

## Referendums on EU issues

### SUMMARY

Referendums give citizens a direct say over matters which would otherwise be decided by elected (or non-elected) representatives. Thus, as instruments of direct democracy, they may foster citizens' involvement and legitimise important decisions. In fact, referendums have been on the rise in Europe and elsewhere in the world in recent decades, and have become a recurrent feature of European politics. Since 1972, Europe has seen 54 referendums on EU matters, concerning membership, treaty ratification or specific policy issues (e.g. adoption of the euro); further referendums are to follow in 2016. At the same time, the degree to which EU countries make use of referendums differs significantly: while the majority of Member States have held one referendum on European integration, mostly relating to membership, a handful resort to referendums more frequently.

Despite the increased interest in some states, referendums remain controversial. On the one hand, advocates of direct democracy stress that referendums can, inter alia, foster citizens' engagement and thereby improve legitimacy and governance. Critics, on the other hand, highlight the pitfalls of referendums. Especially in the aftermath of the French and Dutch rejection of the Constitutional Treaty in 2005, they suggest, inter alia, that in referendums voters tend to answer questions other than those on the ballot paper. Some critics, more generally, question the suitability of a 'yes' or 'no' vote to decide on complex, multidimensional matters within the European setting. Looking at a sample of past EU referendums, the following pages provide an overview of these conflicting views, as expressed in (academic) commentary.



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## Referendum as tool of direct democracy: the essentials

### Context: representative and direct democracy

Representative democracy generally refers to a system of government based on elected representatives. By contrast, in direct democracy, citizens influence decisions directly – without intermediaries. This implies a direct vote through universal suffrage, which is decisive for the course of action to be taken. Referendums, generally understood to include procedures in which the electorate [votes directly](#) on a specific (political, constitutional or legislative) issue, have thus been at the core of research on direct democracy. In some countries, provisions exist with regard to *citizen-initiated* referendums, often grouped together with citizens' initiatives.<sup>1</sup> In this context, it should also be noted that, in the absence of universally accepted definitions, the precise meaning and form of direct democracy mechanisms varies significantly among countries, as does their prevalence.

Direct democracy has friends and foes alike. Traditionally, enthusiasts of direct democracy have stressed the importance of direct citizen engagement, and advocated it as the most (or even the only) appropriate way to take democratically legitimate decisions.<sup>2</sup> They emphasise, inter alia, the educational value of direct democracy, and its positive effects on a deliberative environment and participation. Critics, on the other hand, question the feasibility of direct democracy in modern states and point to the lack of **citizens' knowledge** to take complex decisions, the need for expert judgement, possible manipulation by populists and low turnouts. The argument of citizens' lack of competence is the core critique levelled at direct democracy, and has been viewed as particularly pertinent in the context of EU affairs.<sup>3</sup>

Direct and representative democracy are, however, two ideal models which do not exist in practice – there is no known modern political system which mainly, let alone exclusively, relies on direct democracy.<sup>4</sup> It is largely agreed that while modern democracies primarily rely on representation, certain doses of direct democracy may meaningfully **complement** representative democracy. Instruments of direct democracy thus mostly exist *within* systems relying on representation and need to be considered in that context. Therefore, the **interplay** of direct democracy instruments with institutions of representative democracy, including political parties and other intermediaries, becomes important. Accordingly, it has been suggested that referendums can be viewed as 'a device used in representative democracies' in order to legitimise certain policy proposals and 'induce elected (and non-elected) representatives to govern with due regard to the prevailing sentiments of the citizens'.<sup>5</sup>

#### Democratic principles in EU Treaties

**Article 10 TEU** explicitly provides that the functioning of the Union shall be founded on **representative democracy**. It goes on to state that European citizens are directly represented at Union level in the European Parliament, while Member States are represented 'in the European Council by their Heads of State or Government and in the Council by their governments, themselves democratically accountable either to their national parliaments, or to their citizens.' Article 10 TEU further provides that 'every citizen shall have the right to participate in the democratic life of the Union' and that 'decisions shall be taken as openly and as closely as possible to the citizen.' The Treaties also set out mechanisms of **participatory democracy**: Article 11 TEU mandates the EU institutions to maintain an open, transparent and regular dialogue with civil society, obliges the European Commission to carry out broad consultations and establishes the European Citizens' Initiative. The latter enables no less than 1 million European citizens to invite the Commission to table a proposal.

