Joseph Twomey (5623928), European Studies, track: European Integration and EU-Global Relations

THE POLITICS OF RECOGNITION: IRELAND'S OUTLOOK ON THE EUROPEAN UNION AS EXHIBITED IN THE NICE REFERENDA

Masters Thesis

1st supervisor: prof. dr. J. Leerssen
2nd supervisor: dr. M. Spiering

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Table of Contents

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List of Acronyms

AFRI	Aid from Ireland
CA	Court of Auditors
CFSP	Common Foreign and Security Policy
CoR	Committee of the Regions
EC	European Community
ECJ	European Court of Justice
ECRI	European Commission Representation in Ireland
EEC	European Economic Community
EIU	Economist Intelligence Unit
EP	European Parliament
ESC	Economic and Social Committee
EU	The European Union
IBEC	Irish Business and Employers Confederation
IDA	Irish Development Authority
NATO	North Atlantic Treaty Organisation
PANA	Peace and Neutrality Alliance
PfP	Partnership for Peace
QMV	Qualified Majority Voting
RRF	Rapid Reaction Force
SEA	Single European Act
WEU	Western European Union

1. Chapter I: Introduction

1.1 Introduction

According to the *Irish Times*/MRBI poll of November 2007, it will be a very close run thing if the Irish voter is to pass the referendum on the Reform Treaty to be held in 2008.[1] Indeed, only some 25 percent of those polled said that they would be voting in favour of the treaty, with the vast majority of those interviewed having little knowledge of the treaty's tenets.[2] Ireland is the only member state of the European Union (EU) that will hold a referendum on the treaty and such a lack of support, whilst something of a shock to the nation's leaders, is not without precedence. This work will aim to examine the way in which the two referenda on the Treaty of Nice in the early 2000s provide us with an insight into the unique nature of the Irish outlook on Europe. This will be done through giving a brief background to Ireland's involvement in the EU, an examination of the factors at work in each of the Nice referenda and interpretation of these through Charles Taylor's theory of the *Politics of Recognition*. In doing so it shall be aimed to provide an insight into the political identity of the Republic of Ireland and its relationship with the EU.

1.2 The Historical Background to Irish Involvement in the European Community/ the European Union

For the first two decades of the modern Irish state the main aim was self-preservation and the ensuring of independence from the British sphere of influence- making obsolete along the way the old Tory propaganda that Paddy was not capable of ruling himself. Thus, the name of the game was protection of native industry and escaping any official ties that kept the fledgling state reliant on Britain (although in reality she was very much, at least economically speaking, in the British sphere of influence). Whilst this policy served the Irish state well in getting on its feet and again during the Emergency of World War Two,[3] in the quick moving post-war world a change in policy was needed.

Such movement, however, was slow in coming as whilst the nation states of continental Europe

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[1] Stephen Collins, 'Support for EU Treaty has halved'. *The Irish Times*, 5 November 2007.
[2] ibid.
[3] Miriam Hederman-O'Brien, *Ireland in International Affairs. Interests, Institutions and Identities*, p.166.

rapidly rebuilt their shattered states, Ireland was slow to step out of the shadow of Britain. Unfortunately for them, Britain in the postwar period was not the epitome of success, with its sluggish economy growing at only half of that of its European counterparts. The ultimate example of the Irish dependence on Britain at this time is seen in the fact that as she only felt the tremors of what happened in Europe as dictated through Britain, Ireland's economic growth for this period stood at half of that of Britain, or one quarter of that of mainland Western Europe. In addition, Britain's lack of interest in European integration meant that, by default, Ireland played no great role in that process either.

However, with the rise of Seán Lemass and the falling away of the old Republican guard, a new pro-Europe approach began in the late 1950s. This stemmed mainly from progressive economic policy which placed trade with mainland Europe high on the preference list. As well as this, through involvement in the OECD and the Council of Europe, Ireland began to open up to the international community and Irish leaders began to see more and more the benefits of becoming involved in the European integration process. Membership of the United Nations from the mid-1950s also sped up the internationalisation of the Irish outlook.

By the 1960s, membership of the European Economic Community (EEC) had become a priority and despite the veto of Ireland's membership in 1963 by the Hibernophile,[4] Charles de Gaulle,[5] remained so until the chance for membership came around again. This it did in the early 1970s and in 1972 the Irish public voted irrefutably in a national referendum in favour of membership.[6]

Membership of the European Community[7] (EC) coincided with the modernisation of and a great increase in the level of output of the tertiary sector. However, as this was very much fueled by foreign investment the global recession that followed the oil crisis in 1973 hit the economy hard. In the years that followed there was a sufficient recovery by the country but the driving force behind it was increased public spending and borrowing. Likewise, EC structural funds pumped into the country and there was an increase in living standards as well as a significant increase in

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[4] General de Gaulle was a great admirer of the Irish, holidaying regularly in Kenmare, Co. Kerry.
[5] de Gaulle considered Ireland's relationship with Britain too close and therefore felt it correct to block Ireland's entry into the community along with that of Britain.
[6] With some 83% voting in favour of membership.
[7] The European Economic Community had by this time been consolidated into what became the European Community and thus the name change.

the number of products available to the consumer. Although, it would become apparent in the relapse of the 1980s, the increased competition that membership of the community brought was often too much for the indigenous businesses and many failed to adjust to the extent that they were unable to compete with imports from elsewhere.

By the 1980s, the reliance on foreign investment combined with extremely high taxation and public borrowing meant that the Irish economy was experiencing stagflation with unemployment standing at 18 percent and levels of emigration returning to levels not seen in several decades.[8] Throughout this time there was also, however, a build up of the number of Irish personnel working in the European institutions, often distinguishing themselves as skilled negotiators especially when there existed friction between two larger member states.

However, as detailed below, there emerged at this "belt-tightening"[9] time a new perspective on Ireland's position in European integration and a globalising economy[10] and came with it the realisation that to turn Ireland's back on the EC now and blame it for its woes was not the solution. Rather the solution was to become further involved with the Community and attach its fate to that of the other members as a whole. This mode of thinking also corresponded with the intensification of European integration as it became clear that in a rapidly internationalising world, a more intricately linked Union would have a better chance of thriving. Thus, a revival of momentum towards west European integration in the late 1980s confirmed the significance of Ireland's membership of the EC.[11]

What happened next is of course well documented: with the influx of structural funds[12], the lowering of corporate and other taxes and the marketing of the Industrial Development Authority (IDA), Ireland became the base for many knowledge based companies who were able to operate effectively with Europe on their doorstep. The result was a dynamic economy which meant that a per capita GDP which stood at 66 percent of the EC average on its entry to the Community in

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[8] Joseph J. Lee, *Ireland, 1912-1985. Politics and Society*, p.510.
[9] Referring, of course, to Charles Haughey's 9 January 1980 address to the nation on outlining the bleak economic outlook of the day.
[10] Rory O'Donnell, *Europe: The Irish Experience*, 177.
[11] Brigid Laffan and Ben Tonra, *Politics in The Republic of Ireland*, p.435.
[12] Although it should be noted that these never reached a level of more than 7% of Irish GDP and their place in the rapid development of the Irish economy is often overstated, with it being sometimes suggested that they "made" the contemporary Irish economy.

1973, by 2000 had reached 115 percent of the average, with Ireland becoming in economic terms what Europe's leaders wanted the EU to epitomise.

1.3 The Intellectual Background to Irish Involvement in the European Community/ the European Union

Central to the analysis of Ireland's shift towards Europe is the history of pro-Europe thinking among Irish policy-makers and political thinkers. Since the end of the Second World War a trend towards viewing Ireland in terms of Europe can be traced. Whilst External Minister in the Inter-Party Government of the late 1940s, Seán MacBride spoke often about the need for Ireland to comprehend herself as a European nation and participate in trans-European integration. MacBride, "fluent French, but broken English-speaking"[13] as Noël Browne once described him, provides an early example of the pro-European approach which extends to the current government under Bertie Ahern. Indeed, as early as the late 1940s, editorials in national newspapers promoting the 'Idea of Europe' and a European identity in which Ireland played a role were not unusual. Throughout the Republic's application to the EEC in the 1960s, the 'Idea of Europe' gained increasing support amongst the Irish elite, with many politicians choosing to employ it to make sense of being Irish and the current Irish situation. Even after the outbreak of the troubles in the North in the late 1960s, when eyes were on the home front rather than abroad, followers of the idea of the reinvention of the Irish nation in terms of the 'Idea of Europe' were to be found in influential positions in Irish society. These included figures such as Garret Fitzgerald who proposed a reconstruction of the Irish political mindset, using the 'Idea of Europe' as its base, which would be European and modern-thinking. However, this call for the image of Ireland to be refashioned in this light met opposition through the form of the Charles Haughey governments of the 1980s but by the beginning of the 1990s even Haughey had began to use pro-Europe thinking to understand the Irish situation, employing political strategy that looked towards the newly evolving Europe that was emerging at that time.

