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**ASUNTO:** THE IRISH REFERENDUM ON THE LISBON TREATY - WILL IRISH EYES BE SMILING?

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June 12<sup>th</sup>, 2008 marks a significant date for the European Union: on this day, the Irish will be asked to decide the fate of the Lisbon Treaty, Ireland being the only country in the EU-27 which requires the people to vote through a nation-wide referendum. A referendum is necessary because the Irish Supreme Court ruled in the 1980s that major changes to European Community treaties require constitutional amendments; such amendments to the Irish constitution can only be made by way of a referendum in which only Irish citizens (not all residents) can vote. This therefore places Ireland in a situation that much of Europe is watching with interest, albeit perhaps nervously. Is it possible that the only country scheduled to hold a referendum – a country which has a population less than that of Madrid - will single-handedly thwart the agreement? In order to answer this question, this report starts by setting the context of the referendum.

### ***Context of the Referendum***

In order to better understand the context within which the referendum will be held, it is significant to note that Ireland's Prime Minister (Taoiseach) for the last several years, Mr. Bertie Ahern, announced his resignation in April 2008 because of increasing questions about his personal and professional financial affairs. The successor to Mr. Ahern was his Finance Minister, Mr. Brian Cowen, who officially became the Prime Minister on 6 May only weeks before the Lisbon Treaty referendum is to be held.

Known to be a fighter who certainly is less eloquent than Mr. Ahern, Mr. Cowen was the most obvious choice for the job given his previous high-ranking portfolios in the government and his wide-range of experience. Although he slightly reshuffled the cabinet of the Fianna Fáil, Progressive Democrats, and Green Party coalition government, there was a sense that Mr. Cowen would offer strong continuity to the policies adopted by the previous Ahern administration. While there is no reason to doubt policy continuity under Mr. Cowen, the main difference between the environment he finds himself in, compared to that of the twilight years of the Ahern administration, is that it appears that the Celtic Tiger has lost some of its roar.

In a nutshell, prices are increasing, the housing market is slowing down, foreign investors are having second thoughts about staying in Ireland, and the perceived forecast for economic growth is not particularly strong. In many ways, the fear of economic deceleration is not particularly different to that many Spaniards have been aware of since the early part of 2008, seen especially during the 2008 election campaign in Spain. The difference between the two countries, however, is that the Irish of today, particularly the youth, are not used to be worrying about money. And since the entrance of the 2004 accession states, Irish concerns about the loss of structural funds and disadvantageous reforms to the Common Agriculture Policy (in a country for which the agriculture sector is still important) all mean that the average Irish voter is not in a very good mood coming up to the referendum. To this end, the next section considers the positions of the main actors in Irish politics towards the referendum and how the voters are responding in return, as captured by opinion polls.

### ***Positions of Main Actors and Possible Scenarios***

If it were up to the political parties to decide the referendum outcome, it would be an easy victory. All parties that form part of the government coalition – Fianna Fáil, Progressive Democrats and the Green Party – as well as the main parties in opposition – Fine Gael and Labour Party – are all in favour of the Lisbon Treaty. Both business groups and labour organizations also fully support the Treaty: the main Irish business organization, IBEC, as well as the Irish Conference of Trade Union have showed open enthusiasm. The basic idea of all of these members of the 'Yes' campaign is that approval of the Treaty will ensure that Ireland maintains a decisive position in EU.

The only political party to oppose the Lisbon Treaty is Sinn Féin. Led by prominent members such as MEP Mary Lou McDonald, Sinn Féin and members of the 'no' campaign have claimed that Lisbon will threaten Ireland's historical neutrality when it comes to foreign policy, that Ireland will lose power in the Council and Commission, and that its farmers would lose out in future agriculture reforms.

Taken together, one may not unreasonably think that if all major parties, businesses and labor organizations are in favor of the Lisbon Treaty, then what seems to be the problem? The problem is potentially two fold and it relates to the unpredictability of the Irish voters, both historically as well as this time around.

First, there is the history of the two referenda on the Treaty of Nice. When asked to approve the Nice Treaty in June 2001 (henceforth, referred to as Nice I), 53.87% voted against Nice, while 46.13% voted in favor. The total number of votes cast was less than one million voters, representing less than 35% of the electorate<sup>1</sup>. As a response, the government decided the best scenario was to hold a second referendum, basically with the intention to push it through. The second Nice referendum in October 2002 (henceforth, Nice II) thus saw a higher turnout rate of 49.47% (1.45 million voters), with 62.8% voting in favor and 37.11% voting against<sup>2</sup>. While the result of Nice II was a relief for many domestic and EU observers, the result of Nice I still leave many in the EU anxious about how the Irish electorate is capable of voting.