**Classification: what types of referendums?**

Referendums can be, for example, required or non-required (mandatory or optional), and their results binding or non-binding. First, a referendum can be **mandatory** according to the provisions of the respective constitution or applicable legislation. The conditions under which referendums are to be held vary, with referendums often being mandatory for questions of major political importance. In some cases, ratification of an EU treaty requires constitutional amendment, triggering the application of constitutional amendment rules (which may or may not require a referendum). In Ireland, it was the High Court which ruled in the famous [Crotty](#) judgment (1987) that further transfers of sovereignty to the (then) European Communities should be put to popular vote in a referendum. It was also shown that the extent and the contents of regulation of referendums in states' constitutions vary significantly across states.<sup>6</sup>

In the case of an optional referendum, a government decides to put an issue to the popular vote although it is not obliged to do so. National provisions may choose to specify questions on which a referendum is **optional** as well as issues which are *excluded* from being subject to such a referendum. Many countries exclude, for example, taxes and public expenditure commitments from issues for popular vote. None of the four referendums on the **Treaty on a Constitution for Europe** which took place in 2005 in Spain, France, the Netherlands and Luxembourg was mandatory, nor were the Danish and Swedish referendums on the adoption of the euro. Experience shows that governments can (and do) call optional referendums for various political as well as tactical reasons, including resolving divisions within governing parties/coalitions, demonstrating popular support for a specific issue,<sup>7</sup> or strengthening their negotiating position at international level. Some note that it is mainly *political* and not constitutional motives which explain why most referendums are held.<sup>8</sup>

Another, additional type of referendum is the **citizen-demanded referendum**, in studies often grouped together with the citizens' initiative. Such a vote may be sought to repeal existing laws (abrogative referendum), to suspend new legislation before it can enter into force (rejective referendum) or to adopt a new law (e.g. '*Volksbegehren*' in German *Länder*). A recent citizen-demanded referendum was that on the **EU-Ukraine Association Agreement**, held in the Netherlands on 6 April 2016.

The results of a referendum may be **binding** upon political authorities, or the latter may use such results for **advisory** purposes only (consultative referendum). According to available [country-specific data](#), in EU countries with mandatory referendums the results of such referendums, are, as a general rule, binding. National provisions may also choose to specify requirements for when a referendum is considered to be valid (e.g. by specifying a turnout quorum) or passed (normally by simple majority).

Some scholars question the above **classification** of referendums into mandatory or optional, binding or consultative/advisory. They suggest that it will often be difficult to determine, for example, whether or not an issue to be put to vote involves transfer of sovereignty, which in practice tends to become a political rather than a legal matter. Equally, it will be difficult for governments to ignore the outcome of a (supposedly) advisory referendum which may turn out to be de facto binding upon them.<sup>9</sup> For example, it is difficult to imagine a government proceeding with EU membership despite people voting against it.<sup>10</sup> The referendums on the Constitutional Treaty in France and the Netherlands were both non-binding referendums, yet it would hardly have been possible for national governments just to ignore their results. According to

some, 'certainly there is no example in the history of European integration referendums of a government ignoring the wishes of the voters without a second referendum'.<sup>11</sup>

Due to the shortcomings of these classifications (mandatory-optional, binding-advisory), scholars generally distinguish between referendums on (1) **membership** of the EU, (2) **treaty ratification**, and (3) referendums on specific **EU policy issues** (e.g. the euro).<sup>12</sup> The order of the latter classification is employed to present some examples of EU referendums below. In this context, *EU referendum* is understood as referendum on European integration. This includes referendums in neighbouring countries such as Switzerland or Norway which, although not part of the EU, are EFTA members and have conducted a number of referendums on EU integration matters.