Soon there was an agreement across party lines about what people like Fitzgerald had proposed decades before. Furthermore, the Irish intelligentsia now came to share this identification with Europe and the downgrading of the role Britain played in Irish affairs in favour of Europe was the

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[13] Joseph J. Lee, *Ireland, 1912-1985. Politics and Society*, p.301.

result. The significance of the role that Britain had previously played in Ireland's connection with Europe can be seen by the fact that the Republic's application for EEC membership in the 1960s was largely based on the fact that given the interdependence of the two economies, Britain's accession would be hugely damaging if the Republic were not to accede.

In the 1980s, there emerged a greater level of social partnership between trade unions and leaders which, looking towards the social models of the nation states of Western and Northern Europe began a process of increased co-operation and 'Europeanisation'.[14] However, as the scholar Rory O'Donnell comments, this was not merely an Irish adoption of a superior European approach, with proof of this lying in the fact that today the Irish version of social partnership differs significantly from other European models,[15] one expression of Ireland developing on its own terms.

It was also in the 1980s that Irish involvement in Europe intensified, having exhibited dreadfully low economic performance during the decade at the hands of internationalisation and European governance which exposed critical weaknesses.[16] However, rather than work against it, there was the good faith amongst the Irish leaders to 'steer into the skid' and embrace further European integration and internationalisation and this widely shared new perspective was reflected in Irish approaches to the key dimensions of integration.[17]

By the 1990s, the shift in the discourse of the Irish elite towards Europhilia had been thoroughly completed and this finds expression in the government's 1996 *White Paper on Foreign Policy* where the importance of the relation with the EU, where it is outlined in no uncertain terms that the future success of Ireland and that of the EU are intricately connected.[18] By this time, the transformation of the thinking of the political elite in Ireland has reached full fruition and government policy reflects the broad beliefs of the early commentators on the subject.

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[14] Rory O'Donnell, *Europe: The Irish Experience*, 179
[15] Ibid.
[16] ibid.
[17] ibid.
[18] Department of Foreign Affairs, *Challenges and opportunities abroad: white paper on foreign* policy, p.10.

1.4 Introduction to Taylor's Theory

The theory that will be employed in order to make sense of the topic tackled herein is that of the Canadian philosopher and social theorist, Charles Taylor. Taylor, interested very much with the role played by dialogical and social relations with those around us, takes on in his work 'The Politics of Recognition' the cause of the francophone Quebeckers, searching for a solution to their status in English-speaking Canada and asserting the right for their unique culture to be recognised rather than assimilated into a more dominant one. Along the way he outlined the way in which one grows dialogically and how this is done in relation to the world and "significant others".[19] This dialogical character, which implies a mutual interdependence, is not antithetical to one's ability to achieve individuality, but is rather a crucial aspect of it.[20] Building on the outline of the brief summaries of Irish involvement with the European Community and the European Union over the past three and a half decades, I posit the view that the EU has replaced Britain as Ireland's "significant other" and it is therefore in relation to that entity that Ireland works out her individuality and what Taylor calls her "authenticity".[21] Therefore, it is also through this relationship that we struggle for our self to be recognised, our own uniqueness to be preserved and our own identity to be respected. Given the broad nature of matters such as "identity" and "self", this work will deal with only one "identity" in particular, that of the political identity of Ireland and more specifically how this was represented in the two Nice referenda of the early 2000s. This shall be done in order to provide analysis of the relationship between Ireland and her "significant other", the European Union. The context of Taylor's theory will be widened slightly so as to account for the nation of the Republic of Ireland within the EU, whereas in the original context Taylor was alluding to individuals, or groups thereof, within larger society.

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[19] Charles Taylor, 'The Politics of Recognition' in *Multiculturalism*, p.32. Taylor accredits the phrase to George Herbert Mead in his 1934 work *Mind, Self, and Society*.
[20] Brian Milstein, *On Charles Taylor's 'Politics of Recognition*.
[21] Charles Taylor, 'The Politics of Recognition' in *Multiculturalism*, p.28. Taylor follows Lionel Trilling's usage as expressed in his work *Sincerityand Authenticity* (1969).

2. Chapter II: The First Referendum on the Treaty of Nice

2.1 Introduction

During the signing ceremony of the Nice Treaty in late February 2001, the Irish Minister for Foreign Affairs, addressing the Irish press, spoke of the transitional position Ireland occupied in the European spectrum, stating that it was positive that change was occurring in how Ireland was viewed by Europe.[22] What he did not comment upon, however, was the way in which Ireland's attitude towards Europe was also changing and, in a society characterised by increasingly rapid social transformation, the speed at which this shift in outlook was taking place. It was this changed approach towards Europe that was to find its ultimate expression in the rejection of the ratification of the treaty. The present chapter will attempt to address this shift through analysis of the various issues that induced this rejection of the treaty so as they may operate as eyelets allowing us to peer directly into the complex change in undercurrents of the Irish attitude towards Europe. Working closely with each topic responsible for the victory of the "yes" vote will enable us to come to a thorough understanding of the reasons for the Irish opinion and its evolution, and where it stood in the early 2000s.

The Nice Treaty, as those who advocated it insisted, was indeed about Ireland's transition. It was about Ireland's move from a fledgling European state primed by its aides and now able to stand alone and preach what it had learnt. It was about this new Ireland, at the time making the changeover from net beneficiary of structural funds to net donor, rising and taking its place among the old hands of the Union as it opened the door to those future members who would look to replace Ireland as the 'golden boy' of the EU. Six months before the balloting of votes, the opinion columns of Irish newspapers were already filled with the need to take this chance to accompany our economic advance with similar progress towards political maturity.[23]. As it turned out the Nice Treaty referendum was indeed about this new Ireland, only this new Ireland was not about support for the European project nor enthusiasm for what many saw as the

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[22] Minister for Foreign Affairs Brian Cowen in Denis Staunton's 'EU foreign ministers sign Treaty of Nice'. *The Irish Times* 27 January 2001.
[23] Letter to the editor, 'Ireland and the EU'. *The Irish Times* 09 January 2001.

sacrificing of sovereignty for the causes of other European states. Instead it reflected the growing concerns of a populous feeling increasingly unattached from what was happening in the Union and uneasy at the idea that fundamental staples of their nation such as the right to neutrality could be undone in a bid by their government to further cajole Brussels.

The need to vote built on an earlier judgement by the Irish Supreme Court on the Single European Act (SEA) which had ruled that fundamental changes to European Treaties, which alter the Irish Constitution's recognition of sovereignty as being ultimately derived from the People, require an amendment to the Irish constitution. The only way the Irish constitution can be amended is through popular referendum. Therefore, whilst ratification of the Nice Treaty in all other EU member states took place in the national parliament, Ireland was to have a referendum on the matter.

The treaty itself is not a particularly stirring work and this was reflected in the record low turnout on polling day. The overall intended effect of the treaty was to streamline further the European institutions so as they were more able to deal with the forthcoming expansion of the Union to include ten post-Communist nations and the island states of Cyprus and Malta. In order to do this, the treaty put in place measures to reform the number of Commissioners elected by each country, increase the power of the President of the Commission, redistribute the number of votes each member state had in the Council of Ministers as well as revise the system of Qualified Majority Voting (QMV). The number of places in the European Parliament (EP) was also to be increased and the treaty also carried legislation to make some minor changes in the other institutions of the EU; The European Court of Justice (ECJ), The Court of Auditors (CA), The Economic and Social Committee (ESC) and The Committee of the Regions (CoR). In relation to the security policy of the EU, the treaty made no alteration to The Common Foreign and Security Policy (CFSP), the tenets of which had already been set out in previous treaties, but established a Political and Security Committee in order to monitor situations in areas covered by the CFSP, contribute to the definition of policies by delivering opinions to the Council of Ministers, monitor the implementation of agreed policies and exercise political control and strategic direction of crisis management operations.[24]. The treaty also made grounds for the integration of the activities of

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[24] 'The Nice Treaty, what it means to you', chapter five. The Referendum Commission.

the Western European Union (WEU), a defence and security organisation set up under the Treaty of Brussels, with areas traditionally covered by the WEU coming under EU control.

