



DANSK INSTITUT FOR INTERNATIONALE STUDIER
STRANDGADE 56 • 1401 København K
32 69 87 87 • diis@diis.dk • www.diis.dk

DIIS Brief

A Perilous Democratic Exercise: The Referendum on the Constitutional Treaty in Denmark

Catharina Sørensen and Anne Mette Vestergaard
March 2005, Update May 20th, 2005

This first version of this brief was the Danish contribution to the EPIN Constitutional Ratification Monitor: www.epin.org.

Abstract

The Danish vote on the EU's Constitutional Treaty will take place on September 27. The Danes have been there before, but the referendum is a difficult discipline to master. Various aspects play a role and make predictions volatile. The present brief, updated regularly, takes a closer look at the Danish debate and its context.

Catharina Sørensen is Ph.D.-student and Anne Mette Vestergaard is Chief Advisor on European Affairs at the Danish Institute for International Studies

A Perilous Democratic Exercise: The Referendum on the Constitutional Treaty in Denmark

Having held six referenda on EU-issues since 1972, Denmark would seem relatively familiar with this perilous democratic exercise. Nevertheless, if experience has taught one thing to the Danes, it is that EU-referenda are highly volatile political experiments: To venture a prediction of outcome a few days before a referendum is risky business. One reason for this is that while EU-issues clearly motivate the Danes and attract the same high turnout as general elections (at the latest referendum in 2000, turnout was close to 90 percent), they nonetheless motivate very different voting patterns and alignments.

There never was any doubt that Danish ratification of the Constitutional Treaty would require a binding referendum. In the event of a transfer of sovereignty to the EU, the Danish Constitution requires the approval of a five-sixths majority in Parliament or a public referendum. Laws notwithstanding, it has become customary to hold a referendum in Denmark on all major treaty changes in the EU, the Nice Treaty being an exception.

At least one separate referendum also needs to be held to determine the fate of one or more of the four Danish opt-outs. Thus, the questions of the Danish opt-outs and the Constitutional Treaty will not become connected in a 'big bang' vote, as had otherwise been proposed last year by several opposition politicians. However, the result of the referendum on the Constitutional Treaty is likely to influence political decisions on when to consult the Danes about the opt-outs. A confident yes-vote in Denmark could create a momentum where the government feels more secure about winning a referendum on one or more of the opt-outs. According to most polls, public opinion is currently in favour of lifting them.

A packed election schedule

Danish general elections of February 8th saw the re-election of the ruling Liberal-Conservative coalition. On February 28th, the continuing Prime Minister, Anders Fogh Rasmussen, fixed the date for the referendum on the Constitutional Treaty for September 27th, after consultations with the political parties advocating a yes. This was sooner than what had originally been expected (spring 2006). Leading Danish politicians, MEPs and EU-experts had long been arguing for an early vote. In particular because of a persistently favourable public opinion towards the Constitutional Treaty, but also in order to secure some distance to the British campaign. With a confident yes-result in a reputedly eurosceptic country, many believe that Denmark could send a strong signal to the United Kingdom, prior to its referendum.

As local elections are scheduled to take place in November this year, Danes will by then have headed for the ballot boxes three times in less than a year. This packed election schedule, however, is unlikely to come at the expense of lower turnouts, given the traditional importance attached to EU-referenda in Denmark and previous very high turnouts (see table 1).

A new national agreement

In November 2004, the Liberal-Conservative coalition government secured a national agreement with the main opposition parties (Social Democrats, Social Liberals and Socialist People's Party) that they, too, would support the Constitutional Treaty. In light of previous referenda in Denmark, this is seen as crucial to ratification.

The agreement, called *Denmark in the enlarged European Union*, outlines “a new, proactive Danish European Policy” and defines Danish priorities for the EU’s agenda in the years to come: “More openness and democracy in the EU, a strengthening of European competitiveness, an economically, socially and environmentally sustainable development, a greater global responsibility of the EU”, etc.¹

United efforts to back a yes-vote by a broad spectrum of the Danish political establishment certainly provides a unique setting for pro-Constitution advocates and could constitute a reassuring element for undecided voters. In this regard, the Danish national agreement may well play a decisive role in the referendum and even continue to colour Danish EU-politics in consensual shades in the years to come.

The main yes-argument uniting the five contracting parties is that the enlarged EU must be “open, effective and capable of taking decisions.” Cooperation in the EU, it is thought, risks being paralysed if the current rules of the games are not adjusted. It is agreed that Europe is facing new big challenges, which are best handled in unity – both with regard to fostering economic growth and new jobs by focusing on research and development and with regard to broader geopolitical issues such as fighting terrorism and poverty in the world. Moreover, all parties are keen to stress the new Treaty’s democratic credentials as well as its division of power between the EU and the Member States.

