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THE IMPACT OF REFERENDUMS ON THE PROCESS OF EUROPEAN INTEGRATION

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ABSTRACT

Direct democracy is becoming more and more significant in political life. Not only does it give citizens the right to choose the government, it also gives them the right to contribute to making important decisions, thus improving the quality of citizens' participation in politics. One of the most popular and most commonly used forms of direct democracy used in politics is referendum, the significance of which is still increasing. Both in the countries of Western Europe, where the tradition of democracy is well established, and in Eastern and Central Europe, referenda are effective tools which complement representative power. Recently there has been a significant increase in the importance of referenda during the construction of so-called unified Europe. The aim of this article is to present the influence of referenda on the European integration process.

KEYWORDS

European Union, referendum, EU accession, EU treaties

INTRODUCTION

Referenda belong to the social dimension of European integration. They are the only way for citizens to have a direct influence on the political decisions being made for the societies of EU member states. Since the moment when the European Community appeared, its development can be charted on two levels. Firstly, it has intensified the co-operation between the signatories of agreements in the areas with which they did not concern themselves before (so-called integration-deepening by accepting other treaties). Secondly, the co-operation is widened by including new states within the agreement (so-called integration-widening). Relevant decisions are often taken by referring to the will of citizens through referendum.

ACCESSION REFERENDUMS

Table 1

Country	Date	Result of Referendum
Denmark	1972	For
Ireland	1972	For
Norway	1972	Against
	1994	Against
Austria	1994	For
Finland	1994	For
Sweden	1994	For
Malta	2003	For
Slovenia	2003	For
Hungary	2003	For
Lithuania	2003	For
Slovakia	2003	For
Poland	2003	For
Czech Republic	2003	For
Estonia	2003	For
Latvia	2003	For

The impact of referenda on the process of European integration is significant. A referendum is a tool, which helps to build the European Union through an intergovernmental agreement. Taking citizens' participation into consideration while making decisions concerning the accession of a particular country to the Community became a permanent part of informal accession procedures and it is an

indispensable stage of gaining EU membership. Fifteen of twenty seven EU member states organized referenda concerning EU membership. Among the "old fifteen" members of the EU, an accession referendum took place in six countries, and soon before the widening in 2004 a referendum was organized in the nine states of Central and - Eastern Europe.¹

It was the referendum results, and not the political establishment, which was a critical factor in joining this organization. It should be stressed that political leaders in public speeches made the latest decision about accession to the EU dependent on the results of the referendum. In some countries there was a constitutional requirement for organizing a referendum concerning membership in a supra-national organization, such as the EU (e.g. in Austria, Ireland, and Denmark). In other countries the decision to consult the population over the accession issue was the result of the government's good will (e.g. in Norway, Sweden, Finland, and Central and East European countries).

1. REFERENDUM ACCESSION IN NORWAY

Norway was the first state to call the referendum twice; these referenda concerned the accession to the European Economic Community (1972) and the European Union (1994) and they were both won by the opponents of Norwegian membership. In the 1994 Norwegian referendum campaign, the arguments used twenty-two years before were used again, although the context of the membership was entirely different. The cold war was over and the Norwegian economy was booming thanks to the oil supplies in the North Sea. Norway signed the agreement of the European Economic Area that gave it the access to the EU markets.

The opponents of European integration used mainly political and economic arguments. They insisted that entering the EEC would mean losing national sovereignty² and that the North Atlantic Treaty Organization guaranteed security in a sufficient way so there was no need to join another organization in order to improve state security. "The dictates from Brussels" were not popular within the Norwegian society and they were perceived as undermining the egalitarian

¹ Cyprus was the only country where the referendum did not take place as its constitution does not consider this institution. It needs to be emphasized that on 24th April.2004 a referendum concerning Cyprus reunification was held in Cyprus. The result of the vote was negative due to the attitude of the Cyprian Greek who, unlike Cyprian Turks, rejected the idea of the reunification of the island. Only the Greek part of the island entered the EU as a result of the referendum (www.euractiv.com (April 27, 2004)). A former President of Cyprus George Vassiliou suggested calling the next referendum concerning reunification of the island before the end of 2004 in order to enable its Turkish part to enter the EU (www.euractiv.com (May 7, 2004)). In other countries of Central and Eastern Europe the sequence of accession referenda was the following: Malta (9.03.2003), Slovenia (23.03.2003), Hungary (12.04.2003), Lithuania (10-11.05.2003), Slovakia (16-17.05.2003), Poland (7-8.06.2003), the Czech Republic (13-14.06.2003), Estonia (14.09.2003), Latvia (20.09.2003).

