

Zentrum für Europäische Integrationsforschung
Center for European Integration Studies
Rheinische Friedrich Wilhelms-Universität Bonn



Nikolaj Petersen

**The Danish Referendum
on the Treaty of
Amsterdam
Europas?**

Discussion Paper

C 17
1998

Nikolaj Petersen, born 1938, studied history and English at the University of Aarhus. Since 1970 he has been with the Department of Political Science, University of Aarhus, since 1985 as Professor of International Relations. He is board member and Deputy Chairman of the Danish Institute of International Affairs, member of the Danish Defence Commission of 1997, and Chairman of the Steering Committee of EuroFaculty, Riga. His research interests are in the fields of foreign and security issues, including articles to *Journal of Conflict Resolution*, *Review of International Affairs*, *Journal of Common Market Studies*, *Millennium* and *Cooperation and Conflict*. Presently he is co-editor of a six-volume *History of Danish Foreign Policy* to be published over the next five years.

Nikolaj Petersen

The Danish Referendum on the Treaty of Amsterdam

On May 28, 1998, the Danish people approved the Amsterdam Treaty in a referendum by 55.1 per cent of the vote. This was the fifth referendum on Europe since 1972, and more referenda may be in the offing over the next few years. This raises several questions, which this paper tries to answer: Why do referenda play such a major role in the Danish decision system concerning Europe? What is the particular role of referenda in the formulation of Denmark's EU policy? And what explains the outcome of the recent referendum?

The constitutional requirement for referendums on the European Union is rooted in Article 20 of the 1953 Constitution which stipulates that powers vested in the authorities of the Realm may, to a specified extent, be delegated by statute to international authorities set up with other states for the promotion of international cooperation. To enact such a transfer of sovereignty, a majority of five-sixths of the members of the Folketing, i.e. 150 out of 179 M.P.s, shall vote in favour of the bill. If this majority is not obtained, but only a simple majority, the question shall be submitted to the electorate for approval or rejection in accordance with the rules for referenda laid down in Article 42 of the Constitution. This Article decides that for the Bill to be rejected, a majority of the voters, representing not less than thirty per cent of the electorate, must have voted against the Bill.

The background to these constitutional stipulations was the wish in 1953 to ease Denmark's participation in international supra-national cooperations, such as the nascent European integration process. The alternative would be

to revise the Constitution in pace with international needs, but this process is even more cumbersome than the referendum procedure.¹

The basic condition for evading a referendum on treaty revisions, which entails the delegation of powers, i.e. the transfer of sovereignty to the EU, is thus a five-sixths majority of all members of the Folketing, a condition which has only been obtained once. This was in 1993, but then a referendum was held for a different reason. In all other cases the majority has been less than required, and referenda have thus been constitutionally necessary.

Apart from this constitutional aspect, referenda have also gradually become part and parcel of the Danish political culture, so that people now feel they have a right to be consulted on EU treaty revisions.

This is partially because referenda have occasionally been held in order to insulate EU questions from domestic politics. Thus, the first referendum (in 1972) was proposed one year earlier to avoid getting the EC issue mixed up in the 1971 parliamentary election. Since then, referenda have served the purpose of insulating the EU issue from domestic politics, thereby creating a special decision-making regime for EU affairs.² This interest in insulating the EU from domestic policy is especially strong in those political parties, which are internally divided over the EU. This goes particularly for the Social Democratic party with its deep cleavage between its rank and file; the party leadership is entirely pro-European, while the voters are about evenly divided between supporters and sceptics.

Another case of domestic politics intruding on European politics was in 1986, when the Single European Act was defeated - mostly for domestic politics reasons - in Parliament by a coalition of Social Democrats, Social

¹ A revision of the Constitution requires passage of a Constitutional Bill by two successive parliaments with a general election in between, whereafter the Bill will have to be ratified by referendum with at least 40 per cent of the electorate voting in favour.

² On the Danish EU system in general, see Niels-Jørgen Nehring, "The Illusory Quest for Legitimacy: Danish Procedures for Policy Making on the EU and the Impact of a Critical Public", in Georg Sørensen & Hans-Henrik Holm (eds.), *And Now What? International Politics After the Cold War*, Aarhus: Politica, 1998, pp. 60-81.

Liberals and left-wing parties. In order to escape this defeat, the Government called for and won an advisory referendum. As a consequence, the Folketing later ratified the SEA. These episodes have served to institutionalize referenda as part of a special EU decision regime. This institutionalization was further strengthened before the 1993 referendum, when it was explicitly and officially stated that the four exemptions from Maastricht, which Denmark obtained as part of the so-called Edinburgh decision, could only be waived after a special referendum in each particular case.

