlands.

Daniel Keohane is senior research fellow at the Centre for European Reform, 19th May 2005.