² Jacques Mer, "Au pays des irréductibles," *Politique internationale* No. 82 (Winter 1998/99): 422.

democratic tradition in Norway. Some voters held the opinion that European integration is nothing more than "an imperialist invention". There was also a fear of foreign companies buying out smaller Norwegian enterprises and banks.³

The opponents of integration indicated economically negative effects of Norwegian membership in the EEC. Economic integration would mean a serious challenge for agriculture and fish industry. The most frequently used arguments referred to agriculture sector and peripheral areas protection. It was thought that Norwegian agriculture would not endure in the EEC and that fishermen would be forced to let foreign fishermen use Norwegian waters. The opponents postulated self-determination, which in fact was reduced to offshore policy of oil and natural gas supplies⁴ – that meant keeping these valuable supplies only to Norway, not sharing them with Brussels. It is worth mentioning that the opponents of membership tried to avoid particularly sensitive issues that could turn the EEC opponents against one another.

As far as political arguments were concerned, in 1994, the opponents of membership insisted that the accession to the European Union would weaken Norwegian political independence and its Constitution. Those criticizing the EU focused on the idea of the national state endangered by the Union. The EU institutions were accused of lack of democratic regulations, which could have resulted in the threat to Norwegian democracy and its sovereignty. The opponents used simple and stereotype-based alternatives in their slogans: "Democracy or the European Union?", "No for EU- Yes for democracy", "No for EU, Yes for solidarity".⁵

The political union suggested by the Treaty of Maastricht was reminiscent of the unpopular union with Sweden that was terminated in 1905. The debates concerning Norwegian accession to the EU were accompanied by fears of reducing Norwegian sovereignty in any form and losing national identity. EU membership would be equal to losing national sovereignty and, as a result, denying the 1905 referendum that separated Norway from Sweden and made it independent.⁶ Membership in the EU was compared to the forced union between Norway and Sweden, which was the reason for the reluctant attitude of the part of Norwegian society towards the membership.⁷ As a result of historic associations with long-lasting unions with Denmark and Sweden the word "union" itself was perceived by

³ Lars Svåsand and Ulf Lindström, "Sliding Towards EC Membership: Norway in Scandinavian Perspective," *Government and Opposition* Vol. 27 (3) (Summer 1992): 343.

⁴ Johan Jørgen Holst, "Norway's EEC referendum: lessons and implications," *The World Today* Vol. 31 (3) (March 1975): 120.

⁵ *Negocjacje akcesyjne. Wnioski z doświadczeń Austrii, Finlandii, Norwegii i Szwecji* (Warszawa, Natolin: Kolegium Europejskie, April 1999), p. 76.

⁶ Lars Svåsand and Ulf Lindström, *supra* note 3: 342.

⁷ During campaign the opponents created the slogan "Yes for self-determination" in order to remind the history of Norway (Tor Bjørklund, "The Three Nordic 1994 Referenda Concerning Membership in the EU," *Cooperation and Conflict* Vol. 31 (1) (March 1996): 30).

the citizens of Norway as a synonym for unequal partnership and dependence.⁸ According to K. Hansen Bundt, the Treaty of Maastricht complicated (in a certain way) the 1994 referendum both by using the term European Union and the over-national integration aspect, which had a negative implication for the Norwegian citizens.⁹

The opponents warned that having entered the EU Norway could become a small peripheral country complaining about “democracy deficit” in an organization dominated by huge European countries.¹⁰

2. REFERENDUM ON MAASTRICHT TREATY

One of the decisions of the Single European Act of 1987 was the announcement of the coming- into-effect of the system of the European Union. The aim of the new system was to organize a European currency union and, as a next step, a European political union having an integrated economic and political character. The EU Treaty introduced numerous changes in the previous forms of the cooperation. It introduced a new institution—the European Union; further changes referred to a new social dimension, legal cooperation, and European membership. The essence of the changes concerned the deepening and extension of European integration.¹¹ The Treaty was the effect of long negotiations the result of which was the agreement signed on 11th December 1991 in Maastricht.¹² This “Dutch compromise” reached by member states of the Community was approved by the European Parliament.

The Treaty of Maastricht was the beginning of the common foreign and security policies and the cooperation concerning improving internal security, which was the starting point to form the political union.¹³ The new organization was established holding the entitlements of single countries.

Long before signing the Treaty of Maastricht, a public opinion poll was conducted in order to learn public opinion preferences concerning the way of establishing the new European institution. In the poll the question “Are you in favour of the statement that all the citizens of the European Community should be called to

⁸ Kari Mette, “Norwegia i UE. Społeczna rola informacji o integracji europejskiej”: 27; in: Stanisław Miklaszewski, ed., *Doświadczenia negocjacji akcesyjnych państw UE*, Newsletters No. 41 (Kraków, 2000).

⁹ Kate Hansen Bundt, “Norwegia a Unia Europejska”: 37; in: Stanisław Miklaszewski, ed., *Doświadczenia negocjacji akcesyjnych państw UE*, Newsletters No. 41 (Kraków 2000).

¹⁰ Lars Svåsand and Ulf Lindström, *supra* note 3: 343.

¹¹ Karen Siune and Palle Svensson, “The Danes and the Maastricht Treaty: the Danish EC Referendum of June 1992,” *Electoral Studies* Vol. 12 (2) (1993): 99.

¹² Jan Barcz, ed., *Prawo Unii Europejskiej. Zagadnienia systemowe* (Warszawa, 2002), p. 38.