Danish referenda and public opinion on EU 1973-93

The first Danish EC referendum took place in October 1972 before Denmark joined the European Community. Until the year before, public opinion was overwhelmingly for membership, but then support started to drop and resistance began to build up. On referendum day, October 2, 1972, 63.3 percent voted in favour and 36.7 per cent against membership. At the time the Socialist People's Party (SF) was the only party in the Danish Folketing, which opposed membership, but there was also some opposition in the Social Democratic parliamentary group. Amongst voters only the People's Socialists had a majority against membership (ca. 80 percent), but nearly 40 percent of the Social Democratic voters also voted against. The referendum campaign was dominated by two issues: economic welfare and sovereignty. While the supporters mainly argued in terms of expected economic benefits from joining and losses from standing outside, the opponents focused heavily on the negative consequences for Denmark's sovereignty and independence. Thus, from the very beginning supporters of the European project presented it in economically pragmatic, rather than in political terms - a fact which is often deplored for having given a false start to the European debate in Denmark from which it still suffers.

While public opinion proved favourable to the EC in the 1972 referendum, it soon turned sour. From 1974 to 1979 the public was about evenly divided over the question whether Denmark should remain in or leave the EC, but from that time support dropped even further. Gallup polls from 1979 to

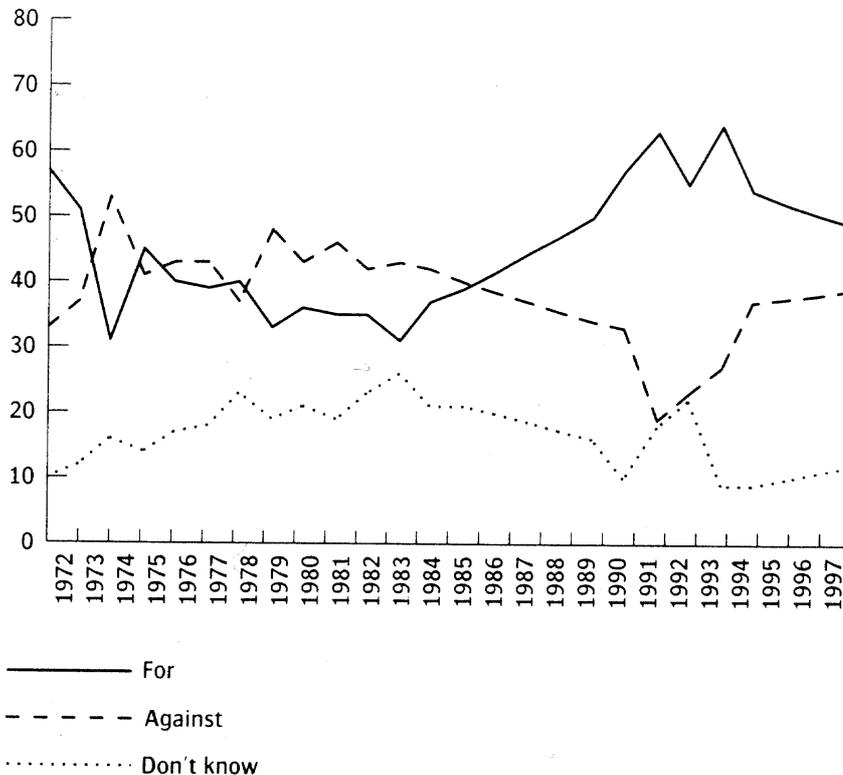
1984 showed an average of only 34 per cent supporters and 44 per cent opponents of Denmark's membership, cf. Figure 1. Comparative European opinion polls at the time also showed the Danish public to score significantly lower on European integration than other EU countries, Britain excepted.

This was the general public opinion atmosphere, in which the SEA was negotiated. The Schlüter government therefore took a calculated risk, when it called for an advisory referendum in February 1986 after the defeat of the SEA in the Folketing, the more so as both the Social Democrats and the Social Liberals now joined the left-wing parties in advocating a "no". But the opposition parties did so with varying arguments and with varying conviction, as the defeat of the SEA had to a large extent been motivated by domestic politics concerns. As it were, the government succeeded in capturing the agenda with its argument, that Denmark's very membership in the EU, and not just the SEA, was at stake. And it pulled to trick by convincing a majority of 56.2 percent against 43.8 percent to vote for the Single European Act.

The Danish Referendum on the Treaty of Amsterdam

Figure 1. Attitudes to Membership 1972-97

Q: If you were to vote for Danish membership of the EF/EU today, would you vote for or against Danish membership?



Note: Against polls in 1986, 1987, 1988, 1995, 1996.

Sources: Gallup Research Institute for *Berlingske Tidende*, compiled in *Danish Foreign Policy Yearbook 1998*, Copenhagen; DUPI, 1998, p. 157.

The 1986 referendum was a major setback to the parties who had voted down the SEA in the first instance, and they reacted by gradually edging towards more pro-EC policies. By 1990 the Social Democrats and the Social Liberals adopted clearly pro-EC postures; in this they were also inspired by recent European developments, the unification of Germany in particular. Even the People's Socialists started to take a more pragmatic stance on EC issues, shifting from opposition to membership per se to efforts to influence policy decisions and avoid moves towards further integration.

In public opinion, the membership issue also disappeared as the main issue. Beginning in 1986 supporters of membership started to outnumber opponents, and in October 1991, two months before Maastricht was finalized, 63 per cent pro-EC voters faced only 19 per cent opponents. Public opinion had shifted definitely in favour of the EC - or so it seemed, cf. Figure 1.