What this meant in practice for Ireland was that the change in the relative voting strengths of member states meant that her voting power in the Council of Ministers was reduced from 3 votes from an overall number of votes of 87 to 7 in 237, or from 3.45 percent of the vote to 2.95 percent. This meant that in a future 27 member state EU, Ireland would hold 2.03 percent of the overall vote in the Council. This, however, was still disproportionate to its share of total population in a Union of 27 which would account for only 0.8 percent.[25] The changes also raised the threshold for QMV from 71.3 percent of the vote to 73.9 percent in an enlarged Union. As part of the streamlining a similar adjustment in the number of seats in the Parliament was made, with the number allocated to Ireland dropping to twelve instead of fifteen. In the same mode, the number of issues on which member states can exercise a veto was also reduced. From the beginning it was argued by critics in Ireland that these changes in the voting system, which were meant to make the EU decision-making process function more smoothly, rather made it a sight more complicated.[26] There was also concern expressed over the raising of the QMV threshold.[27]

Considering the huge majority of political parties and prominent public figures on the side of the "yes" vote, it is quite incredible that the treaty was rejected. Both the government and the opposition called for a "yes" vote, as did Labour and the main workers' Unions. In addition, the overwhelming majority of intellectuals in the public sphere backed ratification, with former Taoiseach Garret Fitzgerald serving as a one-man lobby group, preaching the great threat of a negative vote. Likewise, the Irish business community were very much in the "yes" camp, with the Irish Business and Employers Confederation (IBEC) citing enlargement as being of vital strategic importance for Irish business and employers.[28] In contrast, the "no" campaign was composed of a motley collection of Eurosceptics, NGOs, staunch neutralists, anarchists, socialists and worker movements. Although during the run-up to the referendum groups such as Action from Ireland (AFRI) did manage to gain widespread coverage in the media, with the only two

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[25] ibid.
[26] Denis Staunton, 'Opinion'. *The Irish Times* 30 March 2001.
[27] ibid.
[28] Christine Newman, 'Treaty `vital' for business'. *The Irish Times* 05 April 2001.

political parties in favour of rejection being the relative minnows of Sinn Féin and the Green Party it was quite a coup what those in the "no" camp managed to pull off on 7 June 2001.

A large part of this, however, can be put down to the lax attitude of the "yes" side and the running of a well organised campaign by those opposed to the treaty. Despite the predictions that the referendum campaign could serve as a useful prelude to the greater European debate ahead, the government's campaign for a "yes" vote was uninspired and presumptuous, relying greatly on recent pro-Europe trends as reflected in previous referenda on European integration[29] and failing to gain public interest in the issue. This was reflected in the very low turnout on the day, and it was largely would be "yes" voters that absconded that day.[30] In the official survey on the failure of ratification carried out by the European Commission Representation in Ireland (ECRI) it was found that the "yes" side managed only to persuade one-third of those who had supported the Amsterdam Treaty.[31] This provides us with a clear reflection of the inadequacy of the "yes" campaign and this must be clarified before discussion of the other factors in the negative result of the referendum. The survey finds that by referendum day, almost two-thirds of the electorate felt that they had either only a vague idea of what the treaty was about or none at all.[32] Correlative evidence that a general disinterest in the whole subject was the key factor in the defeat of the treaty can be seen from the fact that the "yes" vote as a proportion of the electorate actually fell between the Nice and Amsterdam referenda. However, the fact still remains that the treaty was rejected and it is on the reasons for this that this piece will focus, for the purpose stated above of analysing the change in Irish public opinion towards Europe.

Relations between Brussels and Dublin over the months preceding the referendum did not help the government's campaign either. After announcing in December 2000 what the European Commission felt was a budget which would increase inflation in wider Europe, Ireland was officially reprimanded by the European Commissioner for Economic and Monetary Affairs. In the aftermath a whole string of Irish politicians including the Finance Minister Charles MacGreevy and the Tánaiste Mary Harney moved to justify the budget on the grounds that inflationary actions of such a small economy as Ireland have virtually no effect on that of the

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[29] Denis Staunton, 'Opinion'. *The Irish Times* 30 March 2001.
[30] Richard Sinnott. *Attitudes and Behaviour of the Irish Electorate in the Referendum on The Treaty of Nice* , p.i. Some 53 percent of those who voted "yes" to the Amsterdam Treaty abstained whilst only 36 percent of those who had voted "yes" stayed at home.
[31] ibid.
[32] ibid., p.iii.

euro-zone.[33] Many commentators at the time, however, chose to locate this in a context of broader, more fundamental tension in the Irish-EU relations. Some put this down to the dismay of Brussels at Dublin moving more in line with London on many issues, the fruit of years of negotiation on Northern Ireland and other matters. Indeed, this found convincing evidence in the dispute over Irish inflationary measures as inflation is the menace of the European social state model, which, of course, Britain does not nor has the wish to employ. Further intimations that the Irish state was using EU structural funds to finance such inflationary budgets also spoke of this fear of inflation and indeed something of a shift in attitude towards Ireland's role in the EU.[34] Such suggestions were met with defiance in Dublin and the entire affair soon skyrocketed from its status as a minor slap on the wrists to a difference in fundamental thinking between the Irish government and the EU, with comments such as Harney's from the previous year that "Dublin is closer to Boston than Berlin" being rehashed in the media where they did little to not aid the resolution of what had now become a free for all.[35]

Prophetically, it was noted in *The Irish Times* that whilst this "gungho" attitude of the government towards criticism from Brussels may provide an electoral boost, the ratification of the Treaty of Nice would now be more difficult with there being a real fear that anti-EU feeling could lead to its rejection. "And then we will have to have another election" one commentator signs off.[36] Indeed, with those around him all too willing to have a dig at the EU it was left to Minister for Foreign Affairs Brian Cowen to try and paper over the cracks in Irish-EU relations, emphasising the fact that whenever called upon to do so, the Irish public had affirmed their support for the European project through their passing of the various referenda put before them. He added that he was confident that they would do so again in supporting ratification of the Treaty of Nice and the commitment to enlargement.[37]

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[33] Finance, 'Economic strategy in line with EU-Harney'. *The Irish Times* 05 February 2001.

[34] Denis Staunton and Jane Suiter, 'McCreevy to defy EU reprimand despite isolation in Brussels'. *The Irish Times* 13 February 2001.

[35] Harney's comments appear in Mark Brennan's article 'Harney opposed to closer European Integration' which originally appeared in The *Irish Times* on 22 July 2001 yet the phrase had been used in various publications before this. The earliest I have found is in Rory O' Donnell's 'The New Ireland in the New Europe' which forms part of the collection 'Europe. The Irish Experience' where he writes of meeting a young Irish law student during the mid-1980s who coins the phrase (at least in O'Donnell's mind).

[36] Weekend, 'Standing up to Brussels'. *The Irish Times* 10 February 2001.

[37] World, 'Cowen Denies any cooling towards the EU'. *The Irish Times* 07 March 2001.

2.2 The Issues

What follows is an in depth account and analysis of the issues that decided the referendum outcome.

2.3 EU Decision Making

According to the official survey carried out in the aftermath of the 2001 Nice Treaty referendum, by the European Commission Representation in Ireland (ECRI) the greatest reason people cited for their rejection of the treaty was their dissatisfaction with decision-making within the EU.[38]

For a treaty that attempted to market itself as being about the streamlining and increasing the efficiency of the decision-making system read in an Irish context this tended to translate for the "yes" side into taking away power from the smaller states and allowing a newly enlarged Union to be dominated by the larger states. Indeed, they found more than useful snowballs to fire in the fact that the treaty did, technically, with new weighting of votes in the Council enable larger countries to more easily ensure a decision is not passed. Also, the capping of the number of Ministers at 27 so that as soon as the number of member states exceeded that, countries` Ministers to the EU will work on a rotation basis created fear amongst many that Ireland, as a small nation, would further lose representation. Similarly, the extended use of QVM was used as another example of the Union's plan to cut out the smaller members of the Council from making an impact on decisions.

The background to this disbelief, however, in the way decisions were made at EU level stemmed deeper than from merely the run up to the Nice referendum with EU barometers registering a fall in Irish support for integration for a number of years prior to 2001.[39] Others spoke of a fundamental change in the Irish outlook towards the EU, with the Irish people's commitment to European integration over the last generation being scaffolding they can afford to cast off now that average EU income has been reached.[40]

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[38] Richard Sinnott, *Attitudes and Behaviour of the Irish Electorate in the Referendum on the Treaty of Nice. Results of a survey of public opinion carried out for the European Commission Representation in Ireland.* p.*v*.
[39] Eurobarometer 1998-2001.
[40] Paul Gillespie, 'Ireland and UK both face profound debate on future in EU'. *The Irish Times* 30 June 2001.

Events during the run up to the referendum did, however, conspire somewhat against a positive view of the level of Irish control over EU decision-making. As outlined in an *Irish Times* article two weeks before the country went to vote on the treaty, the former Attorney General of Ireland John Rogers presented three recent cases emanating from EU institutions which directly affected the constitutional rights of Irish citizens and yet did not, due to the structure of the EU, receive any discussion time in the houses of parliament.[41] The first concerned Agenda 2000, the EU agricultural reform package which apart from calling for the milk quota system to stay in place until 2006, made proposals to deal with the problem of the extent of quotas held by persons who were no longer actively involved in the production of milk. This, it was argued, was an unconstitutional instrument and adherence to it did not arise out of membership of the institutions of the EU. The second concerned a regulation issued by the Commissioner of Agriculture stating that fattened cattle over 30 months were not to be slaughtered for human consumption without a BSE test. Although from the outside this appears a reasonable action on the part of the Commission in the context of the absence of scientific proof that BSE can be passed from a cow to its offspring and having regard to the effective measures introduced in 1996 outlawing the feeding of meat-and-bone meal to Irish cattle, it is not surprising that Irish farmers felt that the Commission had taken inadequate note of Irish conditions.[42] The point in this case and that of Agenda 2000 was that there was no debate on either issue in the Dáil. Thus, here produced for the Irish public was further evidence that issues decided upon within the institutions of the EU that had a direct effect on the Irish citizen were done so above the heads of the elected representatives of the people and without paying heed to the particular situation of one of its (smaller) member states.