¹³ Leszek Jasień, *Po Amsterdamie, przed rozszerzeniem. Panorama polityczna Unii Europejskiej* (Warszawa, Natolin: Kolegium Europejskie, June 1998), p. 8.

vote in referendum for or against the European Union?" was asked. The vast majority of the European public opinion was in favor of the procedure.¹⁴

ARE YOU IN FAVOUR OF THE STATEMENT THAT ALL THE CITIZENS OF THE EUROPEAN COMMUNITY SHOULD BE CALLED TO VOTE IN REFERENDUM FOR OR AGAINST THE EUROPEAN UNION? (IN %)

Table 2

March-April 1988	For	Against	I do not know
Belgium	65	10	25
Denmark	82	6	12
France	80	5	15
Greece	81	5	4
Spain	77	5	18
Holland	73	14	13
Ireland	76	6	18
Luxemburg	71	10	19
Portugal	61	3	36
Germany	65	16	19
Italy	84	9	7
Great Britain	77	9	14
EU – 12 members	76	9	15

Despite the fact that in most EEC countries' (apart from Germany's and Great Britain's) constitutions there is an institution of referendum, only three countries organized a referendum in 1992 concerning the acceptance of the Treaty of Maastricht: Denmark (2nd June), Ireland (18th June) and France (20th September). In Denmark and Ireland the referendum was a constitutional obligation whereas in France it was optional.

REFERENDUM ON MAASTRICHT TREATY

Table 3

Country	Date	Result of referendum
France	1992	For
Ireland	1992	For
Denmark	1992	Against
	1993	For

¹⁴ *Europe Documents* No. 1510/1511 (June 18, 1988): 18.

The French Parliament approved the Treaty on 23rd June 1991 with the two-thirds majority of the votes of two chambers, the National Assembly and the Senate.¹⁵ However, President Mitterrand, whose part during the negotiations was significant, decided to refer to a referendum—he was strongly involved in the process of creating a united Europe, and having the nation approve the Treaty would prove his position as an acknowledged statesman¹⁶. Moreover, Mitterrand wanted French citizens to accept this document in a referendum and, thus, to show support for the government. However, he did not foresee the significant power of national opposition to refuse the Treaty that made the referendum a tool to present their disappointment towards the Mitterrand's government.¹⁷

The negative outcome of the referendum in Denmark resulted in certain concessions to this country and another referendum, in which Danish citizens approved of Maastricht treaty. Danish rejection of Maastricht treaty caused a serious political crisis as well as it endangered the process of EU formation and Danish membership.¹⁸ The conditions of membership were changed in Edinburgh 11-12 December 1992. The Danish Government negotiated some *opt-out* in the Maastricht treaty: introducing the EURO, participation in the EU defense policy, some matters of internal affairs and European citizenship. These *put – outs* had convinced the citizenship of Denmark to approve the EU treaty.

In Danish parliament (*Folketing*) a majority voted for ratification of the Maastricht treaty. According to the Danish constitution it allowed avoiding another referendum. However, the Parliament decided that due to political reasons it was indispensable to repeat the referendum. The corrected-reference to the Denmark-version of the Treaty (known as the Edinburgh Agreement) was submitted to referendum on 18th May 1993.¹⁹

Referendum is an unpredictable instrument—even if the subject of the vote is the same, it does not bring the same results in different countries. Moreover, even when it is held in the same country, the vote can bring different results dependent on the circumstances or the time.²⁰

¹⁵ William Nicoll and Trevor C. Salmon, *Zrozumieć Unię Europejską* (Warszawa, 2002), p. 517.

¹⁶ Byron Criddle, "The French Referendum on the Maastricht Treaty September 1992," *Parliamentary Affairs* Vol. 46, No. 2 (April 1993): 231.

¹⁷ William Nicoll and Trevor C. Salmon, *supra* note 15, p. 59.

¹⁸ Edith Glistrup, "Le traité sur l'Union européenne: la ratification du Danemark," *Revue du Marché commun et de l'Union Européenne* No. 374 (January 1994): 13. It would not be possible, in fact, due to the lack in appropriate legal regulations concerning leaving the organization by the member state.

¹⁹ Formally the new referendum concerned the Treaty of Maastricht again, this time, however, the subject of vote was complemented with an appendix to the Edinburgh Agreement (Karen Siune, Peter Svensson, and Ole Tonsgaard, "The European Union: The Danes Said 'No' in 1992 but 'Yes' in 1993: How and Why?," *Electoral Studies* Vol. 13 (2) (1994): 108).

²⁰ Thierry Jeantet, *Démocratie directe, démocratie moderne* (Paris, 1991), p. 112.

3. REFERENDUM ON OTHER EU TREATIES

The impact of referendum on the EU integration process can be considered in the context of its informative function. A pre-referendum campaign organized by the governments, mass media and NGOs was supposed to convince the citizens to support the EU integration idea as well as to indicate all the advantages and disadvantages as a result of the integration. It is worth mentioning that along with accession referenda there were other referenda organized, ratifying treaties and modifying previous premises of European Communities. Those referenda are referred to as deepening the EU integration process. They give the citizens of a particular member state the right to take part in decision-making process concerning accepting the essential changes in the EU functioning, and thus they continue the desirable direction of development by EU organs.