At the political level a broad consensus was established in 1990-91 over the Maastricht process between the government parties (Conservatives, Liberals and Social Liberals) and the Social Democratic Party which had by now shed many of its former reservations towards a political union. The Maastricht Treaty proved generally acceptable to the Conservative-Liberal government of the day, and the Social Democrats were also in favour, though less enthusiastically than the Government parties. Their original concerns over the Economic and Monetary Union were alleviated after Denmark had secured the right to defer its decision on whether to join the third stage of the EMU or not; worries over the defence aspects of the Union were stilled by the consideration that in a few years' time neutral countries like Sweden and Finland would become EU members. On this background the Folketing voted overwhelmingly (130 to 25) for the Maastricht Treaty in the spring of 1992, with only the leftist Socialist People's Party and the rightist Progress Party voting against.

Then came the referendum of June 2, 1992, which rejected the Maastricht Treaty by a slim, but still decisive margin of 50.7 percent against 49.3 percent. This result came as a complete surprise. "Yes" and "no" votes had been rather evenly balanced during most of the campaign, i.e. from the beginning of March until 2 weeks before the referendum, but then the "yes" side seemed to gain the upper hand, and on the eve of the referendum Gallup predicted a five-six percent victory for the "yes" side.³

Subsequent analyses ascribed many causes to the defeat. The single most decisive factor for the outcome was, that Social Democratic voters had

³ See Hans Jørgen Nielsen, *EF på valg*, Copenhagen: Columbus, 1993, p. 44.

The Danish Referendum on the Treaty of Amsterdam

voted massively, by about two-thirds, against the Treaty.⁴ Aside from the traditional EC-scepticism among Social Democrats two specific reasons probably accounted for this heavy “no” vote, which contrasted with the unanimous support for Maastricht in the party’s Parliamentary group. The party had gone through a traumatic leadership crisis immediately before the referendum, when Poul Nyrup Rasmussen, the present Prime Minister, ousted Svend Auken as party chairman; as a result the party organization’s attention was directed inwards and its activists were demoralised. Therefore the Social Democratic election machine did not work with its usual efficiency.

Another explanation focused upon the frustrations of the Social Democratic rank and file after almost 10 years in opposition - frustrations which found an easy target in the high pro-European profile of Foreign Minister Uffe Ellemann-Jensen (Lib.). Many Social Democratic voters probably voted against Maastricht because they saw it as a bourgeois scheme, promoted by a controversial, even provocative Foreign Minister.

Whatever the reason for the defeat, political attention had to be directed towards how to manage this. Two days after the referendum the European Council, at its meeting in Oslo, ruled out any re-negotiation of the Treaty itself and declared the member countries’ intention of going ahead despite the Danish “no”. Attention was consequently directed towards creating a new and more acceptable framework for Denmark’s ratification of the Treaty. In this process the Government’s preference was to sit tight, hoping for a favourable development which would somehow allow it to have the Maastricht Treaty ratified in its entirety. However, the Social Democrats, together with a majority in the Folketing, demanded significant revisions in the form of Danish exemptions from the Treaty, which would make it acceptable to the public in another referendum round. But which revisions?

It belongs to the logic of a referendum that reasons for the vote are not given. Therefore the politicians had to rely on opinion polls as well as the official “no” arguments in order to determine, which aspects of Maastricht

⁴ Ibid., p. 55 (67 percent); Karen Siune, Palle Svensson & Ole Tonsgaard, - det blev et nej, Aarhus, Politica, 1992, p. 71 (64 percent).

had been especially unpalatable to the public. Polls indicated that the common foreign policy, the common defence as well as the common currency and the common European citizenship were unpopular with the voters.⁵ Another indication lay in the specific demands for re-negotiation which the Socialist People's Party had presented before the referendum; these focused on the third phase of the EMU, on defence cooperation, on supra-national decision on justice and home affairs (JHA) and on union citizenship as candidates for exemptions.

These four elements came to constitute the so-called "National Compromise", which was agreed between the opposition parties, including the People's Socialists, and which the government had to accept in October 1992. The Compromise was subsequently presented to Denmark's EC partners on an almost take-it-or-leave-it basis, and in December 1992 the Government succeeded in having the four demands of the National Compromise accepted by the European Council in the so-called Edinburgh Decision. Besides exemptions for Denmark the Decision also included formulations on subsidiarity and openness, which had been demanded in the National Compromise.

Thus a new basis for Denmark's participation in the European Union was found. It included the following four exemptions from the Union:

1. Denmark would not take part in the third phase of the Economic and Monetary Union;
2. Denmark would not become a member of (only an observer in) the Western European Union and would not participate in decisions under the Common Foreign and Security Policy with defence implications;
3. Denmark would not accept a future transfer of parts of Pillar 3 (Justice and Home Affairs) to the supra-national Pillar I;
4. Denmark would not be bound by the union citizenship (although it would give EU citizens all the stipulated rights in Denmark).