The third issue mentioned in Roger's article and which spills over into becoming not just uneasiness at the lack of Irish influence over EU decision-making but a reason by itself to vote against the treaty was that of the Commission regulation concerning the recognition and enforcement of divorce, separation and annulment. Stated among the provisions of this new law was that a person may apply for divorce, legal separation or annulment of marriage in any state of the Union in which he or she has been habitually resident for a period of one year. There was thus a potential for conflict with Article 41 of the Constitution which allows for the dissolution of

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[41] John Rogers, 'Voters should not be blackmailed into voting Yes to avoid giving offence'. The *Irish Times* 19 May 2001.
[42] Ibid.

marriage in limited cases. Although he agreed with the law on a personal level, Rogers was quick to point out that there were many in the State who would not and who might see the regulation as undermining the institution of marriage and the constitutional rights of family members in circumstances where such rights had only been altered after significant national debate and decision by referendum.[43] In this light the decision of the Council of Ministers could be viewed as undemocratic, altering fundamentally, without any reference to the Oireachtas, decisions made by the Irish people through referenda, the old fear of Brussels steamrolling through the idiosyncrasies of the Irish constitution thus raising its head once more as it had done since negotiations over membership began.

Added to the general confusion over what the treaty actually said and meant, as well as the fear of those tenets that seemed to curb Irish influence over decision-making, these examples of EU absolute power produced an atmosphere amongst Irish voters conducible to a "yes" vote and this is one of the reasons it became the largest factor in the peoples' rejection of the treaty.

2.4 Neutrality

Another one of the factors central to the rejection of the treaty was that it appeared to many that it infringed on Ireland's unique historic policy of neutrality. In his analytical work on Irish defence and security policy *Riding the Tiger*, Jerome Connolly sets out the five different types of neutrality. Irish neutrality is neither a legal status nor a permanent status such as that of Switzerland or Austria nor is it a non-aligned group of countries or a nation, such as Sweden, which has presented a consistent policy stance of neutrality which fundamentally determines the totality of its foreign policy. Rather, it is a "position of non-membership of military alliances, maintained without any organic reference to the rest of its foreign policy or international involvement".[44] Built on the background of Anglo-Irish relations and the sustained lack of involvement during the Second World War, Irish neutrality enjoys a public support which seems to reflect a generalised desire to keep Ireland free of international military entanglements and has acquired a symbolic importance reflecting as it does important values.[45] In each referendum regarding the EU Ireland had voted on, there were those who insisted that a "yes" vote would

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[43] ibid.
[44] Jerome Connolly, *Riding the Tiger*, 10/11.
[45] ibid. ,11.

mean the weakening of the nation's policy of neutrality, and that of the Nice Treaty was no different. Often dismissed by supporters of European integration as a mere bogeyman to be used by Eurosceptics and isolationists at referendum time, a perceived threat on neutrality was indeed an effective tool for those opposed to the further pooling of sovereignty within the EU. Two neutralist groups who received much media coverage during the Nice campaign were Action from Ireland (AFRI) and The Peace and Neutrality Alliance (PANA), both of which called for a "no" vote and for certain 'opt-outs' to be made available to Ireland. In the treaty itself there is a call for references to the WEU to be replaced with the EU, as for many years the EU had been subsuming areas of WEU operations. From here it appears that those groups opposed to the treaty on the grounds that it affects Ireland's neutral status have made the jump to Irish participation in the EU's new Rapid Reaction Force (RRF). In fact the decision to create such a force had already been taken by the European Council. Thus, many in the neutralist camp, already scared at Ireland's participation in the Euro-NATO organisation Partnership for Peace (PfP) jumped at the chance to link the treaty with Ireland's participation in the RRF and thus its neutrality. What is important in discussing this topic is not what the treaty actually meant for Irish neutrality but what it was *perceived* to mean and how this was presented to the public. A large part of the Irish public, for their part, bought into the claims of the neutralists, with the camp drawing on the powerful pool of emotion and defiance that the threat of compromised neutrality brought as well as the general confusion over the purpose of the treaty and the matters it addressed. Apart from the confusion, however, the voting against the Nice Treaty on grounds that it threatened neutrality is indicative of the Irish attitude towards the EU. Even as far back as the early 1990s, experts such as Peter Sutherland spoke of the disastrous effects of Irish abstention from a Union defence structure as without political cohesion the spirit of solidarity that furnished Ireland with economic aid would no longer prevail.[46] This loss of solidarity was also central to the discussion over Ireland's proposed entry to the PfP in the mid-1990s. For five years vocal anti-PfP exploited party differences over the issue to prevent Ireland from joining the co-operation[47] despite experts' fears that if Ireland did not participate it would become "out of the loop" as regards international peacekeeping and the changing international context in which Ireland followed its foreign policy. The PfP debate thus mirrors that of the Nice Treaty and the pro-neutrality stance that many Irish people take. The outcry during Nice over the threat towards neutrality, whether orchestrated or

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[46] ibid., 74.
[47] Róisín Doherty, *Ireland, neutrality and European Security*, p.222.

not, can also be read as an expression of the apprehension over EU integration and an indication of how Ireland wanted to be involved in the European project on its own terms. Built on the long tradition of respect for neutrality, this expression in the "yes" vote also reflects something of a weakening in support for European integration. This is because ongoing faith in isolationism on an important topic amidst increasing European integration reflects not only a step away from military commitments, but a step away from Europe. This was made clear during the Nice debate when the Minister for Defence accused those opposed to Nice of being "blinkered isolationists", which also delineates the gulf between government and public opinion on the matter.[48]

AFRI countered Minister Smith's accusation of isolationism with a questioning of the Minster's own vision of internationalisation whereby "the Defence Forces must have the training and equipment to integrate as seamlessly as possible into multinational support operations dominated by contingents with highly capable and technologically advanced forces"[49] which to them seemed to imply not internationalist *co-operation* with those other forces, but rather, at best, simply *operating with* or alongside them.[50] Thus the case was put forward that the Irish role would be subordinate within the proposed new arrangements. In the eyes of AFRI, this went against the grain of the significant contribution Ireland had made to international peacekeeping while remaining outside of such arrangements.[51]

2.5 Enlargement

Flagged from the beginning by Irish leaders as being about enlargement,[52] the Nice Treaty in fact only made further adjustments to what had been decided in the Amsterdam Treaty.[53] However, perhaps because they felt it would pass easier if they did so, the Irish government chose to tout the treaty as being mainly about enlargement. This was ultimately to their detriment as in the run up to the referendum many commentators attacked the government for this stance and chose to discuss the other issues involved in the treaty. This, in addition to the contestable nature of the claim that the treaty was needed for enlargement to take place, meant that by the time of voting

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[48] Theresa Judge, 'Brothers in arms set for East Timor. *The Irish Times* 24 January 2001
[49] The *Irish Times*, 26 April 2000, referenced in AFRI's position paper No. 3, *The Treaty of Nice and A European Army: Implications for Ireland*, p.1.
[50] ibid., pp.1/2.
[51] ibid., p.2.
[52] Denis Staunton, 'EU foreign ministers sign Treaty of Nice'. *The Irish Times* 27 January 2001.
[53] Under which up to five new member states were eligible to accede to the Union without resort to a further treaty.

there were many who placed themselves in the "no" camp because they felt they were being fooled by the government into voting for matters other than enlargement. As well as this there were also a great many who, having been told the referendum was about one matter and during the following weeks had heard or read about several other areas that the treaty dealt with, were in a state of confusion regarding the treaty, so much so as to reject its passage. Thus, this played into the hands of the "no" camp, as a large number of "no" votes were garnered by the well organised campaign which employed the slogan `if you don't know, vote NO` in an effective manner.