### Referendums on the rise?

The degree to which countries in and outside the EU embrace the use of referendums varies significantly. In this regard, Switzerland is normally seen as 'world leader', coming closest to what is called a 'referendum democracy'.<sup>13</sup> Several studies suggest that the use of referendums and other direct democracy instruments has been **on the increase** in recent decades, both in the EU and worldwide.<sup>14</sup> Scholars note, for example, the introduction of provisions on **citizen-initiated** referendums in many post-communist countries in the 1990s, as well as increased interest in referendums in, inter alia, the UK and the Netherlands.<sup>15</sup>

Referendums have also emerged as a recurrent and significant feature of **European politics**. It is noted that while direct democracy played hardly any role in the early decades of European integration, since 1972 the use of referendums has become more common in what had initially been perceived as an 'elite-driven' project.<sup>16</sup> Since the first, held in 1972, **54** referendums related to European integration have been held in Europe (see Table 1).

Referendums not only introduce a significant element of popular involvement in European affairs. Experience suggests that such involvement can have significant political and/or economic **implications** too. They can – often against the consensus among political elites – reject carefully negotiated treaties and thereby even cause political crises, as happened in 2005 after the French and the Dutch no-vote to the Constitutional Treaty. Moreover, 'it is owing to referendums that Norway and Switzerland remain outside the EU and that Denmark and Sweden have stayed outside the euro-zone'.<sup>17</sup> Further referendums take place in 2016, including the UK referendum on whether to remain in the EU, to be held on 23 June 2016.

### EU referendums: some examples

The popular vote was introduced to the European integration process in 1972, when France held the first referendum on enlargement of the (then) European Communities. In total, 54 referendums relating to European integration have now been held in Europe.<sup>18</sup> As Table 1 illustrates, 23 of 28 EU Member States, as well as three non-EU members (Norway, Switzerland, and Liechtenstein), have held at least one referendum on EU matters. Given its tradition of direct democracy, Switzerland alone accounts for eight EU referendums to date, whereas no EU referendum has yet taken place in Germany, Belgium, Portugal, Cyprus and Bulgaria. The bulk of EU referendums (24 of 54) concern **membership** referendums, with seven of those having taken place in Norway, Switzerland and Liechtenstein.