As a *quid pro quo* Denmark promised not to prevent the other members from developing their cooperation in the exempted areas.

⁵ Cf. Siune, et al., p. 74.

The Danish Referendum on the Treaty of Amsterdam

The new framework for Maastricht was presented to the public in another referendum on May 18, 1993. Many factors pointed towards a “yes” vote this time. First, the Edinburgh Decision gave significant concessions to the sceptical voters, even though opposition groups continued to argue that the exemptions were illusory, and that even with Edinburgh, Denmark risked sliding further down the slippery slope to European Union. Secondly, the Edinburgh exemptions were cemented by the enactment of a stipulation that none of them could be repealed without a previous ratification in yet another referendum. Thirdly, the Social Democrats had taken over government (together with two coalition partners) in January 1993, thus strengthening its appeal to its doubting voters. And finally, the Socialist People’s Party as party to the National Compromise was now on the “yes” side, leaving parliamentary opposition to the rightist-populist Progress Party.

As predicted, the May referendum ratified the Maastricht-cum-Edinburgh framework, by a significant, though not quite convincing majority of 56.7 percent to 43.3 percent. An important contribution to this result was an increase in the Social Democratic “yes” vote compared to 1992. But even so the party remained split with one half voting in favour, the other half voting against, despite the united “yes” appeal of the party leadership.⁶ On the other hand, the Socialist People’s Party spectacularly failed to convince its voters of its new positive attitude; more than five-sixths of the voters continued to vote “no”.⁷ Other indicators show that the increase in support between 1992 and 1993 mainly took place amongst workers and low-income and low-education groups, i.e. those groups which normally vote for the Social Democrats.⁸

⁶ See Nielsen, *op.cit.*, p. 50 (50 percent for) and Karen Siune, Palle Svensson & Ole Tonsgaard, - fra et nej til et ja, Aarhus: Politica, 1994, p. 101 (also 50 percent for).

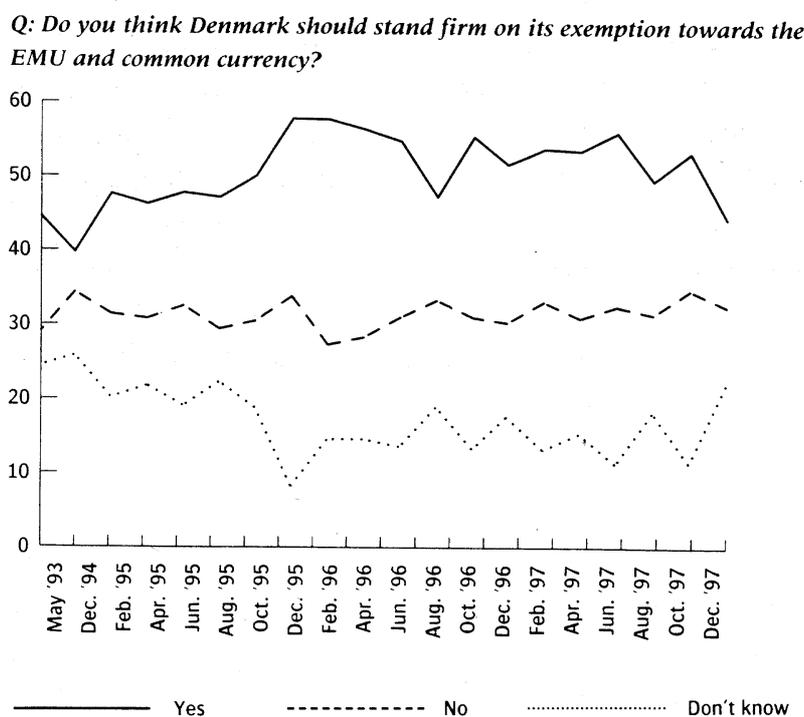
⁷ Nielsen, *op.cit.*, p. 55 (85 percent against); Siune et al. (1994), p. 101 (87 percent against). As a consequence, the party leadership slowly veered back to a negative posture to the EU over the next few years.

⁸ Nielsen, *op.cit.*, p. 57.

Denmark and the Inter-Governmental Conference 1996-97

The traumatic Maastricht experience has cast long shadows over Denmark's European policy since then. Politicians tend to tread extremely carefully in European questions in order not to challenge the EU-sceptical segments amongst the public. In this process the four Edinburgh exemptions have acquired an almost sacrosanct quality - being jealously guarded by the People's Socialists and effectively protected by the Social Democrats. On the other hand, the main opposition parties since 1993, i.e. the Liberals and the Conservatives, have vowed to remove the Edinburgh exemptions as soon as possible. The problem though, is with public opinion. Polls since 1993 have regularly shown a majority for upholding the exemptions, cf. Figure 2, which shows a development in attitudes towards the EMU exemption since 1993; data on the other exemption are quite similar.

Figure 2. Attitudes to the EMU Exemption 1993-97



Source: *Danish Foreign Policy Yearbook 1998*, Copenhagen: DUPI, 1998, p. 159.