REFERENDUM ON OTHERS EU TREATIES AND ISSUES

Table 4

Subject of referendum	Country	Date	Result
Single European Act	Ireland	1987	For
	Denmark	1986	For
Amsterdam Treaty	Ireland	1998	For
	Denmark	1998	For
Nice Treaty	Ireland	2001	Against
		2002	For
Lisbon Treaty	Ireland	2008	Against
	Ireland	2009	For
Euro	Denmark	2000	Against
	Sweden	2003	Against
European Economic Area	Switzerland	1992	Against
Beginning of negotiations concerning the EU accession	Switzerland	2001	Against
Remaining in the European Economic Community	Great Britain	1975	For

The negative result of the Nice Referendum had a big impact on the relations of Ireland with other Member States and Candidate Countries.²¹ The Irish “no” did not refer to the Treaty of Nice and the Treaty of Lisbon—it referred rather to the lack of activity of the government and the unwillingness or inability to explain the sense and consequences of the decisions being taken. The Irish citizens were also

²¹ Brigid Laffan, *The Nice Treaty: The Irish Vote* // <http://www.notre-europe.asso.fr/fichiers/laffan-en.pdf>.

worried about the effectiveness of EU institutions functioning while widening the integration.²² The source of the anxiety was the potential EU widening, having shared security and defense policy,²³ including the Charter of Fundamental Rights into national legislation systems which, while changing the number of those making decisions, will significantly reduce the sovereignty and neutrality of the decisions of the Member States.

The Swiss were mostly anxious about possibly losing their national sovereignty; they associated EU membership with losing the right to use referendum and people's initiative institutions.²⁴ They insisted they had more to lose than to gain by EU membership since Switzerland was doing better economically than the EU states: it had a lower rate of inflation and unemployment, higher pace of economic growth and, the most significant factor, a strong currency which they did not want to have replaced by EURO. Moreover, the accession to the EU could result in other negative changes, e.g. taxation increase.

4. REFERENDUM ON THE EU CONSTITUTIONAL TREATY

The impact of referendum seems to be the most apparent with regard to the ratification of the EU Constitutional Treaty. At the Laeken Summit in 2001 the leaders of the Member States stated that the EU was at a crossroads. A European Convention was convened, the aim of which was to prepare appropriate changes which could include accepting the "Constitution for European Citizens". It took two years to prepare EU Constitutional Treaty. A Treaty establishing the Constitution for Europe was signed in Rome on 20th October 2004. Then the President of the European Convention, former French president Valéry Giscard d'Estaing, remarked that "not all of this is perfect, but still beyond our expectations".²⁵

The European Constitution was to be a replacement for other European treaties. However, it did not replace the national constitutions of the particular EU Member States. The Constitutional Treaty establishing the transnational structure was supposed to exist alongside national constitutions of the individual states.

²² Jacek Zieliński, "Doświadczenia ostatnich głosowań w referendum europejskim: Norwegia i Irlandia": 375; in: Tadeusz Mołdawa, Konstanty Wojtaszczyk, and Adam Szymański, eds., *Wymiar społeczny członkostwa Polski w Unii Europejskiej* (Warszawa, 2003).

²³ The Nice Treaty declared one Union policy of security and defense. The opponents of the Treaty assumed it could involve Ireland into future international conflicts with the EU as the part (Adam Szostkiewicz, "Tygrys szczyrzy kły," *Polityka* No. 42 (2002)).

²⁴ Pascal Mahon and Christophe Müller, "Adhésion de la Suisse à l'Union européenne et démocratie directe": 449-450; in: Thomas Cottier and Alwin R. Köpfe, eds., *L'adhésion de la Suisse à l'Union européenne* (Zürich, 1998).

²⁵ Elżbieta Kuźlewska, "Holandia wobec procesu integracji europejskiej": 88; in: Elżbieta Kuźlewska and Adam R. Bartnicki, eds., *Zachód w globalnej i regionalnej polityce międzynarodowej* (Toruń, 2009).

The Constitutional Treaty assumed the appointing of the President of the European Council, EU Minister of Foreign Affairs and reducing the number of members in the European Commission. It introduced the EU symbols.

The President of the European Convention, Valéry Giscard d'Estaing, insisted on organizing referenda in all EU Member States. Several EU Member States decided to organize a national referendum in order to announce the importance of the Constitutional Treaty for the EU and the need to legitimize it democratically.²⁶ There were only three countries which refused to organize the referendum: Malta, Sweden and Germany.²⁷ In Malta and Sweden the government decided this issue was too complex for an average citizen. The requirement to know the Constitutional Treaty might be beyond the capacity of an average European. In Germany the Constitution of 1949 does not allow for organizing a referendum (unless it concerns changing borders between Lands).