The future of Danish (pro-) EU policy, it would seem, is well off with the new national agreement. However, one (largely hypothetical) snare should be mentioned. It has to do with the fact that each of the five contracting parties is allowed to oppose any future extension of qualified majority voting (QMV) in the Council on specific issues, for instance social and labour market policies as well as certain aspects of taxation. As unanimity is required in the EU to perform this change, the Danish agreement could in theory have consequences for the entire Union: A contracting party – representing, say, 10 percent of the Danish population and not forming part of the government coalition, such as today is the case with two of the five parties: the Social Liberals and the Socialist People’s Party – has with the political agreement secured itself veto-right on EU-developments, even if these were to be supported by all 25 governments in the EU.

A historical shift in attitude on the no-side?

The Danish People’s Party on the right and the Unity List on the left are the two only parliamentary parties to oppose the Constitutional Treaty (see table 2). However, a no in the referendum is also advocated by Denmark’s two single-issue movements, the People’s Movement against the EU and the June Movement of MEP Jens Peter Bonde. While not running for national elections, the movements have traditionally had a strong influence on EU-referenda in Denmark. This time a proliferating number of associations on the left of the political spectrum will also campaign for at no, including a break-away section from the June Movement. At this stage in the Danish referendum campaign, it is, however unclear whether these new no-associations will constitute a strengthening of the no-side in Denmark.

¹ For an (unofficial) English translation of the agreement, please refer to the following link from the Danish Parliaments EU-information service’s website:

<http://euo.dk/upload/application/pdf/408864ff/PoliticalAgreementregardingDenmarkintheEnlargedEU.pdf>

The Socialist People's Party, which is thought to have influenced the balance in previous referenda, has traditionally been split on EU-issues, but in December 2004, an internal party referendum gave clear support for the Constitutional Treaty and the national agreement (63,8 percent yes), thereby potentially raising the possibility of Danish electoral endorsement.

While a newly established intra-party fraction will be campaigning for a socialist no, the Party's internal referendum may nevertheless represent a historical shift in attitude. It must be seen in context of a slow but gradual movement in the party's line. Originally an adamant opponent of the EU, which was reproached for being too militaristic and liberalistic, the Party today is in line with several other European leftwing parties coming to endorse the idea of European Union. In recent Danish EU-referenda, the Socialist People's Party (and its voters) have literally been split on the middle. With the relatively clear support for the Constitutional Treaty aired at the Party's recent vote, it is thought finally to have placed itself more solidly in the yes-camp.

The eurosceptic movements are expected to play a major role in the campaign, although the June Movement went down to one seat in the latest elections for the European Parliament, while the People's Movement against the EU retained its single seat. However, the campaign of the June Movement risks being impaired by the severe financial difficulties it is suffering at present.

Public opinion

According to the most recent Eurobarometer survey (carried out in November 2004), 44 percent of the Danish population are in favour of the Constitutional Treaty, 30 percent are against and 26 percent are undecided. This brings traditionally eurosceptic Denmark much in line with the EU average. Several national polls during the autumn and winter revealed an even stauncher support, suggesting that a clear majority would support the Constitutional Treaty, while opposition was reported as low as 18 percent. 15 to 30 percent of the population remained undecided according to these polls.

Since January, however, several polls have revealed a rather sharp drop in support for the Constitutional Treaty. It is in particular the number of undecided voters that appears to have increased. Analysts have sought to draw a connection between the decreasing support for the Constitutional Treaty and the complete absence of the EU as a theme in the recently completed general elections campaign. However, public opinion could also be following the pattern from the Danish referendum on the Euro in September 2000, where an initially comfortable majority in favour of adopting the single currency gradually disappeared soon after the referendum was called in March. This also echoes public opinion trends from the French campaign on the Constitutional Treaty, where the no-side steadily increased in the weeks following the announcement of the date of the referendum.

Latest opinion polls (Greens, May 2005) show that 34 percent of Danes would vote yes, 26 percent would vote no, while 39 percent remain in doubt. This represents a drop in support for the yes by four percentage points in just over a month.

In comparison to other member states holding referenda, Danish support for the Constitutional Treaty nevertheless remains rather high.

Are the Danes generally becoming less eurosceptic? There is not yet a clear answer. The recent Eastern Enlargement—all along strongly supported by most Danes—may indeed have ‘converted’ some. Equally, there seems to be a growing perception in the population of EU-membership as being advantageous for small countries in the face of common, global challenges.

On a more long-term perspective, these positive public opinions support recent years’ evidence that very few Danes would prefer to quit the EU altogether (for instance, in the most recent Eurobarometer poll only 13 percent thought that Danish membership was a ‘bad’ thing), and that more and more people turn their focus towards improving the EU that is already there instead of remaining in the yes/no dichotomy.

Given a status quo of the present situation, the pro-EU side should thus be able to start its campaign from a favourable position. This advance can easily be lost, however, and a Danish yes can certainly not be taken for granted.