The Danish Referendum on the Treaty of Amsterdam

This is hardly an inviting background for calling new referenda, and gradually Danish politicians have come to agree that a referendum on the exemptions should only be called in a situation, where a majority seems guaranteed beforehand. Such a situation is not yet in sight.

The politicians' reluctance to try the public on the Edinburgh exemptions illustrates the extreme caution with which they approach the public over European Union affairs. This became very clear with the 1996 Inter-Governmental Conference and the prospect of having to send another treaty revision for public ratification. The Government would undoubtedly have preferred to be without the 1996 IGC, because despite the Prime Minister's protestations before and during the IGC, it was an almost foregone conclusion that there would have to be a referendum at the end of the Conference - provided, of course, a positive result was attained. This indicated a very cautious, status quo-oriented Danish stance at the 1996 IGC.

In the Government's perspective there were, however, also some redeeming aspects to the IGC. While it raised the spectre of ratification trouble, it also offered the prospect of an enlargement of the Union with new members in Central and Eastern Europe. Since 1993, when the Danish Government secured the first green light for Eastern enlargement at the EU Copenhagen Summit, enlargement had been on top of the Government's EU agenda. This enlargement prospect induced the Government to adopt a more positive attitude towards institutional change than usual - but with no guarantee that this would eventually curry favour with the public.

As IGC 1996 approached, the government had to think of a strategy for preparing the public and ensuring that the Maastricht debacle would not be repeated. This created a serious dilemma. On one hand, the Government realized, that the public debate had come too late in 1992, when it only started after the Maastricht Treaty had been signed; it was therefore aware that public opinion had to be taken into account from the very beginning of preparations for the IGC.

On the other hand, given the basic scepticism of the public and the existence of well-organized anti-Unionist movements, the government

could realistically fear that a public debate before the IGC might spin out of control and leave the Government with a severely restricted freedom of manoeuvre at the Conference. The result was kind of a compromise: The Government started to spread information early on about the issues of the conference, primarily through pamphlets issued by the Ministry of Foreign Affairs, but holding somewhat back on starting a general debate - especially within the major government party, the Social Democrats. An important step was the publication in June 1995, concurrently with the start of the so-called Reflection Group, of an official booklet, *Dagsorden for Europa*⁹, which gave a thorough background to the conference and the issues expected to dominate it. In this phase the dominant public opinion strategy was thus an information strategy. At this time, i.e. 1995, most political parties also published their bids for IGC 1996.

Before the 1991 Inter-Governmental Conference the major government and opposition parties, excluding the People's Socialists and the rightist Progress Party, had agreed on a joint negotiating platform. This was also what the non-socialist opposition parties expected or hoped for before IGC 1996. But now the Socialist People's Party had entered the scene as a party to the National Compromise of 1992 and as the self-appointed guardian of the Edinburgh exemptions. For this reason, and also because the Social Democratic left-wing tends to agree more with the People's Socialists than with their own leadership on European affairs, the Government was eager to keep the People's Socialists within the European consensus, so to speak. However, since 1993 this party's leadership had got increasingly cold feet over its association with the pro-Unionist side, and by late 1995 it was clear that the party was not willing to renew the National Compromise on terms acceptable to the other parties.

Efforts to keep the People's Socialists onboard therefore failed, but in order not to further estrange the left-wing, the Government declined to negotiate a common platform with the non-socialistic parties and instead worked out its own platform. The latter parties could be expected to vote for the

⁹ Udenrigsministeriet, *Dagsorden for Europa*. Regeringskonference 1996, Copenhagen 1995.

The Danish Referendum on the Treaty of Amsterdam

outcome of IGC 1996 anyway, so the Government concentrated on keeping open the possibility of the People's Socialists voting for the negotiation result or, alternatively, making a "no" on their part as costly as possible.

In December 1995 the Government then published its own platform which was heavily predicated on the enlargement of the Union.¹⁰ According to the platform, the IGC should "primarily create the foundation for the enlargement of the EU with the Central and East European countries, including the Baltic countries." The platform consisted of a mixture of defensive and offensive elements. On the defensive side it firmly stated that the four Edinburgh exemptions were non-negotiable at the IGC and that they could only be repealed by another referendum. But there were strongly offensive aspects as well on issues like employment, the environment, and consumer protection. In these areas the Government wanted more Union, that is stronger provisions. These proposals were to a large extent motivated by the perceived need for the EU to address the concrete concerns of ordinary people, so as to reduce the distance between them and the Union. This concern for public opinion also lay behind other offensive aspects of the platform, for instance when it pleaded for increased openness and for a strengthening of the subsidiarity principle.

The platform was more guarded on institutional matters and Pillars II (Common Foreign and Security Policy - CFSP) and III (Justice and Home Affairs - JHA), i.e. those issues where the public was supposed to be sceptical. The platform did acknowledge, though, that a major enlargement of the Union would require some strengthening of its decision-making procedures. In fact, in a cautious way the platform was open to some institutional reform, such as more majority voting and fewer and simpler cooperation procedures between the Council, the Commission and the Parliament. The platform was very adamant on one point, namely that each member-state should continue to have at least one Commissioner.