**Table 1 – Referendums on European integration, 1972 to April 2016**

Year	Country	Object	Category	Type	Turnout (%)	Yes (%)
1972	France	Enlargement of EEC	I	NR and NB	60	68.3
1972	Ireland	EEC membership	M	R and B	71	83.1
1972	Norway	EEC membership	M	NR and NB	79	46.5
1972	Denmark	EEC membership	M	R and B	90	63.3
1972	Switzerland	EEC-EFTA Treaty	T	R and B	52	72.5
1975	United Kingdom	EEC membership	M	NR and NB	64	67.2
1986	Denmark	Single European Act	T	R and B	75	56.2
1987	Ireland	Single European Act	T	R and B	44	69.9
1989	Italy	Mandate for MEPs	I	NR and NB	85	88.1
1992	Denmark	Maastricht Treaty	T	R and B	83	49.3
1992	Ireland	Maastricht Treaty	T	R and B	57	68.7
1992	France	Maastricht Treaty	T	NR and B	70	51.1
1992	Switzerland	EEA accession	M	R and B	78	49.7
1992	Liechtenstein	EEA accession	M	NR and B	87	55.8
1993	Denmark	Maastricht Treaty	T	NR and NB	87	56.8
1994	Austria	EU membership	M	R and B	82	66.6
1994	Finland	EU membership	M	NR and NB	70	56.9
1994	Sweden	EU membership	M	NR and NB	83	52.3
1994	Norway	EU membership	M	NR and NB	89	47.8
1995	Liechtenstein	EEA accession	M	NR and B	82	55.9
1997	Switzerland	EU candidature	M	NR and B	35	25.9
1998	Ireland	Amsterdam Treaty	T	R and B	56	61.7
1998	Denmark	Amsterdam Treaty	T	R and B	76	55.1
2000	Switzerland	Bilateral agreements	T	NR and B	48	67.2
2000	Denmark	Single currency	I	NR and B	88	46.9
2001	Switzerland	EU candidature	M	NR and B	55	23.2
2001	Ireland	Nice Treaty	T	R and B	35	46.1
2002	Ireland	Nice Treaty	T	R and B	49	62.9
2003	Malta	EU membership	M	NR and NB	91	53.6
2003	Slovenia	EU membership	M	R and B	60	89.6
2003	Hungary	EU membership	M	R and B	46	83.7
2003	Lithuania	EU membership	M	R and B	63	91.1
2003	Slovakia	EU membership	M	R and B	52	92.5
2003	Poland	EU membership	M	R and B	59	77.5
2003	Czech Republic	EU membership	M	R and B	55	77.3
2003	Estonia	EU membership	M	R and B	64	66.8
2003	Sweden	Single currency	I	NR and NB	83	42.0
2003	Latvia	EU membership	M	R and B	73	67.0
2003	Romania	EU membership	M	R and B	56	89.7
2005	Spain	Constitutional Treaty	T	NR and NB	42	76.7
2005	France	Constitutional Treaty	T	NR and NB	69	45.3
2005	The Netherlands	Constitutional Treaty	T	NR and NB	63	38.2
2005	Switzerland	Schengen Agreement	I	NR and B	56	54.6
2005	Luxembourg	Constitutional Treaty	T	NR and NB	89	56.5
2008	Ireland	Lisbon Treaty	T	R and B	53	46.6
2009	Ireland	Lisbon Treaty	T	R and B	59	67.1
2009	Switzerland	Free movement of persons	I	R and B	52	59.6
2012	Croatia	EU membership	M	R and B	43	66.7
2012	Ireland	European Fiscal Compact	I	R and B	50	60.3
2014	Denmark	Unified Patent Court	I	R and B	54	62.6
2014	Switzerland	Free movement of persons	I	NR and B	56	50.3
2015	Greece	Bailout referendum	I	NR and NB	59	38.7
2015	Denmark	Opt-out (Justice & home affairs)	I	R and B	72	46.9
2016	The Netherlands	EU-Ukraine Association Agreement	I	NR and NB	32	38.2

Notes: M = membership referendum, T = treaty ratification referendum, I = single issue referendum, NR = non-required, R = required, NB = non-binding, B = binding.

Source: Hobolt (2009), complemented with data for votes since 2008 and for Liechtenstein referendums.

In terms of prevalence, membership referendums are followed by **treaty ratification** referendums, which account for 18 of the total. These referendums took place in seven countries, with most concentrated in **Ireland** (7) and **Denmark** (4). In fact, Ireland remains unique in this sense as the only Member State which has held a referendum on every major treaty revision since voting in 1972 to become a member.<sup>19</sup> Generally, the approval rate in treaty ratification referendums is significantly lower than in membership referendums. Finally, 12 concerned **policy** referendums, concentrated in Denmark (3) and (non-EU) Switzerland (3).

It can already be seen that the degree to which states use referendums on EU matters differs significantly: Ireland, Denmark and (non-EU) Switzerland together account for **almost half** (25) EU referendums of the total of 54, while referendums remain absent in some other states (e.g. Belgium, Germany).

The scope of the sections below does not allow an elaborate discussion of all the referendums mentioned. Instead, before looking at academic commentary on the use of referendums, the following sections provide a brief description of a sample of the more recent and significant examples, in which (a) EU membership, (b) treaty ratification, or (c) an EU policy-related issue were at stake.