Others spoke of the exaggeration of the economic gain that the government claimed enlargement would bring.[54] Expressed concerns also appeared in various newspapers regarding the opening of the East to the West rather than the opposite, with a "we want your markets, not your people" approach being feared.[55] Thus, it is incorrect to state that those who stated enlargement as their reason for rejecting the Nice Treaty were opposed to allowing other countries to join the Union, rather they were more likely to be confused or disliked the way in which enlargement was to take place. Whilst there were those who felt that now that the gravy train of EU structural funds was over the Irish citizen would end up footing the bill for enlargement,[56] these were outnumbered by those citing lack of knowledge or other issues for their voting against the Treaty because of the issue of enlargement. Accordingly, this is reflected in the data collected by the ECRI in the aftermath of the "no" victory.[57]

In answer to the surveyors' general question of whether they were for or against enlargement, 41 percent of voters said they were in favour with only 15 percent saying they were not (with 43 percent not giving a response).[58] In response to an open-ended question on perceived advantages and disadvantages of enlargement about two in five saw no particular advantages in enlargement and a very similar proportion felt the same about potential disadvantages,[59] thus reflecting the low level of concern and/or the lack of knowledge regarding enlargement. Amongst those that did express an opinion one way or the other, however, there did tend to be a leaning towards closing

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[54] Maurice Coffey, 'Public misled on Nice Treaty says Riordan'. *The Irish Times* 11 May 2001.
[55] Letter to *The Irish Times* 23 May 2001.
[56] Letter to *The Irish Times* 25 May 2001.
[57] Richard Sinnott, *Attitudes and Behaviour of the Irish Electorate in the Referendum on the Treaty of Nice. Results of a survey of public opinion carried out for the European Commission Representation in Ireland.* p.7.
[58] ibid., pp.6/7.
[59] ibid. p.7.

the door to new member states in order to protect the interests of a small country such as Ireland. This is clear from the 28 percent of those interviewed who said they saw economic disadvantages in enlargement as compared to 23 percent who saw economic advantages,[60] this perhaps obliquely reflecting the relatively widespread view that enlargement would bring with it a higher level of immigration from the former eastern bloc.[61] Similarly, the survey found that whilst 8 percent saw advantages in terms of sovereignty and power in the shape of a stronger and broader Europe, some 19 percent were worried about the implications for sovereignty and the exercise of power in terms of direct loss of national identity or in terms of Europe simply becoming too large and unwieldy.[62]

2.6 Moral Issues

In the survey carried out by the ECRI it was found that the fifth most cited reason for rejecting the treaty was the fear that its passing would mean that moral issues such as the power to grant the right to divorce or abortion would be taken out of the control of the Irish government and legal institutions.[63] Although some voters who believed this may have been rattled by the reporting of the former Attorney general John Rodgers, as included above, on the EU's stance on divorce, the idea of the EU as an over-liberalising force set on ensuring the right to abortion or divorce in each member state has been a common theme in Irish relations since the opening of negotiations to join the European Community. This perhaps reached its peak during the run-up to the 1987 referendum on the SEA. During which groups such as The National Rosary Campaign employed extreme tactics in calling for a "no" vote, stating that "the Irish people are being asked to give away our right to protect, our UNBORN BABIES,OUR FAMILIES,OUR YOUTH,OUR CULTURE, OUR COUNTRY" [their capitals].[64] Similar groups, which often carried symbols of foetuses on their literature, claimed that the Act was about creating a superpower with one set of social, economic and military laws thus making Ireland a state within a union where the law of the Union would take precedence over state law such as in Australia or the U.S.A, rendering the

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[60] ibid.

[61] Some 7 percent of people interviewed said that they were worried about the direct implications of increased migration after enlargement.

[62] Richard Sinnott, *Attitudes and Behaviour of the Irish Electorate in the Referendum on the Treaty of Nice. Results of a survey of public opinion carried out for the European Commission Representation in Ireland*, p.7.

[63] Ibid., p.10.

[64] Original campaign leaflet reproduced in Dermot Keogh's *Ireland & Europe, 1919-1989*, p.272.

Irish Constitution a worthless piece of paper.[65] In this way "ABORTION AND MANY OTHER EVILS seen as social rights in Europe could be enforced in Ireland" [their capitals].[66]

Ostensibly bordering on the ridiculous in light of today's Irish involvement in European integration, even at the time such campaigns were dismissed by the Catholic hierarchy as wide of the mark, yet they continued to carry weight with some sections of the populous. Speaking as chairman of the hierarchy's committee on European Affairs during the SEA debate Bishop Joseph Duffy of Clogher said that the Act had no relevance on abortion in Ireland.[67] Similar comments on the explosion in the number of campaigns calling for a "no" vote on moral grounds came from parish priests such as those of Mallow, Co. Cork, where canon Denis O`Callaghan said he was "amazed at the amount of literature circulating from Catholic groups calling for a 'no' vote" and accused the "no" vote campaigners of "scaremongering".[68]

Whilst it did not return to the level reached during the SEA campaign, during the run up to the referendum on Nice the scaremongering was also present. Indeed it had been throughout the meantime. Consider, for example Monsignor Denis Faul's 1997 article 'Celtic Tiger Devours its Young' which attacks modern Ireland, wherein abortion is presented as a symptom of Ireland's economic success, where in the interest of European economics and securing material advantages for a pro-choice elite (the politicians of Ireland and those of the EU), the Celtic Tiger eats her own children.[69]

However, apart from such extremists it is probable that a greater majority of those who voted against the Nice Treaty on moral grounds generally did so from a residue of the fear of the EU overruling Irish law which still existed, and continues to exist, in Irish society. This manifests itself in a general suspicion regarding each step of EU integration and is reflected in the ECRI's survey in the wake of the referendum defeat. Asked to choose between the statement that current proposals for the development of the European Union will make things like divorce and abortion

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[65] ibid.
[66] ibid.
[67] Dermot Keogh, *Ireland & Europe, 1919-1989*, p.273.
[68] ibid.
[69] Mgr. D. Faul, 'Celtic Tiger Devours its Young', *The Brandsma Review* Vol.6 No.3, referenced in Ruth Fletcher's 'Post-colonial Fragments: Representations of Abortion in Irish Law and Politics', in *Journal of Law and Society* Vol. 28. No.4, pp.568-89, p.586.

more easily available in Ireland versus the statement that they will have no effect whatsoever on whether such things become more easily available, one third of people felt that the first statement was "likely", whilst eleven percent being fully convinced that it is so. This is opposed to twenty percent who chose the latter statement.[70] Thus, it is not surprising that out of all those interviewed moral reasons as outlined above was the fifth most popular reason amongst those voting "no" in the referendum on the treaty of Nice.[71]

2.7 Taylor's Theory and Rejection of the Treaty of Nice

Having looked at the reasons for the rejection of the treaty, let us now turn to Taylor's theory in order to interpret how these reasons reflect Ireland's outlook towards the EU and the EU-Ireland relationship. As laid out in the introductory chapter to this work, Taylor's theory shall be frequently extended from its original context of person-to-person and one-particular-group-to-society-as-a-whole relations to include and account for relations between the Irish people and the EU and the Irish government and that multilateral organisation. Central to the Canadian's theory is the idea of *authenticity*, that is, the being true to one's originality. As he states this is "something [which] only [oneself] can articulate and discover".[72] Taken in context of the overall experience of the Irish people and the Nice Treaty referendum and its ultimate rejection, which in its aftermath politicians rushed to find excuses for the result-with many blaming the poor turnout or the uncoordinated nature of the "yes" vote- this can be read as the Irish public speaking and in rejecting the treaty discovering and articulating their originality. Taylor also speaks of the need for a *Volk* to be true to itself, that is, its own culture[73] and considering the quite specific of Ireland's stance on involvement in military operations, the rejection of the treaty by those who did so on grounds of the potential infringement of neutrality can be read as being true to the political culture of the Republic of Ireland. Likewise, the large number of people who rejected the treaty on grounds of the threat to small nations were also being true to Ireland's own unique political culture, voting in line with the fear of a small nation being overlooked within a community containing larger ones.

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[70] Richard Sinnott, *Attitudes and Behaviour of the Irish Electorate in the Referendum on the Treaty of Nice. Results of a survey of public opinion carried out for the European Commission Representation in Ireland.* p.10.
[71] ibid., p.*vi*.
[72] Charles Taylor ,The Politics of Recognition' in *Multiculturalism*, p.31.
[73] ibid.