On CFSP, which Denmark traditionally sees as strictly inter-governmental, there were some openings as well, as the platform accepted the principle of

¹⁰ "Det åbne Europa: Regeringskonferencen 1996", reprinted in Dansk Udenrigspolitisk Årbog 1995, Copenhagen: DUPI, 1996, pp. 287-94.

constructive abstention by one or two countries. It was also open to the proposal that the EU might take on humanitarian actions, crisis management and peace-keeping operations, even though it made clear that because of its exemption Denmark would not take part in any such actions herself. Concerning JHA the government platform emphasized the need for strengthening existing procedures, but also for keeping them strictly inter-governmental in accordance with the relevant Edinburgh exemption.

In its preparation for IGC 1996 the Government thus had three goals in mind:

1. to maximise the chances of winning the referendum;
2. to improve the chances of EU enlargement; and
3. to change the EU according to Danish preferences.

Of these goals, the first one was probably the dominant one, even though the government did venture into some potentially dangerous terrain by its willingness to accept some institutional consequences of enlargement. To ensure public support, the Government adopted a reassuring strategy in defence of the Edinburgh exemptions. There is little doubt, that most Government members would have preferred to do without the exemptions, but a demonstrated willingness to give them up, as advocated by the non-socialist parties, would have weakened its position vis-à-vis its own voters and jeopardized any chance of keeping the People's Socialists committed to the National Compromise. So the Government's position became, in a formula that was repeated time and again, that "the exemptions stand - before, during and after the IGC".

Denmark during the Inter-Governmental Conference

The analysis of Denmark's strategies during the Inter-Governmental Conference must necessarily rest on a somewhat shaky foundation. The Government continued its information strategy during the conference by publishing three additional pamphlets during the Conference, all of them

emphasizing in their titles the Danish quest for “an open Europe”.¹¹ These pamphlets provided general information on the Conference, including the texts of the Danish proposals.

As indicated by its platform the Government adopted an offensive strategy in the negotiation of certain issues at the Conference.¹² Thus, it presented specific and very detailed proposals on a range of issues, such as employment, environment, openness, consumer protection, the fight against fraud, and subsidiarity.¹³

On employment it was argued that the main effort should continue to be made at the national level, but that supplementary EU measures were also required. The Danish Government particularly proposed to include a special employment title in the Treaty, which should strengthen the objective of high employment and emphasize employment as a joint responsibility calling for coordinated effort.

On this issue Denmark was on line with (but also in rivalry with) Sweden, while Germany, France and the United Kingdom for a long time were opposed to including employment among the EU’s mandated tasks. However, after elections in Spring 1997 had brought a shift of power in Paris and London, Germany was increasingly isolated and finally gave up its resistance. The negotiating result, which to a large extent mirrored the original Danish proposals, was only reached at the final Amsterdam Summit and after a very energetic effort by Prime Minister Poul Nyrup Rasmussen.

Another favourite topic of the Government was the environment, where it also presented detailed proposals. These focused on

¹¹ Udenrigsministeriet, *På vej mod det åbne Europa* (1996); *Tæt på det åbne Europa* (1997), and *Det Åbne Europa* (1997).

¹² For an analysis of Danish strategies during IGC 1996, see Nikolaj Petersen, “Denmark, the IGC 1996 and the Future of the European Union”, in Bertel Heurlin & Hans Mouritzen (eds.), *Danish Foreign Policy Yearbook 1998*, Copenhagen: DUPI, 1998, pp. 43-59.

¹³ These proposals are reproduced in Udenrigsministeriet, *Tæt på det åbne Europa*, 1997, pp. 27-53.

1. the integration of the goal of environmentally sustainable development in the preamble of the TEU,
2. the integration of environmental concerns in concrete policies (e.g. agriculture and transport),
3. the integration of environmental concerns in internal market policies, including an improved environmental guarantee (Art. 100A, pt. 4), and
4. qualified majority voting on certain environmental levies.

The Danish environmental posture was highly ambitious, but important positions were shared with the other Nordic countries and with Germany, Austria and the Netherlands; Spain represented the other extreme. Again, the Danish approach was an offensive one with Prime Minister Nyrup Rasmussen taking a very active part in the final round of discussions. Significant parts of the Danish proposals were actually included in the Treaty, although the environmental guarantee (Art. 100A) was weaker than hoped for.

Somewhat less progress was registered concerning the remaining Danish pet projects; in particular, there was a tough battle on openness. Some progress was obtained, though, as the principle of openness was written into the Treaty (TEU, Article 1 (A)).

In conclusion, the strongly offensive strategies adopted on certain issues proved highly effective, and on balance Denmark gained as much - or rather more - on these issues as could have been hoped for before the Conference.