REFERENDUM ON THE EU CONSTITUTIONAL TREATY

Table 5

Country	Date	Result of referendum
Spain	20.02.2005	For
France	29.05.2005	Against
Netherlands	01.06.2005	Against
Luxemburg	10.07.2005	For

The Spanish, who were the first to vote, were in favor of accepting the European Constitution, and so were the citizens of Luxemburg. In France and the Netherlands the Treaty was rejected. In order to come into force the Treaty had to be ratified by all Member States. The objection of two Member States made it impossible to introduce the Constitution to Europe. The results of the referendum were interpreted as discontent about the widening of the EU. The voters did not achieve an answer to their question: Does Europe offer any clear vision of the future to its members? If yes, what is it like? Not only the politicians involved in creating the Constitution, who did not explain the reasons and the need to establish the Constitutional Treaty, are to blame. Partially, the media is to blame, as they publicized only several parts of it, referring to certain selective articles and not showing the whole context of the Treaty.²⁸

²⁶ Monika Poboży, "Holandia": 212; in: Konstanty Adam Wojtaszczyk, ed., *Prawno-ustrojowy wymiar Traktatów Wspólnotowych* (Warszawa, 2007).

²⁷ Carlos Closa, "Ratifying the EU Constitution: Referendums and their Implications," *U.S.-EUROPE ANALYSIS SERIES* (November 2004): 1.

²⁸ Agnieszka Bielawska, Janusz Wiśniewski, and Katarzyna Żoź, *Traktat ustanawiający Konstytucję dla Europy w porównaniu z konstytucjami państw członkowskich Unii Europejskiej* (Poznań, 2006), p. 11.

The results of the French and Dutch votes were surprising, not only to the governments of these countries but to the European public. It was France and the Netherlands that initiated the process of European integration in the 1950s and they were the engines of European integration in the next decades. Both France and the Netherlands were in favor of deepening the European integration in order to improve EU functioning and to integrate it more tightly. Yet, contrary to the expectations of the government and European public opinion, French and Dutch societies rejected the Constitutional Treaty—one of the most important Union documents—in a referendum. What, then, were the reasons for this rejection?

It is possible to find certain similarities between the French referenda of 2005 and 1992. In the 1992 referendum, slightly more than 50% of the voters supported the Treaty, and the referendum result was interpreted as a disapproval of Francois Mitterrand. In 1992 Mitterrand, similarly to Chirac in 2005, appealed to the voters not to identify voting for or against the Treaty with the support to the President, but, in fact, the referendum referred both to the Treaty and Mitterrand himself.²⁹ The motivation to organize the referendum was similar as well. In 1992 the socialist President Mitterrand benefited from the split within the right-wing opposition in the Treaty of Maastricht issue; in 2005 the right-wing President Chirac took advantage of the internal dissension within the Socialist Party in order to strengthen his position and repair his tarnished reputation.

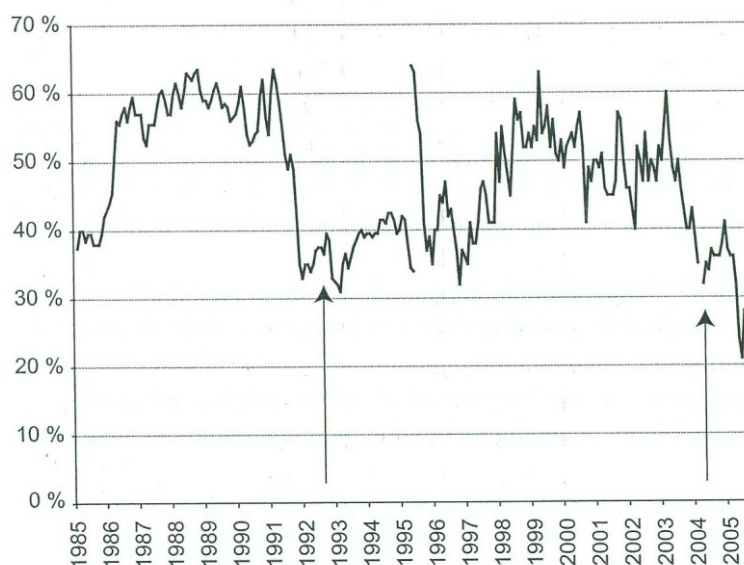


Fig. 1. Level of president's popularity in France in 1985-2005³⁰

²⁹ Elżbieta Kuźlewska, *Referendum w procesie integracji europejskiej* (Warszawa, 2006), p. 247, 279.

³⁰ Source: Nicolas Sauger, Sylvain Brouard, and Emiliano Grossman, *Les Français contre l'Europe? Les sens du référendum du 29 mai 2005* (Paris, 2007), p. 44.