Taylor goes on to state that we define ourselves "in dialogue with, sometimes in struggle against, what the significant other wants to see in us".[74] As outlined in the introduction, I posit that over the last thirty-five years or so, Ireland's "significant other" has switched from the old enemy, Britain, to the European Union and it is in relation to the latter that we now define ourselves. Thus, in this case the Irish, having defined themselves in a particular, mostly positive manner, the rejection of the Nice Treaty stands indicative of Ireland's first substantial struggle against its significant other, the EU. Extending this interpretation of Taylor's further and again departing from its original human dimension we can chart further the development of Ireland in relation to the EU. Taylor writes:

> *It is true that we can never liberate ourselves completely from those who love and care shaped us early in life, but we should strive to define ourselves on our own to the fullest extent possible, coming as best we can to understand and thus get more control over the influence of our parents.*[75]

Through this interpretation, the EU having raised what was to become its favourite son for twenty-eight years to make it prosperous and confident, found that he was now striving to define himself rather than accept dictates from its parents who no longer appeared infallible in his eyes. In this way, the rejection of the treaty was about a search for answers from and the questioning of the EU in general as well as a rebellious Ireland becoming aware of the fact that "we need relationships to fulfil, but not define ourselves".[76]

Speaking about identity, Taylor's theory can shed further light on the Ireland-EU relationship. The EU, throughout its years of involvement with Ireland has inevitably come to form part, however small, of Irish identity itself. Taylor writes that if some of the things I value most are accessible to me only in relation to the person I love, then she becomes part of my identity.[77] Some of the things that have been dear to Ireland over the past decades have been those very things that membership of the EU provides; structural funds, access to markets, etc. Thus, the identity of Ireland is to some extent intricately tied to the EU. This does not mean, however, that Ireland must always act in accordance with the expectations and needs of the EU. Indeed, as

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[74] ibid., p.33.
[75] ibid.
[76] ibid.
[77] ibid. pp.33/34.

Taylor states, discovering one's identity means working it out in isolation whilst negotiating it through dialogue with others.[78] With the other in this case being the EU, this is precisely what happened in the aftermath of the rejection of the treaty and the negotiating of the Seville Declaration but it took an Irish referendum rejection, the public's working itself out in isolation, if you will, to spur this process forward.

Taylor's theory can be extended further in this area of the uniqueness of Irish political identity. He speaks directly about the need to recognise the unique identity of an individual or group and their distinctness from everyone else.[79] In terms of Ireland's position on neutrality the theory again allows us an insight into the unique Irish outlook on the EU. Borrowing from the same section Taylor goes on to state; "it is precisely this distinctness that is [in danger of being] ignored, glossed over, assimilated to a dominant or majority identity",[80] in this case that of the European Union. He adds that this assimilation is the cardinal sin against the ideal of authenticity.[81] In terms of Ireland and its relationship with the EU this also holds up to inspection as Ireland must find its own path in the EU and in rejecting the Nice Treaty, it can be argued, it began on its own particular trail and one that is not necessarily convergent with that of the EU.

Taylor writes further about this last point of the idiosyncrasies of a certain culture being subsumed into the predominant culture. In this case it is the political culture of the Republic of Ireland and the mainstream political culture and practice that has built up around the European Union. However, the imposing culture of the EU not only encourages other ones to adapt to its standards, it assumes "superiority that powers this imposition".[82] As can be seen by the fact that the main reason for people voting "no" to the treaty was the lack of faith in the decision-making apparatuses of the EU and how it goes about its business in general, the Irish rejection can be read as a withdrawal of endorsement of this superiority of the "mainstream" EU culture and a belief instead in a specific, and non-military, political culture stemming from Ireland.

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[78] ibid., p.34.
[79] ibid., p.38.
[80] ibid.
[81] ibid.
[82] ibid., p.63.

Indeed, this point can be further interpreted through Taylor's theory as he also discusses the measuring of "worth" by the structures of this mainstream power. He writes:

> *all judgements of worth are based on standards that are ultimately imposed by and further entrench structures of power.*[83]

In this case it is the standardising and homogenising EU that is attempting to extend its influence throughout its member states. In addition to this, the voting on the treaty can be considered something of a test of the "worth" of Ireland as a member of the EU, a test which, from the point of view of the expanding power structure of the EU, backfired spectacularly. Taylor continues, writing that the demand for favourable judgements of worth is tragically homogenising.[84] In my view it is exactly this homogenising "mainstream" EU authority that was rejected by the Irish public in June 2001 and this is clearly illustrated by the reasons that many voters gave for rejecting: lack of belief in EU decision-making (and thus the way in which the "mainstream" EU operates) and the fear of the policies particular to a small state such as Ireland being brushed aside by the advancement of this homogenising power.

The recognition of these policies such as neutrality and the rights of the small state to have a say, or lack thereof, is what makes Taylor's theory of recognition so applicable in interpreting Ireland's rejection of the Nice Treaty. Built on the central idea that "we can only flourish to the extent that we are recognised", the homogenising force that many Irish voters saw in the Treaty of Nice was rejected in favour of an alternative that would pay respect to the particular traditional policies of the Irish state and which would thus allow them to flourish in the future. This, as we shall see, is what the Seville Declaration was to attempt to address and is something that was only achieved through the drastic measure of a nation's rejection of an EU treaty.

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[83] ibid., p.70.
[84] ibid., p.71.

3. Chapter III: The Second Referendum on the Treaty of Nice

3.1 Introduction

As the dust settled on the rejection of what the vast majority of Irish political and intellectual leaders had promoted, there echoed around government headquarters a resounding feeling of shock. In his initial reaction to the news of the rejection the Taoiseach Bertie Ahern spoke of the upset as an expression of the "genuine anxieties and concerns about the future" but claimed that apart from these misgivings Irish people remained committed to the European Union and indeed the enlargement process.[85] Within a week he would have to meet the other heads of the member states in Gothenburg, Sweden, and attempt to smooth out this shock rejection at the hands of the Irish electorate. Opponents of Nice walked with a skip in their step as the rejection was broadcast as an expression of the Irish people's caring about their country and the future direction of the EU and punishment for the rushed manner in which the government had attempted to pass the treaty.[86]

In truth the government had paid the price for its lax attitude towards canvassing for a "yes" vote whilst the well-organised opposition garnered a tremendous amount of votes due to the complex nature of the treaty. The lack of a clear-cut marketing pitch for the treaty also played a central role, with the "if you don't know, vote No" tagline conscripting many would-be "yes" voters to the "no" side. This lack of mobilisation of "yes" voters resulted in a great deal of potential "yes" voters either staying at home on the day or being recruited by the opposition and ultimately the "no" campaign systematically outshone its opponents in terms of energy and conviction".[87]

With eighteen months still left in order to pass the treaty there began a period of frenzied "reflection"[88] in Irish society. Many commentators pointed to the self-centred and short-sighted introspection that accompanies economic growth as the reason for the rejection, and that it not be taken as a mandate for a sweeping rejection of the Nice Treaty by Ireland, or any other member-

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[85] Breaking News, 'Ahern in damage-limitation exercise after Nice rejected'. *The Irish Times*, 9 June 2001.
[86] ibid.
[87] Opinion, 'The Aftermath of Nice'. *The Irish Times*, 11 June 2001.
[88] Breaking News, 'Ahern in damage-limitation exercise after Nice rejected'. *The Irish Times*, 9 June 2001.

state, but a typical Irishism located in Irish issues.[89] Nevertheless, the government began a drive to determine the reasons behind the rejection of the treaty and to open a wider discussion on EU issues. Accordingly, the National Forum on Europe was set up in order to "facilitate a broad discussion of issues relevant to Ireland's membership of an enlarging Union and to consider the range of topics arising in the context of the debate on the Future of Europe".[90]

The forum was composed of parties and groups represented in the Oireachtas (apart from Fine Gael), MEPs, North and South, and organisations representative of civil society, including the Social Partners, groups which had been active in the Nice Referendum campaign and/or European affairs in general, registered political parties not represented in the Oireachtas and parties from Northern Ireland.[91]

Despite the gusto with which the government now threw themselves into supporting the passing of the treaty there were various sources that predicted that 'Nice Two' as it was being touted would be another close run thing. Early indications of this came by way of the *Irish Times*/MRBI poll in January 2002 which showed that despite a swing towards a "yes" vote many voters remained uninformed about the issues involved, whilst many still showed anti-EU sentiment, with some 33 percent of those surveyed preferring to pursue the safeguarding of Irish independence rather than uniting fully with the EU.[92] Indeed, three months later, at the end of April, there still existed a large degree of concern over the ability of the government to get the treaty passed, with the think-tank the Economist Intelligence Unit (EIU) predicting that the treaty would once again be rejected when put to a referendum of the people. This came from their prediction that turnout in the second Nice referendum was likely to be of a similar low level as that of the first. "Given that only 43 percent bothered to vote in March 2002 on the far more emotive issue of how abortion should be regulated, it is very difficult to see turnover in the second Nice poll picking up much from the 34 percent registered in the first referendum," the report said.[93] Thus the government had their work cut out for them if they were to avoid a

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[89] Opinion, 'The Aftermath of Nice'. *The Irish Times*, 11 June 2001.
[90] National Forum on Europe, *Chairman's Report*. First Report, p.5.
[91] ibid.
[92] Opinion, 'Revisiting the Nice Treaty'. *The Irish Times*, 28 January 2002.
[93] Business, 'Ireland likely to reject Nice again – thinktank'. *The Irish Times*, 30 April 2002.

diplomatic crisis which would jeopardise the sturdy foundations which had been built since Ireland's entry to the EC.