#### **Membership referendums: should I stay or should I go?**

Membership referendums account for the lion's share in the total of EU referendums. Since their inception, the Communities – now the EU – have had [seven enlargements](#), more often than not accompanied by referendums in the acceding countries. For example, before the first enlargement in 1973, Ireland voted in favour of joining the EU while Norway voted against. The largest enlargement to date was the 2004 enlargement of ten states, following referendums in nine of them (Cyprus decided not to hold a referendum). All of these referendums signalled overwhelming support for joining the EU, with the highest proportion of yes-votes in Slovakia, Lithuania and Slovenia (92.5%, 91.1% and 89.6% of yes votes respectively). In 2012, a membership referendum took place in Croatia, the last country to join the EU to date, where membership was supported by 66.7% of voters. Romania, in preparation for membership (2007), had already held a referendum on a constitutional amendment in 2003. At the same time, it should be noted that membership referendums have never taken place in 11 Member States (Germany, Italy, Netherlands, Spain, Portugal, Greece, Cyprus, Bulgaria, France, Luxembourg, Belgium).

There have also been examples of countries which – following a popular vote – decided to stay **outside** the EU, as happened in Norway, and in Switzerland (2001). In Norway, citizens even twice (in 1972 and 1994) narrowly rejected membership, with 53.5% and 52.2% 'no' votes respectively. Iceland too was among countries contemplating a referendum on EU membership, yet to date no referendum has taken place. The United Kingdom is the only country which has already held a referendum on **remaining** in the then-Communities. After the country had joined without a referendum two years earlier, the Labour party promised prior to the 1974 elections to hold a popular vote on the country's continued membership. With a turnout of 64% and high support (67%), in 1975 British voters decided to remain in the EEC, under slightly renegotiated terms.

There are also examples of states' provinces/autonomous territories having referendums on membership in the EU. For example, Greenland in 1982 decided to leave the EEC while the Åland Islands in 1994 had a separate vote on joining the Union, before joining the EU together with mainland Finland.

**Treaty ratification: whither the Constitution for Europe?***Constitutional Treaty: France and the Netherlands (2005)*

Besides membership referendums, European Union has seen a number of referendums involving treaty ratification. In some countries, constitutional provisions require a popular vote in such cases, while in others, governments decide to consult citizens although they are not obliged to do so. In 2005, four countries held a referendum (all optional) on the ratification of the **Treaty Establishing a Constitution for Europe**, negotiated and signed by the 25 Heads of State or Government. Two countries (Spain and Luxembourg) voted in favour of the Treaty – in Spain with a 76.7% majority of the votes cast. However, the Treaty was rejected following the negative votes in France and in the Netherlands, with **45.3%** and **38.2%** yes-votes respectively. The most prominent explanation for the Dutch and French no-votes was the argument that the no-votes expressed, inter alia, citizens' dissatisfaction with the national government instead of their disapproval of the European project as such (so-called 'second-order voting'). It was also shown that the French and the Dutch information campaigns as well as voting behaviour were dominated by different issues. While in France concerns regarding the (loss of) the French social model played a key role, in the Netherlands lack of information and concerns regarding national sovereignty and identity were among the main determinants of the 'no' votes.<sup>20</sup> Other Member States had planned referendums on the Constitutional Treaty yet cancelled them following the French and Dutch votes. As a result, the Constitutional Treaty was **never ratified**.