The level of president's popularity in 1992 and in the spring of 2004 was low and accounted for less than 40%. Chirac's decision to vote the Constitutional Treaty in the referendum was based on the calculation that although the French disapprove of him and his government they will eventually vote for accepting the union document.³¹

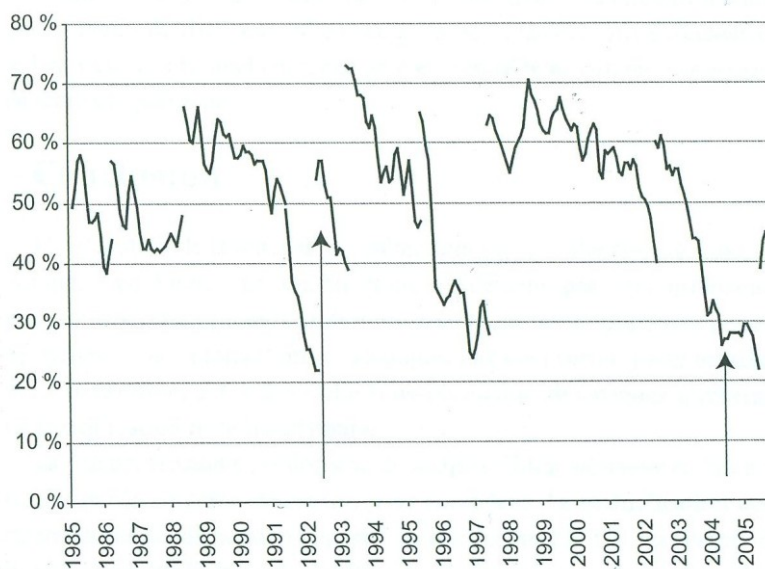


Fig. 2. Level of Prime Minister's popularity in France in 1985-2005³²

The popularity of the Prime Minister in the periods being compared is a different perspective. Pierre Bérégovoy became the Prime Minister in April 1992, replacing Edith Cresson, very unpopular in public opinion at the time. In 2004 Jean-Pierre Raffarin was the Prime Minister (for two years), with a very low public trust rating (below 30%), who reached the maximum level of unpopularity in May 2005.

Shortly before the French referendum concerning the ratification of the Constitutional Treaty, a group of leading German intellectuals, artists and scientists (including Jürgen Habermas and Günter Grass) published a letter in *Le Monde* encouraging the French to vote in favor of the Treaty and presenting catastrophic effects resulting from rejecting the document.³³ It is surprising that none of the French political groups explicitly supported the direction of European integration indicated by the Constitution. The pro-integration group was quite distinct, although there were internal divisions and different visions of the EU in the future. Center-left parties suffered from an internal split, the result of which was a ambiguous

³¹ Jim G. Shields, "Political Representation in France: A Crisis of Democracy?" *Parliamentary Affairs* Vol. 59, No. 1 (2006): 120.

³² Source: Nolas Sauger, Sylvain Brouard, Emiliano Grossman, *supra* note 30, p. 44.

³³ Adam Chalmers, "Refiguring the European Union's Historical Dimension," *European Journal of Political Theory* Vol. 5 (4) (2006): 437.

attitude towards the Constitutional Treaty. Center-right parties, in turn, focused on the rejection of Turkish membership in the EU, not supporting the Treaty explicitly.³⁴

President Chirac insisted that if France rejected the European Constitution it would become „the black sheep” of the Union. Rejecting the Treaty, in his opinion would result in weakening France and its political absence in Europe. Moreover, Chirac emphasized the advantages of the European document as necessary to construct a strong and well-organized Europe as a counterbalance to the world superpowers, such as the USA, China, India and Russia. When asked about Turkish membership he argued that Turkey would be in Europe in 10, 15 or 20 years, not sooner, and that this issue should not be associated with the European Constitution.³⁵ He also appealed not to identify the attitude towards the government with the ratification of the document.

Five issues dominated the French debate. The first three issues were based on the controversies concerning the influence of the European Constitution on Social Europe, sovereignty and the consequences of the rejection of the Constitutional Treaty. Voters focused on two other issues though, apparently having little importance for the ratification of the Constitutional Treaty: Turkish membership and the popularity of the government. Possible Turkish accession was not closely connected with the European Constitution but it became a point of reference in the debate. French right-wing parties used the slogan: “No for the Constitution, No for Turkey”. Turkish accession to Europe was associated in France with flooding Europe by “Muslim element” and it was worried that the demographic situation in Europe would change to the disadvantage of the inhabitants of “old Europe” as a result of the EU extension. In Europe Turkey is perceived as a traditional, reactionary and—this seems to be the most important factor—Muslim country. Distinct differences between Turkish and European culture are the reason to worry about preserving French culture and lifestyle. Religious differences make Turkey perceived as a reactionary and non-European country. The way in which women are treated in the Muslim religion is not accepted in Europe.³⁶

It was the referendum that let the French express their disappointment in the policy of their government and their fear of Turkey being a member of the EU. The assessment of French-German relations, the relations with new Member States, with the EU institutions, etc., reflects the internal political consensus. Turkish accession to the EU, however, is a matter of a different dimension. Such pro-

³⁴ Markus Wagner, *France and the Referendum on the EU Constitution* // www.fedtrust.co.uk/admin/uploads/PolicyBrief8.pdf (accessed September 9, 2009).