3.2 Changes to the Treaty of Nice

After the hullabaloo of the treaty's rejection and the intensification of the reflection on where Ireland stands as regards the EU and its expansion, it was clear that those who opposed the treaty were not to be easily appeased. With the EU standing back from events, claiming that it was an Irish situation which would have to be solved by the Irish government itself, a more effective campaign would not be enough to ensure the passing of the treaty. Exemptions would have to be found.

Firstly, there was a proposal put forward to insert a clause in the Irish Constitution which would guarantee that Ireland would not in the future join a common European defence. This was consequently expressed in The National Declaration which states that Ireland is not party to any mutual defence commitment. Similarly, she is not party to any plans to develop a European army. Furthermore, Ireland will take a sovereign decision, on a case-by-case basis, on whether the Defence Forces should participate in humanitarian or crisis management tasks undertaken by the EU, based on the triple lock of an UN mandate, a government decision and approval by Dáil Éireann. Thus, Ireland was ruled out of joining any European common defence should the treaty of Nice be accepted. Such a proposal took the sting out of those that saw the treaty as planting the seed for a European armed force and eased the minds of many as to future Irish involvement in military activities.

In addition to this what became known as 'The Seville Declaration' allayed many fears as to the risk to Irish neutrality and made clearer exactly where the nation stands on this issue. The declaration, secured at the European Council's meeting in Seville in 2002, declares that Ireland's policy of military neutrality is in full conformity with all the treaties on which the EU is based (including the Treaty of Nice). It also makes clear that there is no obligation arising from these treaties which could oblige Ireland to depart from that policy. In this way the status of the nation's neutrality was made clear and quietened the outcry of those who voted against the treaty on grounds of the infringement of neutrality.

The free hand that the Irish commissioner and other representatives of the nation enjoyed in Brussels was also addressed. This was done by the creation of a mechanism whereby EU proposals on policy and legislation would be monitored by the two houses of the Oireachtas. In this way national parliament scrutiny of European policy was ensured, important given the context of the body's creation, including that pertaining to European foreign, security and defence policy. This new arrangement was introduced from 1 July 2002.

3.3 The National Forum on Europe

While the Irish government were negotiating these opt-outs and the debate over Nice Two was going on, the work by the National Forum on Europe was being carried out by those in the know about European affairs. The forum was to become an important instrument not only in the debate for the second Nice referendum but as an indication of what Irish attitudes towards the EU were at any one time and is still in existence today. Due to this it is apt now that we look at the points on which the forum initially focused as outlined in their first report which covers the research and debate that went on in the immediate aftermath of Nice's rejection and the setting up of the forum. This will be followed on by considering the forum's findings as expressed in the group's second report. It is within this I believe that a sense of the Irish outlook towards Europe at that time can be gained, particularly as the make-up of the forum was so wide-stretching from Teachtaí Dálaí to members of farming associations.

3.4 Enlargement

Composing the largest part of the Forum's first report, the debate on enlargement was wide and varied. One finding was that the Irish people were not against enlargement *per se* rather the Irish people had a "genuinely positive attitude"[94] towards the accession of new member states but held misgivings about the way in which enlargement was to take place. This support, it was suggested, was also something of an acknowledgement that most of those states in negotiation with the EU were of a similar size to Ireland[95]-and in many cases of a similar economically backward persuasion as Ireland was in 1972. The forum also paid attention to the economic aspects of

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[94] National Forum on Europe, *Chairman's Report*. First Report, p.11.
[95] ibid.

enlargement as whilst at that time only three to four percent of what Ireland produces was exported to candidate countries, and thus the potential for two-way trade expansion was of a very high level.[96]However, even this in itself harks back to what many saw as a reason for rejecting the treaty in the first referendum as this "two-way" expansion of trade, at least at first, is more likely to be advantageous to the highly developed economies of Western Europe rather than the slowly adapting and underdeveloped economies of the new member states.

3.5 The Balance between States

As during the run up to the first Nice referendum the threat of Ireland as a small nation finding itself at sea amongst larger powers arose during the work of the forum. It was suggested that the question of whether the new balance in the institutions would ensure adequate influence for smaller member states like Ireland, all of them with their own distinctive interests, identities and outlooks be tackled. Regarding this fear of a Union dominated by large states it was pointed out that the larger Member States' share of votes had fallen from 69 percent in the original Community to 53 percent in 1973 when Ireland joined, and to 46 percent at the time of the forum.[97] Furthermore it was posited that the use of QMV had never hurt Irish interests and that the outcome of the Nice re-weighting continued to be favourable for Ireland and for smaller Member States collectively.[98] Some considered that the Nice changes and other recent events— such as the restricted Heads of Government meeting in Number 10 Downing Street in November 2001 and the decision not to issue a formal warning to Germany on its budgetary policy— indicated that larger Member States wish to use the EU as a surrogate for a lost great power status.[99] However, there was one topic that gained a level of unanimity and that was the need for the institutions of the EU to work hard on all levels to reconnect with the European citizen. This, of crucial importance in light of the Nice rejection, was to be done through informed popular participation rather than a "getting results" way of viewing European integration and an improvement of the Union's transparency on decision-making.

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[96] ibid., p.14
[97] National Forum on Europe, *Chairman's Report*. Second Report, p.9.
[98] ibid.
[99] ibid., p.11.

3.6 Legitimacy, Accountability and Transparency

Leading on from the highlighting of the need to reconnect with the average EU citizen, the forum went on to discuss the legitimacy crisis and the EU's lack of accountability and transparency. Amongst members of the forum there was a striking degree of agreement that citizens have little real part in decisions made at European level and have little sense of identification with the people making decisions.[100] This again brings us back to a problem lying at the heart of Irish dissatisfaction with Europe, namely the lack of belief in the decision-making process of the EU, as reflected in it being the number one reason amongst Irish voters for their rejection of Nice. The forum posited that this deficit of accountability and legitimacy could be remedied by giving an enhanced role for national parliaments and for civil society in the EU system.[101] The forum also heard from representatives of the UK and Denmark where representatives from both member states outlined the mechanisms by which national bodies were able to maintain control over what their representatives decided in Europe. Measures were outlined whereby the national parliament was kept informed of developments arising from membership of the EU through scrutiny of policy and proposals emanating from the commission and by calling the Ministers representing that member state in the Council of Europe to be accountable to their national parliaments. In considering these alternative procedures, the seeds of what was to become a central "new" clause of the amended Nice Treaty whereby European policy and proposals were scrutinised by both houses of the Oireachtas.

3.7 Sovereignty

Considering the fact that in the surveys carried out in the aftermath of both Nice referenda there was little change in the number of Irish people who would choose protecting sovereignty rather than pooling it further in the name of full integration with Europe, with the number accounting for around 40 percent of voters in both,[102] the question of sovereignty was central to the forum's debate on the future of Irish involvement in Europe. As in the run up to the Nice referenda, neutralist groups such as PANA were vocal about their misgivings regarding potential Irish involvement in a European army "used to defend the interest of the European Union elite".[103]

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[100] ibid., p.16.
[101] ibid.
[102] Richard Sinnott, *Attitudes and Behaviour of the Irish electorate in the second referendum on the Treaty of Nice. Results of a survey of public opinion carried out for the European Commission Representation in Ireland*, p.9.
[103] National Forum on Europe, *Chairman's Report*. Second Report, p.34.

Similar to the roots of the Oireachtas scrutiny of EU policy, the forum, after a lengthy debate on the issue of neutrality and how this affects Irish sovereignty, called for there to be drawn up a proposal which would outline exactly what was meant by Ireland's neutral status and to attain legal acceptance of this by the Union as regards non-involvement in future military operations. Of course these were later achieved in the opt-outs which were added to the treaty that went to the second referendum.

The forum, open to submissions from the public, also concluded that issues related to perceived EU militarisation; uncertainty over future decision-making arrangements and concerns over sovereignty were still very much to the fore of Irish views on the Nice Treaty. This was reflected in the fact that more than one quarter of the submissions received by the forum expressed opposition to at least some aspects of the Nice Treaty.[104]

3.8 The ECRI Report on the Second Nice referendum

The effects of all this canvassing and discussion on European integration and the Nice Treaty was, at least for the Irish government, a favourable one. Through increased knowledge of the EU's activities and a deeper understanding of the issues involved in the referendum and their implications there was achieved a great increase in turnout for the Nice re-run which ultimately led to the success of a "yes" vote. It is worth noting that this was achieved not at the expense of "no" voters, with that side still registering a substantial level of support, but by bringing many of those who had abstained from voting in the first referendum out to vote.

Communication was the name of the game and this is reflected strongly in the ECRI's report in the aftermath of the passing of Nice. The prime example of this is the fact that improvements in communications, whether they be through the mass media or interpersonal discussion of the issues, were accompanied by a 25 percentage point increase in the proportion of people who felt they understood at least some of the issues involved in the Nice Treaty.[105] There also occurred a raising of levels of knowledge of the EU through this improved communication.