*Lisbon Treaty: Ireland (2008 and 2009)*

After a 'period of reflection' following the rejection of the Constitutional Treaty, in 2007 the Heads of State or Government signed a new treaty in Lisbon. It drew heavily on the Constitutional Treaty yet dropped the most contentious provisions of the latter. Ireland was the only country to hold a referendum on the Lisbon Treaty. Although the country belonged to those with generally favourable attitudes towards European integration, the Treaty was narrowly rejected in the first referendum in 2008 (with 53.4% against). The (perceived) reasons for this rejection, as well as their interpretations, are numerous. Scholars have suggested that rejection was partly due to the particular dynamics of the referendum campaign, which let the 'no' parties set the agenda in the campaign, with the 'yes' side only making belated counteractions.<sup>21</sup> After concessions were made to Ireland during renegotiation (for example with regard to the number of Commissioners, neutrality and the right to life), the Lisbon Treaty was again put to the vote in a **second referendum** in 2009, in which 67.1% of voters voted in favour of the Treaty.

**Policy referendums**

Referendums on a specific EU-related policy issue are the least common of EU referendums. Examples include the Danish and Swedish referendums on joining the euro area (in 2000 and 2003 respectively), both of which resulted in rejection. An interesting example of a policy referendum is the 1972 *enlargement* referendum in France, which paved the way for the first enlargement with Ireland, Denmark and United Kingdom. To date, the French enlargement referendum remains the only referendum of this kind. However, with Turkish membership in mind, France has introduced constitutional provisions regarding such referendums which – albeit possible to by-pass with a three-fifths majority in parliament – could effectively veto further enlargements.<sup>22</sup>

Another interesting example of a policy referendum is provided by the 'Greek bailout referendum'. In 2015, amidst the government debt crisis, Greece decided to hold a

referendum on accepting the terms of the bailout proposed by international creditors – and earned harsh criticism from some. This was the first referendum in Greece since 1974, and the first Greek EU referendum, in which the majority of Greek voters (61%) rejected the proposal. Another recent example of a (citizen-initiated) EU referendum on a policy issue is the recent referendum in the Netherlands on the **EU-Ukraine Association Agreement** (mainly providing for political and in particular economic cooperation and trade) held on 6 April 2016. As in the case of the Greek referendum, 61% of voters rejected the agreement. The turnout rate reached only 32.3% (30% was needed for the referendum results to be valid), making it the lowest turnout in an EU referendum thus far. This is the second EU referendum held in the Netherlands, and the second referendum in which Dutch voters voted 'no'. At the time of writing, it remains unclear what will be the exact political and legal implications of this vote.

### What role for EU referendums? Issues, questions and opinions

As discussed above, proponents of direct democracy advocate referendums as a means to increase citizens' involvement and thus foster trust in politics by giving citizens a direct say. At the EU level, involving citizens became of even greater importance amidst arguments of a 'democratic deficit' and resultant efforts to increase legitimacy. At the same time, the actual contribution of referendums to the achievement of the above-mentioned goals has been questioned by many. Commentators investigating referendums and direct democracy have highlighted both positive and negative aspects.

#### Voters' competence and 'second-order voting'

Voters' alleged lack of **knowledge** to decide upon complex and unfamiliar issues is among the main reproaches levelled at the use of referendums. Empirical evidence supports the claim that voters often lack even basic knowledge about national – let alone European – politics, issues and political structures.<sup>23</sup> In the aftermath of the Dutch, French and Irish referendums on the Constitutional and Lisbon Treaties respectively, lack of knowledge emerged as one of the (main) factors leading to negative votes. In other words, many voted 'no' because, inter alia, they did not understand a particular treaty in front of them – a position sometimes successfully exploited by 'no' campaigners before the vote.<sup>24</sup> Research has also shown that in EU referendums citizens often vote on the basis of so-called '**second-order**' factors unrelated to the ballot proposal, such as (dis)satisfaction with national government.<sup>25</sup> It was thus suggested that – instead of providing greater democratic legitimacy for the EU – such referendums induce voters to answer questions not put to them. This was in fact the most prominent explanation for the failure of the Constitutional Treaty in the French and Dutch referendums, suggesting that citizens' 'no' was a protest against national government 'rather than a rejection of the European project' itself.<sup>26</sup>