³⁵ Grzegorz Dobiecki, “Francuzi nie chcą unijnej konstytucji,” *Rzeczpospolita* (April 15, 2005).

³⁶ Lauren M. McLaren, “Explaining Opposition to Turkish Membership of the EU,” *European Union Politics* Vol. 8 (2) (2007): 258, 267.

European French politicians as Giscard d'Estaing or François Bayrou strongly opposed the Turkish membership. It means that Turkish EU membership is a step too far into European integration for France and it will not be either socially or politically approved. The size of Turkey (meant as the number as Turkish citizens) can arouse justified fear of endangered ethnic, cultural and religious identity. Turkish accession to the EU is still a very controversial issue. While Turkey introduces economic and political reforms in the hope of soon being an EU member, its accession may be stopped by the citizens of the Member States regardless the decisions being made by state leaders concerning Turkish membership. French debate concerning the 2005 referendum rejecting the European Constitution was largely dominated by the opinions associating the rejection of the Constitution with the opposition towards the Turkish membership.³⁷

The point of reference in the French debate was the government popularity. The main reason why the Constitution was not accepted was a widespread disappointment with political elites. For many years a referendum has been a certain form of the popularity plebiscite for government popularity. Both Jacques Chirac and Jean-Pierre Raffarin were very unpopular. What is more, since February 2005 there were numerous scandals within the government. The French referendum, similarly to 2004 PE election, turned into a kind of a punishment for the government, a peculiar barometer of the public opinion concerning both the Constitution and the unpopular government. The referendum was referred to as "raffarindum"³⁸, which expressed a critical French attitude to the unpopular government rather than to the Constitution.

In the Netherlands a referendum had never been called before. Dutch political elites were convinced that the people would vote in favour of the European Constitution. In fact, 60% of the Dutch citizens rejected the Constitutional Treaty. It needs to be emphasized that a referendum is neither a constitutional nor a legal requirement for ratifying international treaties. So far Dutch the political system had been in favour of representational form of democracy, preferring it to direct democracy. There are no constitutional legal bases to call for a referendum. The Dutch Constitution does not refer to the possibility to organize the referendum; the Constitution would have had to be changed in order to do it. Considering the fact that the procedure of changing the Constitution is lengthy, complex and requires Parliament dissolution, the constitutional reform for allowing a referendum to be called was postponed. However, a summary act project was prepared for the need of the Constitutional Treaty ratification.

³⁷ *Ibid.*: 252.

³⁸ Jim G. Shields, *supra* note 31: 122.

Moreover, the Prime Minister Balkenende was convinced that the issue of the Constitutional Treaty would turn out to be too difficult for an average citizen. Dutch society did not share these fears and 80% of the Dutch citizens recognized the referendum as a good solution. In May 2003 the Green Party, the Social Democratic Party and D66 liberals put forward a motion to call a referendum concerning this matter.³⁹ According to Dutch law, referenda are not binding to the Parliament. The result of the referendum could be questioned, particularly if the attendance was poor. In this case, with high attendance (87%), the government announced that the referendum results would be respected. It was not legally obliged to do so; referendum results could have been ignored, with Balkende's expressed disappointment towards Dutch society's attitude.

The Dutch rejected the Treaty mainly to express their opposition to further EU extension. The opponents insisted that the EU is big enough and it should focus on being a stable entity rather than further territorial expansion. Accession of such poor countries as Bulgaria or Romania to the EU could result in bigger immigration to the Netherlands. In this context, future Turkish accession to the EU is particularly dangerous. Cultural differences between Turkey and Europe are too significant. Turkey would be the biggest, i.e. quite influential, EU Member State and it could be dangerous for European—and Dutch—identity.⁴⁰

Another reason for the European Constitution rejection by the Dutch was a widespread disappointment with political elites. This disappointment was revealed during 2002 parliamentary election, when Pim Fortuyn List got as many as 17% of the votes. Pim Fortuyn spoke against the parties in the government, and expressed xenophobic ideas as well as ideas opposing European cooperation. Pim Fortuyn was critical of the EU, calling it a toy in politicians' hands, unpopular with common people due to its bureaucracy and megalomania.⁴¹

The fact that the French and the Dutch rejected the Constitutional Treaty can be explained by their dissenting voice towards the pace of integration, too fast in their opinion, which goes with the weakening of Dutch and French position in the Union. The referendum revealed the discrepancy between mass expectations and political elites' visions. The results of the referendum proved there were different opinions of pro-European elites and eurosceptical masses. Political leaders were so convinced that there was a need for further integration that they lost their contact with society and their needs. Political elites were defeated while making attempts to persuade the people their ideas were good. Politicians ran so far into the EU future

³⁹ Paul Hylarides, "Voters in the Netherlands Defy the European Constitution," *Contemporary Review* (August 1, 2005): 89.

⁴⁰ Monika Poboży, *supra* note 26: 218.