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[104] ibid., p.18.
[105] Richard Sinnott, *Attitudes and Behaviour of the Irish electorate in the second referendum on the Treaty of Nice. Results of a survey of public opinion carried out for the European Commission Representation in Ireland*, p.21.

The key workings of this increased level of communication becomes even clearer when one considers that the report shows that it was not based in the specific measures taken by the Government (as mentioned above) which generated, at best, only moderate levels of awareness among the public[106] but rather an increased engagement with the issues in the media at large and a greater level of mobilisation of the voting public. The report deals with this by reminding us that, overall, Irish attitudes to integration are highly favourable but that this general level of support is accompanied by a lower level of engagement and quite high levels of indifference,[107] as evidenced in the rejection of the original Nice referendum.

As regards the specific issues themselves, the sting was taken out of the "no" vote by the sheer number of people who turned out this time and who had abstained from voting the last time. This is reflected also in many of the reasons given this time around for people voting "no" with those citing lack of information dropping from 13 people in every 100 interviewed to five.[108] The number of those citing loss of sovereignty was similarly cut, this time by half.[109] It was the level of turnout of the "yes" vote that made many statistics obsolete, however, and this is reflected by the fact that the level of people voting "no" for several issues such as that of the threat to neutrality, the fear of refugee problems and of those who thought the treaty was a bad idea in general actually rose from the first to the second referendum.

One factor that did stand out, however, and was the most important pro-treaty effect, came from being in favour of enlargement of the EU. This, perhaps boosted by a general feeling of enthusiasm for European integration, was a significant departure from the first Nice referendum and cleared up a lot of doubts as regards Irish attitudes towards the taking in of new member states as levels of support for this now came in line with levels of support for European integration which was at that time the fourth highest among the fifteen member states.[110]

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[106] ibid., p.*i.*
[107] ibid., p.19.
[108] ibid., p.42.
[109] ibid.
[110] ibid., p.37.

3.9 Taylor's Theory and the Second Nice Referendum

In terms of Taylor's theory, the second referendum on the Treaty of Nice can be read as an example of the continuing searching for and representation of Ireland's unique political identity. As laid down in Taylor's theory one's identity is partly shaped by recognition[111] and it was the recognition of Ireland's political identity that emerged in this referendum. It is telling therefore that, in the end, the treaty was passed by a majority of the Irish people. This, after all the debate and canvassing that had gone on, provides us with the ultimate insight into the Irish outlook on the EU and further integration, namely, that the Irish outlook is pro-EU and in favour of further integration. Indeed, under the theory of the politics of recognition this is what could have been at stake had the EU scolded Ireland for its failure to pass the original treaty as Taylor states that a group can suffer real damage if the people or society around them (in this case the EU) mirrors back to them a confining or demeaning or contemptible picture of themselves.[112] Luckily, the EU, with time on its side, allowed Ireland to follow its own path and refused to condemn the Irish decision and in the end this paid dividends. So, far from invoking a demeaning image, the EU allowed Ireland to handle the decision in its own particular way and on its own terms.

Ireland for its part followed its path towards the development of its own inwardly generated ideal,[113] working out its final position in regard to the Nice Treaty in relation to its own particular situations and settings. In this way the Irish people found their own particular way of being,[114] with this being a sum of their own unique blend of political identity as filtered through the debate and forum of the second referendum. Thus, "authenticity" can be said to be achieved despite the danger of it being lost through the pressures towards outward conformity.[115] It is paradoxical, then, that this true mode of being for the Irish was found in conforming to what the EU would have wished from the outset. However, such a view is to deny the importance of the debate that went on in order to produce this result and thus to deny the entire process of the politics of recognition which was undertaken.

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[111] Charles Taylor ,The Politics of Recognition' in *Multiculturalism*, p.25.
[112] ibid.
[113] ibid., p.34.
[114] ibid., p.28.
[115] ibid., p.30.

Indeed, the fact that such a debate was needed in order to produce the final result also falls in line with Taylor's theory. Taylor writes:

> *Not only should I not mould my life to the demands of external conformity; I can't even find the model by which to live outside myself. I can only find it within.*[116]

In this way, Ireland, a model of a European nation state with a number of idiosyncrasies, did not look to the "model" European state for its response to the Nice Treaty, but rather worked it out on its own particular terms, indeed discovering, perhaps, along the way something more of what its own idiosyncrasies were.

This ever evolving nature also finds expression in Taylor's theory through his discussion of the dialogical nature of relationships. He writes that we become full human agents, capable of understanding ourselves, and hence of defining our (in Ireland's case political) identity, through our acquisition of rich human languages of expression. He goes on to state that in using the word "language" he wishes to take it in its broadest sense and not only the words we speak but other modes of expression whereby we define ourselves.[117] For the political expression of the Irish outlook towards the EU this is incisive as it gives a theoretical framework to the debate and discussion and the general heightening of self-reflection that followed the rejection of the Nice Treaty. It also focuses further attention on the uniqueness of the Irish outlook within the EU as reflected in the fact that language in terms of Taylor's theory is a very different matter in the case of the EU and that of Ireland. That is, the Irish language of expression is based on the unique situations and policies that have been mentioned above and thus will be worked out in a different manner to that of the EU in order to achieve "authenticity".

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[116] ibid., p.30.
[117] ibid., p.32.

4. Chapter IV: Conclusions

So, having given the elite of the EU a scare, the Union's goldenboy once again came back to the side of its colleagues in Europe. Although this may be concluded from one's viewing of the two Nice referenda, such a simple view is to overlook the underlying depth of outlook that the two referenda represent. That is, the complex relationship Ireland has with the EU and the unique nature of Irish policy itself. In the first referendum this finds expression through the rejection of the treaty on grounds of such as the lack of transparency of EU decision making and a perceived threat to Irish neutrality. The first factor reflects the defiant nature of the Irish people in that they are unwilling to allow themselves to participate in something that they feel is not answerable to them as much as it should be. Along with this one also can see clearly that genuine fears over the direction of this aloof entity exist amongst the Irish vote. The uniqueness of the Irish situation also ties in here as seen in the precedence of asserting the Irish right to neutrality as a reason for rejecting Nice. This fear of how exactly a neutral Ireland was to figure in a rapidly militarising EU was enough for many to reject the first Nice Treaty and provides another insight into the unique and defiant make up of the Irish people and their outlook on Europe.

Having said this, however, in the view of this writer the tendency of some to place Ireland in the Eurosceptic camp along with member states with a powerful sceptic tradition such as the United Kingdom and Denmark should be resisted as this is once again to oversimplify the matter. The truth is that the rejection of the first treaty and the level of scepticism as illustrated in the continuing high level of the "no" vote in the second is part of something other than Euroscepticism which finds its roots once again in the unique position the Republic of Ireland occupies. Rather, this is the result of policies such as that of neutrality, which are particular to Ireland. Thus, the levels of opposition with which both referenda met were part of something very Irish and although reflecting a negative wind towards the EU, this is only in small measure and cannot, therefore, be seen to form part of a larger scepticism project. This is illustrated by the fact that throughout both referendum campaigns, support for the EU as indicated by the Eurobarometer, although experiencing a relative drop over a number of years since the passing of the Amsterdam treaty, still remained at one of the highest levels of all member states.

What is to be taken from this work's analysis of the Ireland's referendum experience during the early 2000s is that the political identity of the nation and its relationship with the EU is one fraught with complexity. So much so that insight can only be gained through an in depth analysis of the various (domestic) factors, many of them unique to the Irish case, and fitting these into the broader questions of European integration and the Irish outlook as a whole.

As regards Taylor's theory, the Irish situation is atypical of a particular group struggling to achieve its own "authenticity" and be recognised in the larger scale of things. This is clearly illustrated in the rejection of the first Nice referendum and over the next months, through the internal questioning and defining of their political outlook, the Irish people were to, in passing the second referendum, achieve this authenticity. However, it is in the reasons for the rejection in the first place and the debate that went on in its aftermath that the true Irish political identity and outlook on Europe can be found and if needed to be summed up, a paradoxical mix of defiance and support would be the ideal candidate. That is, although the rejection of a major EU treaty may have taken place, through the discourse of the Irish people and their political identity the true reflection of their situation and their views came to the fore and this was enough so as the second Nice referendum could be passed. This is not to downplay the genuine misgivings that the Irish people may hold regarding the EU, rather, that the more adequate reflection of their outlook on Europe is one of support for the EU and further integration, though by their very makeup this is often only to be produced after an intense examination of our own situation. In short, Ireland, as in many other matters, approached European integration on its own terms. In such a context, shocks may well happen as we have seen in the rejection of the original treaty and for those Irish leaders who are facing into a worrisome 2008 Reform Treaty referendum they would do well to pay heed early on to the need of the Irish for not only recognition and an achieving of authenticity but these in conjunction with those factors which are unique to the political outlook of the Republic of Ireland.

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