Some more recent studies qualify these arguments to some extent, suggesting that arguments regarding citizens' incompetence should not be accepted too easily. With regard to voters' competence, they stress that voters do not need to have perfect knowledge in order to make reasoned decisions. While agreeing that voters often lack sufficient knowledge, they suggest that voters need not be *fully* informed in order to vote competently (consistently with their preferences regarding the EU). Instead, when deciding, they can rely on elite 'cues' and party endorsements as substitutes for detailed information.<sup>27</sup> A comprehensive study of EU referendums by Sara Hobolt, for example, suggests that voters can act responsibly on European issues, provided **sufficient information** is made available to them. In this respect, it is suggested that intensive



information campaigns, providing credible information, result in more competent voting (so-called 'issue-voting'), and reduce the importance of national politics or issues unrelated to the ballot proposal ('second-order factors'). In contrast, when little information is provided for voters, they are more likely to answer 'other questions' than those actually at stake.<sup>28</sup> The study does *not* deny that both attitudes towards the issue at hand *and* towards the national government will be important factors determining voting behaviour. However, it maintains that when voters are given credible information (for instance in campaigns), they do respond in a competent manner, despite the fact that 'this may not have been the response' that political leaders 'have been hoping for'.<sup>29</sup> However, not all studies are as supportive of the positive value of referendum campaigns, pointing to the risks of, inter alia, (over-)simplification of complex matters, (excessive) polarisation and fuelling populist movements.<sup>30</sup>

### Campaign dynamics

As noted above, instruments of direct democracy exist *within* systems relying on representation. It is in this context that the **interplay** of instruments and institutions of representative democracy such as political parties becomes important, preoccupying scholars.<sup>31</sup> As noted above, information campaigns are considered important in fostering issue-related (competent) voting. Studies have also shown that campaign dynamics can develop in many unpredictable ways and that support levels of the different campaigns can fluctuate significantly from 'yes' to 'no' and back again throughout such campaigns. The Irish experience of the Lisbon Treaty referendum (2008), for example, suggests that, due to various factors, the respective sides of a campaign can lose up to 17% of initial support within a couple of months. It is suggested that the issue on the ballot paper and attitudes towards Europe do become intertwined with national politics, domestic concerns, ideological preferences, one-off events, political personalities and others, which may 'combine to create unforeseen circumstances'.<sup>32</sup> As some conclude, 'referendums are not always about the issues on the ballot paper. But then, again, nor are the general elections'.<sup>33</sup>

In this context, a further argument questions much more fundamentally the **suitability** of deciding by referendums on European treaties. At the core of this argument lies the very nature of the EU, which unites states with heterogeneous preferences and is thus 'condemned' to the pursuit of consensus and compromise. Such compromise – as the argument goes – is being pursued via 'patient negotiation' between the representatives of the different interests – including the European and the national, and left and right – aiming to identify common ground between all of them. Thus, while welcoming as such the desire to give citizens a more direct say in European politics, the argument maintains that any such device should not allow opposing coalitions and 'excessive polarisation' based on national politics to threaten the consensual nature of the system by endangering 'patiently negotiated compromises' without the need to propose an alternative.<sup>34</sup> This view, again, is not unchallenged, suggesting that the consensus model should not act as a 'shield' protecting the integration project from direct democracy.<sup>35</sup> All in all, while referendums have undoubtedly emerged as a significant element in EU affairs, the degree to which countries make use of referendums differs greatly. At the same time, despite their recent proliferation, the value of referendums remains highly contested. As the story unfolds, the quest for the place of direct democracy in the EU continues among scholars and political leaders alike.

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## Endnotes

<sup>1</sup> Mendez, F., Mendez, M. and Triga, V. (2014), *Referendums and the European Union – A Comparative Inquiry* (Cambridge University Press), Ch. 1.