⁴¹ Paul Hylarides, *supra* note 39.

that common people felt left behind, expressing their frustration in the referendum.⁴² French and Dutch referenda were verdicts on unpopular government leaders; indeed, both Jacques Chirac and Jan Peter Balkenende's core supporters voted for the constitution.⁴³

CONCLUSIONS

The impact of referenda on the process of European integration is significant. The number of referenda concerning European issues is increasing. A referendum is a particular instrument to compare the citizens' will and the will of the government concerning the accession of a certain country to the EU. There were several cases when the government and the citizens were not of the same opinion, and despite clear political instructions voters did not follow them; as a result it was the citizens' decision that was respected by the government. A striking example of the discrepancy between the government and the citizens was a twice-noted attitude of Norwegian society during the accession referenda (1972, 1994)⁴⁴ and the Swiss citizens' response to joining the European Economic Area (1992)⁴⁵. Despite the pro-European preferences of the government in these two countries, the citizens did not follow them, the result of which was closing down the European integration debate in Norway and Switzerland for a long time. It is worth mentioning the negative results of Danish and Swedish referenda concerning a shared European currency and the referendum in Ireland rejecting the Treaty of Nice and the Lisbon Treaty.

The results of referenda concerning European integration show the discrepancies between public opinion and the political elite. They prove there are different opinions between the governments and the governed concerning essential matters. They demonstrate that the enthusiasm of political elites and business towards European integration is not always shared by the public. On several occasions the population taking part in a referendum rejected the idea of participation in the European integration offered by the government. The most recent example refers to Dutch and French vote concerning the Constitution for Europe.

Referenda regulate the pace of widening and deepening within the European Union very well. In those countries where the government is unwilling to make a

⁴² Marco R. Steenbergen, Erica E. Edwards, and Catherine E. de Vries, "Who's Cueing Whom?: Mass-Elite Linkages and the Future of European Integration," *European Union Politics* Vol. 8 (13) (2007): 14.

⁴³ Matt Qvortrup, "The three Referendums on the European Constitution Treaty in 2005," *The Political Quarterly* Vol. 77 (1) (January-March 2006): 96.

⁴⁴ Lars Svåsand and Ulf Lindström, *supra* note 3: 339; Terje Bjørklund, *supra* note 7: 16.

⁴⁵ Alice Landau, "Swiss neutrality: burgeoning policy or obstinate continuity?" *Studia diplomatica* Vol. 46, No. 6 (1993): 80; Cédric Dupont and Pascal Sciarini, "Switzerland and the European Integration Process: Engagement without Marriage," *West European Politics* Vol. 24, No. 2 (April 2001) (Special Edition: *The Swiss Labyrinth. Institutions, Outcomes and Redesign*): 231.

decision, the result of which could be the change in a legal status of the country, they refer to the will of the citizens. In this case the referendum relieves the government of the decision-making process. According to David Butler, the most frequent reason to use this instrument of direct democracy in a situation when it is not required by the Constitution is the lack of a univocal opinion concerning a particular issue as well as internal divisions within the parties.⁴⁶ However, it is not the only reason since there is strong pressure in Brussels to organize referenda in matters concerning European integration. These are the citizens of the EU Member States, not the technocrats, who are given the right to vote, which contributes to reducing 'democracy deficit' in the EU and the direction of the EU reforms.⁴⁷

At present referenda are gaining greater and greater importance. We are witnessing the era of choice, of the decision-making by citizens which is called "referendomania" by these who are skeptical about this approach. A referendum is an unusual institution in a dual meaning.⁴⁸ Firstly, it is established within the political system in only a few countries, but it has often been used in a lot of states. Secondly, referenda face the challenges of the EU integration process. It is referenda which are instruments either to introduce or to block radical changes,⁴⁹ accepting or rejecting new solutions in the issue of the EU integration. Referenda can act as catalysts for these changes, just as well as they can block innovative ideas.

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⁴⁶ David Butler, "Referendums in Northern Europe": 64; in: Francis Hamon and Olivier Passelecq, eds., *Le Référendum en Europe. Bilan et perspectives. Actes du colloque organisé les 28-29 janvier 2000 à la Maison de l'Europe de Paris* (Paris, 2000).

⁴⁷ In several member states the government announced the referendum concerning the Constitutional Treaty. In Denmark and Ireland calling a referendum is obligatory according to the Constitution but in Great Britain it was Tony Blair and his Cabinet who decided that European Constitution must be consulted with the society before being ratified. Constitutional referendum will take place in Luxemburg, beside Denmark, Ireland and Great Britain. Citizens of the Netherlands, Germany, France and Spain would also like to be consulted about the Constitutional Treaty through the referendum (Polish citizens as well), but the decisions to call it have not been taken yet (www.euractiv.com (April 4, 2004)).

⁴⁸ Serge Sur, "Un bilan du référendum en France," *Revue du droit public et de la science politiques en France et l'étranger* No. 3 (1985): 592.

⁴⁹ David Butler and Austin Ranney, "Practice": 4; in: David Butler and Austin Ranney, eds., *Referendums around the World. The Growing Use of Direct Democracy* (Washington, 1994).

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