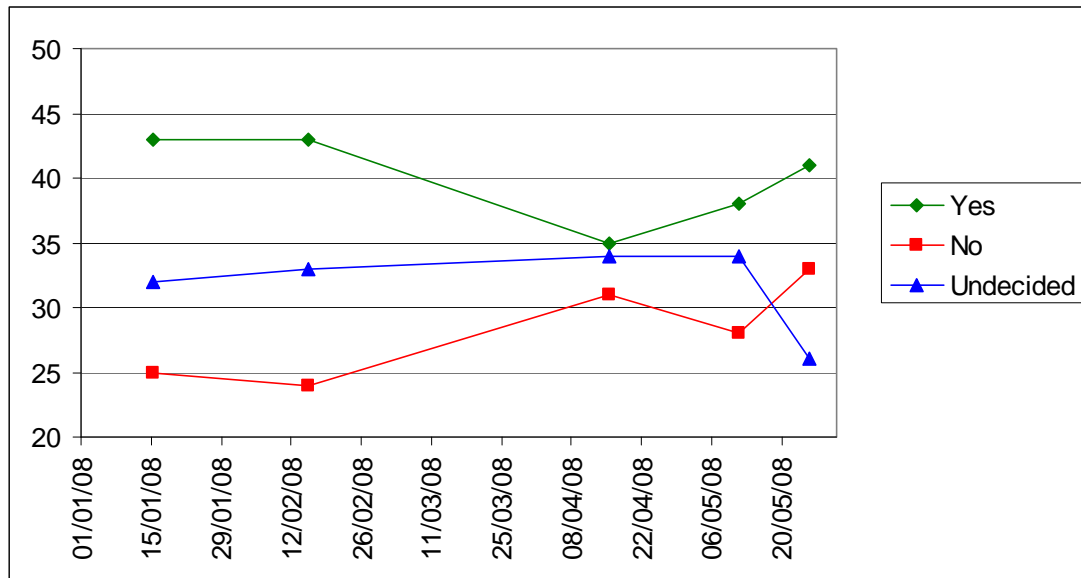
Secondly, this time around in 2008 there are even more questions about how the electorate may vote as captured in Graph 1 below.

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<sup>1</sup> Eoin O'Malley and Michael Marsh, 2002. 'Ireland,' *European Journal of Political Research* Vol. 41, 979.

<sup>2</sup> Eoin O'Malley and Michael Marsh, 2003. 'Ireland,' *European Journal of Political Research* Vol. 42, 982.

Graph 1: Opinion Polls - How Irish Citizens Will Vote in the Referendum on the Lisbon Treaty.



*Sunday Business Post, May 25th 2008, page 13. The question that was asked is the following: In 2008, Ireland will hold a referendum to ratify the EU reform treaty. If there was a referendum tomorrow, would you vote for Ireland to sign up to the Reform Treaty or not?*

The top line of Graph 1 indicates that at any one time since January, less than 45% would have actually voted 'Yes' (where 50%+1 is required for the referendum to pass). Interestingly, between February and April, this number declined, possibly as a consequence of Bertie Ahern announcing his resignation. One sees that since the beginning of May the 'Yes' side has nevertheless slightly recovered to more than 40% from the nadir of 35% that is attained in April. Most strikingly, a good portion of the electorate remains 'Undecided,' hovering at around one-third of the voters. Although the 'Undecided' vote has decreased throughout May, such voters have switched in higher proportion to the 'No' side rather than to the 'Yes' side. By the end of May, the 'No' side has thus reached a maximum in the time-series of 33%.

**Strategic positions of Spain and the EU.**

With so many undecided voters at the time of writing (end of May), it is difficult with any certainty to call the outcome. There are two obvious scenarios. The first is that the Irish voters approve the Lisbon Treaty; the second, they do not. In either scenario, it will likely be a marginal victory.

In the first scenario, the 'Yes' campaign and the rest of the European Union will certainly let out a huge sigh of relief. It will reinforce Irish commitment to the Union and solidify its historical position of favoring further European integration. It will also mean that there are no further hurdles for the EU in passing the Lisbon Treaty as no other member states are taking the question to the electorate. In such a scenario, all countries such as Spain that favor the Treaty can basically rest easy.

The worries for the EU will set in, however, if the Irish vote against the Treaty. In this scenario, there are two likely outcomes. The first, as seen in the Nice Treaty Referendum, is that the Irish electorate may be asked again to vote on the Lisbon Treaty. In Nice II, a higher percentage came out to vote and it was passed; the government will have to work hard to attain a victory if there is second referendum. The second is that a 'No' victory in Ireland may de-rail the Lisbon Treaty altogether, by either resulting in other member states developing cold feet in wake of the defeat, or simply stalling the ratification of the Treaty which requires all member states to accept it unanimously.

In order to prevent these outcomes, Spain and other member states of the Union would be well advised to adopt a strategic position to help the Irish government ensure that the 'Yes' side wins, including coming to Ireland before the vote is taken and encouraging the Irish electorate to come out to vote. As Nice II indicates, the higher the percentage of voters, the more likely the referendum is to pass. The risk of doing this, of course, is that it may result in a backlash from the Irish voters who may feel offended that 'outsiders' are trying to meddle in domestic affairs. But, on the other side, one may pragmatically argue that it is better for the rest of Europe to convince the Irish voter by demonstrating their commitment to the Treaty, rather than standing still and doing nothing. Otherwise, if the 'No' side prevails, there will be an air of uncertainty in Europe about the future of the Lisbon Treaty and, perhaps more importantly, the future of the European integration project.

As the famous song goes, 'when Irish eyes are smiling, sure, they steal your heart away.' One can only hope that with a little encouragement from Spain and the rest of the EU, Irish eyes will not be frowning, potentially taking the European project away.

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