While the Danish Government was on the offensive on some issues it was defensive on others, but for the same reason: the wish to improve the public acceptance of the revised Treaty. This defensive stance applied in particular to the four exemptions. However, during most of the negotiations Denmark played a kind of waiting game, keeping the issue of a continuation of the exemptions theoretically open until the very last minute. In fact, the confirmation of the Danish exemptions did not take place until the final Amsterdam negotiation. There a protocol, which took care of two of Denmark's exemptions, was agreed. Of the remaining two exemptions one, union citizenship, was directly inscribed in the Treaty without further ado

(TEC, Art. 8), while the other one, on the EMU, was never relevant to the Conference.

The reason for this waiting game was not uncertainty, on whether the exemptions could or should be upheld. Aside from a single episode,¹⁴ it seems that the Government was convinced all the way, that they must be upheld at practically any cost if the final result were to be accepted by the public. That is, the Government was prepared for a tough struggle to secure the exemptions, if needed. The reason for the waiting game was rather to maintain maximum influence over those questions which were covered by the exemptions; as long as Denmark had not proclaimed itself definitively, it could take full part in the discussions and influence their course.

As a matter of fact, Denmark succeeded in having at least some influence over the formulation of issues concerned with Justice and Home Affairs. For instance, in Article TEC 73K the Danish negotiators succeeded in inserting the notion of minimum standards for the treatment of asylum seekers, refugees, third country nationals and others. This was not without a certain irony, because in the end these provisions did not come to bind Denmark itself.

The Danish negotiators for a long time hoped to avoid any transfer of matters from Pillar III to Pillar I, that is from inter-governmentalism to supra-nationalism, because this would trigger the Edinburgh exemption over Justice and Home Affairs. This did not succeed because of German insistence, and consequently Denmark had to demand an updated exemption. This fell into place at the very last moment, but without any serious resistance; in fact, the Protocol which exempts Denmark from part of the new so-called "Area of Freedom, Security and Justice", was largely written by the Danish negotiators. It proved unnecessary to man the barricades, so to speak.

The Danish Protocol covers two questions: border control with related questions and defence. With respect to defence policy nothing much

¹⁴ During the Spring of 1997 some uncertainty arose, when Minister of the Interior Birthe Weiss hinted that the exemption on the Third Pillar might have to be given up, but after a while the hole in the negotiation armour was closed again.

changed in the Amsterdam Treaty, and the Protocol could therefore be confined to reiterating the Edinburgh language.

On the other hand, significant changes occurred in Amsterdam which affected the Edinburgh exemption on JHA. As mentioned, the essence of this exemption was an objection to the future transfer of parts of Pillar III to Pillar I. This transfer actually happened, which meant that the sleeping exemption was suddenly triggered. The Protocol gives Denmark a blanket exemption from all EU decisions concerning border controls, asylum policy, immigration, etc., which are taken within Pillar I.¹⁵ In these issues Denmark is free to formulate her own national policy, if she so chooses. To what extent Denmark will be able or willing to conduct a policy at odds with the common EU policies on immigration, asylum, etc., is another question, though.

In one area special problems are likely to arise, namely with respect to the Schengen rules for border passage. This is so, because Denmark (together with other members of the Nordic Passport Union) will become a party to Schengen in the year 2000, and because Schengen will be integrated in the Union via the Amsterdam Treaty. In order to remain in Schengen and the old Nordic Passport Union, which will become part of Schengen, the Treaty stipulates that Denmark will have to react within a six-month period to future Schengen decisions taken by supra-national procedures which Denmark does not take part in. This may happen either by adopting the Schengen rule as national law or by negotiating special arrangements with the other members of the Union.

Thus, by and large, Denmark's defensive strategies at IGC 1996 succeeded in guarding and even widening the Edinburgh exemptions. As a result it can be claimed, that Denmark will now be more of an "odd man out"¹⁶ in European integration than before Amsterdam, mainly because the sleeping

¹⁵ In practice, Denmark can take part in negotiations in the Council over these issues, but will not take part in the decision itself and will not be bound by it.

¹⁶ See Birgit Nüchel Thomsen (ed.), *The Odd Man Out. Danmark og den Europæiske integration 1948-1992*, Odense: Odense Universitetsforlag, 1993.

The Danish Referendum on the Treaty of Amsterdam

exemption on border control issues will be activated when Amsterdam is in place.

Finally, one could point out some issues where Denmark was willing, before IGC 1996, to give some limited concessions to the Union process in order to facilitate enlargement. These areas mostly concerned the Common Foreign and Security Policy and institutional changes. On both issues, the Danish willingness to concede was never really tested because disagreements among the other delegations resulted in only limited changes. In most cases Denmark could seek cover behind Britain's status quo policies, and in the final Amsterdam phase German reluctance to speed up integration saved Denmark from some difficult choices.

The Amsterdam decisions on CFSP hardly went beyond what the Danish Government was prepared to accept in the first place. The decision to establish a special planning and warning unit in the Secretariat-General of the Council was welcomed, even though the inclusion of WEU personnel in it was hardly to the Danish taste. The nomination of a High Representative, a "Mr./Ms. CFSP", to give the common policies greater external visibility and penetration was equally acceptable; in particular it was appreciated that the High Representative would be working under the instructions of the Council and the Presidency.