The Danish campaign and its yes and no-arguments

Prime Minister Anders Fogh Rasmussen has on several occasions stated that a French no should not lead to a cancellation of the Danish referendum. In the Prime Minister’s opinion, it is only fair that Danes are also given a say about the Constitutional Treaty. He is backed by Danish politicians in favour of a yes, who argue that Denmark should aim for a central role if initiatives towards a multispeed EU arise following failed ratification in some member states. In their opinion, the Danish referendum should thus be upheld as long as some aspects of the Constitutional Treaty are likely to survive, as a Danish yes may secure a stronger future role for Denmark.

As such, it is no surprise that the first reactions of the French President Jacques Chirac in case of failing French public endorsement will be of utmost importance to Denmark. A qualified guess would be that the Danish referendum could be cancelled if a French no is followed by a Dutch no and it quickly becomes clear that a continued ratification process does not make sense.

The Danish campaign is slowly taking form. An early evaluation (early May) showed that the no-side has had a promising start, being quoted frequently in the Danish media. Prime Minister Anders Fogh Rasmussen launched his campaign in mid May mentioning five reasons for voting yes. They centred on securing the efficiency of the EU by adapting the rules of the game to the enlarged Union; on the clear wording in the Constitutional Treaty that the EU is a cooperation among sovereign states; on the improved mechanisms for combating terrorism and crime; on the importance of developing a greater global role for the EU; and finally on the paragraphs in the Constitutional Treaty aimed at creating more transparency and democracy in the Union.

They are arguments likely to be shared by the vast majority of the Danish yes campaign.

Several issues may play a dominant role in the no campaign. One, a classic, concerns whether or not the new development under consideration brings about, furthers or restrains the creation of a European super-state at the expense of national sovereignty and identity. Opinion polls reveal that most Danes have strong feelings against a federal state, and this has made politicians acutely aware of the symbolic content of today’s new developments. State-like wordings in the document are thus likely to be a topic of contention. In the attempt to counter some debate, yes-politicians watch their words carefully. Exclusively referred to as a ‘Constitutional Treaty’ (indeed, one is very likely to be

corrected if using the term 'European Constitution' in political circles in Denmark), the preferred term for the new posts of President of the European Council and EU Foreign Minister are moreover 'Chairman' and 'Representative'.

The issue of the future of the Danish welfare state is almost certain to emerge, having very much done so in previous campaigns.

Voters in previous Danish EU-referenda have also tended to include, and let themselves be influenced by, a range of concerns and issues not directly (or not at all) linked to the actual referendum question. In the present case, the Danish People's Party has for instance stated that it will insist on the issue of Turkey's possible accession to the EU during the campaign (the party being strongly against).

A final feature of the Danish case is worth pointing out. Parts of the electorate have previously expressed confidence in the proposition that voting no in EU-referenda has few negative consequences for themselves or for their country. At the referendum on the single currency in 2000, a repeated argument by no-voters was that Denmark could always join the Euro later if the currency proved to be a success. Many of these voters remain convinced that by the end of the day the "political establishment" will anyway, somehow, change a no-vote into a yes. With the referendum on the Constitutional Treaty, the no-side is stating that, this time, it really is safe to vote no, because other countries are likely to do the same – the other side of the argument being that the yes-side is dramatising the consequences of a no.

As the Danish referendum this time around forms part of a chain of referenda across the EU, the potential for adopting, more or less voluntarily, other country's campaign issues is moreover an interesting phenomenon to look out for.

Currently, it does appear an easier task for the political establishment to obtain a yes in Denmark than in a number of other EU member states, but experience tells that, most likely, no certainty is possible before the last vote has been cast on September 27th.

Table 1:

Previous Danish EU-referenda

Subject, result and turnout (in percent)

	yes	no	turnout
1972 – On joining the EU	63,4	36,6	90,1
1986 – Single European Act	56,2	43,8	75,4
1992 – Maastricht	49,3	50,7	83,1
1993 – Maastricht + Edinburgh	56,7	43,3	86,5
1998 – Amsterdam	55,1	44,9	76,2
2000 – On joining the Euro	46,8	53,2	87,6

Source: EU-Oplysningen

Table 2:

Danish political parties and movements

Position on the Constitutional Treaty, number of seats in the Danish Parliament (Folketing) and in the European Parliament (MEPs).

Party/movement	Position on the Constitutional Treaty	Number of seats in the Folketing	Number of MEPs
Venstre (Liberals)	Yes	52	3
Socialdemokraterne (Social Democrats)	Yes	47	5
Dansk Folkeparti (Danish People's Party)	No	24	1
Det Konservative Folkeparti (Conservative People's Party)	Yes	18	1
Det Radikale Venstre (Social Liberals)	Yes	17	1
Socialistisk Folkeparti (Socialist People's Party)	Yes	11	1
Enhedslisten (Unity List)	No	6	0
Juni Bevægelsen (June Movement)	No		1
Folkebevægelsen mod EU (People's Movement Against the EU)	No		1

Source: adapted from www.ft.dk