<sup>2</sup> These arguments have been summarised in, for example, Hobolt, S. B. (2009), *Europe in Question – Referendums on European Integration* (Oxford University Press), pp. 5-6; Qvortrup, M. (2013), *Direct Democracy – A Comparative Study of the Theory and Practice of Government by the People* (Manchester University Press), pp. 6-7 and 89 et seq.; Mendez, F. et al (2014), p. 8 et seq.

<sup>3</sup> Ibid.

<sup>4</sup> Hobolt, S. B. (2009), p. 5.

<sup>5</sup> Ibid., pp. 5 and 242.

<sup>6</sup> Mendez, F. et al. (2014), Ch. 2.

<sup>7</sup> International Institute for Democracy and Electoral Assistance (IDEA): [Direct Democracy – The International IDEA Handbook](#) (2008), pp. 47-49.

<sup>8</sup> Mendez, F. et al (2014), p.221.

<sup>9</sup> Hobolt, S. B. (2009), p. 10.

<sup>10</sup> Mendez, F. et al (2014), p. 37.

<sup>11</sup> Hobolt, S. B. (2009), p. 14.

<sup>12</sup> Ibid., p. 23.

<sup>13</sup> [IDEA Handbook](#) (2008), p. 188; Hobolt, S. B. (2009), p. 12; Saward, M. (2003), p. 55.

<sup>14</sup> Hobolt, S. B. (2009), p. 3; Qvortrup, M. (2013), p. 3; [IDEA Handbook](#) (2008), p. 42.

<sup>15</sup> Qvortrup, M. (2013), pp. 3, 26 and 51.

<sup>16</sup> Hooghe, L., Marks, G. (2006), 'Europe's Blues: Theoretical Soul-Searching after the Rejection of the European Constitution', in: *Political Science & Politics*, Vol. 39, No. 2, p. 248; Hobolt, S. B. (2009), p. 3 and 8.

<sup>17</sup> Hobolt, S. B., p. 14.

<sup>18</sup> The table includes EU-related referendums in Norway, Switzerland and Liechtenstein but excludes Greenland and the Åland Islands.

<sup>19</sup> Mendez, F. et al. (2014), p. 59.

<sup>20</sup> Hobolt, S. B. (2009), Ch. 8.

<sup>21</sup> Qvortrup, M. (2013), p. 97 et seq; O'Mahony, J. (2009), [Ireland's EU Referendum Experience](#), Irish Political Studies, 24(4), p. 438.

<sup>22</sup> Mendez, F. et al. (2014), pp. 68 and 220.

<sup>23</sup> For a review of such evidence see Hobolt, S. B. (2009), p. 23 et seq.

<sup>24</sup> Qvortrup, M. (2013), p. 102.

<sup>25</sup> Ibid., p. 154.

<sup>26</sup> Hobolt, S. B. (2009), p. 205; Dehousse, R. (2006), [The Unmaking of a Constitution: Lessons from the European Referenda](#), Constellations, Wiley, 13(2), p. 152 et seq.

<sup>27</sup> Hobolt, S. B. (2007), 'Taking Cues for Europe? Voter Competence and Party Endorsements in Referendums on European Integration', in: *European Journal of Political Research*, Vol. 46, pp. 151-182; Hobolt, S. B. (2009).

<sup>28</sup> Hobolt, S. B. (2009), pp. 24, 196 and 241.

<sup>29</sup> Hobolt, S. B. (2007), p. 177.

<sup>30</sup> For example, Dehousse, R. (2006), p. 160 et seq ; Mendez, F. et al (2014), p. 8 et seq.

<sup>31</sup> Hobolt, S. B. (2009), p. 5.

<sup>32</sup> Qvortrup, M. (2013), p. 101.

<sup>33</sup> Ibid., p. 153.

<sup>34</sup> Dehousse, R. (2006), p. 160 et seq.

<sup>35</sup> Glencross, A. and Trechsel, A. 'First or Second order Referendums? Understanding the Votes on the EU Constitutional Treaty in Four EU Member States' (2011), in: *West European Politics*, 34(4), p. 769.

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