Another new element was the introduction of constructive abstention as a kind of flexibility measure for Pillar II. In its IGC platform the Government had been ready to accept "consensus minus one (or two)". In Amsterdam it accepted the possibility of up to one-third of weighted votes abstaining, but this did not constitute a serious problem. The small opening for qualified majority voting in CFSP was hardly to Denmark's liking, but the opening was so small and theoretical, that no serious practical consequences were foreseen. The minor changes in the CFSP thus did not conjure up any real problems for Denmark, as long as the exemption concerning participation in defence policy was respected. There is no indication that it proved difficult to secure this exemption.

Institutional questions normally constitute the litmus test of Denmark's attitude to the integration process. The traditional position has been that the

existing institutional balance should not be disturbed, meaning that the powers of the Commission and Parliament should not be increased at the expense of the Council. This was also the basic position before IGC 1996. Another such position was that of a unchanged balance between small and large member countries. In practise however, the Danish attitude was quite flexible on both counts.

During the Conference the limits of Danish flexibility were hardly tested. The co-decision procedure was extended and replaced the cooperation procedure, leading to a considerable indirect strengthening of the Parliament, but these changes had already been foreseen in the Danish IGC platform. So was the extended use of qualified majority voting, where Denmark was willing to go further than was actually agreed.

For a number of reasons the institutional changes in Amsterdam were moderate and on balance, somewhat insufficient to guarantee what was a Danish top priority, namely laying a firm foundation for the enlargement of the Union with all applicant countries. In fact, only a first enlargement with five countries was prepared. Denmark would have been willing to go further in Amsterdam, not only by accepting a double majority, but probably also a certain readjustment of votes in the Council between small and large member countries.

While it was satisfactory from a Danish point of view that the balance between large and small members was not tampered with after all, the end result could hardly be viewed as entirely satisfactory. Denmark received no guarantee that an institutional solution will be found in due time to allow the admission of the less prepared and less desirable applicants in the second eschelon. Since Amsterdam Denmark has worked hard and to some extent successfully to blunt the distinction between the first and second eschelon, but the institutional barrier to enlargement beyond the 20-member mark still stands.

By and large IGC 1996 proved less of an ordeal than the Danish Government may have feared on beforehand. This was mainly due to three factors. First, as the Reflection Group's discussions had revealed, there were widely diverging opinions among the participants in the Conference,

which directed it towards solutions at the lowest common denominator. Secondly, the pressure for a significant deepening of cooperation proved to be weak. This was both a general reaction to the difficulties which Maastricht has caused, but also reflected the fact that countries like the Netherlands and, in particular, Germany did not provide the usual momentum. In the final phase, German Chancellor Kohl applied the break rather than pressing the accelerator. The third reason was that the Conference shied away from tackling in depth the question of institutional adaptation to large-scale enlargement.

The Referendum Campaign

Having secured a relatively acceptable Treaty the Government now faced to problem of public acceptance. Referendum day, May 28, 1998, was decided on early, but the campaign only warmed up slowly, perhaps in the fear of running out of steam before the referendum. Then in the spring of 1998 the campaign came up against a set of partially unexpected obstacles.

First, in February the Government called for a snap election on March 11, in which the government of Social Democrats and Social Liberals only narrowly preserved its majority. In the aftermath its position was strengthened by internal troubles among the non-socialist parties, though. The Liberal leader, former Foreign Minister Uffe Ellemann-Jensen - easily the most high-profiled Danish pro-European - stepped down after having failed to become the new Prime Minister and announced his departure from politics after the referendum. And the Conservative Party, which suffered a major defeat in the election, tottered on the brink of internal dissolution.

One reason for the Government to call the election in March was to avoid having it mixed up with the referendum campaign,¹⁷ and in this it succeeded to a large extent. As it turned out, the EU question had little impact on the election result. The left-wing anti-Unionist parties weakened marginally, while a new rightlist party, the Danish People's Party, entered

¹⁷ Constitutionally the government had to call an election in September 1998 at the latest.

the Folketing on a platform of opposition to immigrants and the EU. The party did very well, but to some extent at the expense of the Progress Party, its parent party. Among the non-socialist pro-European parties the high-profiled Liberals gained nothing, while the Conservatives were heavily defeated, and the Center Democrats gained somewhat.

Before the referendum campaign could really get re-started after the elections, another hurdle had to be passed, namely a Supreme Court ruling on the Maastricht Treaty. Back in 1993 a group of citizens had sued Prime Minister Poul Nyrup Rasmussen for violating the Danish Constitution by signing the Maastricht Treaty. Their main argument was that Maastricht delegated un-specified powers to the Union, not specified powers as required by Art. 20 of the Constitution (see above). They also referred to Art. 235 of the TEC and to the practises of the European Court of Justice to make their point that Denmark had given up open-ended powers to the European Union.

In 1994 the case was rejected by the High Court for the reason that the plaintiffs could not demonstrate a concrete personal interest in the case. In 1996 the Supreme Court, however, reversed this ruling and allowed the case to be tried. The following year (1997) the High Court acquitted the Prime Minister, but the ruling was immediately appealed to the Supreme Court.

The decision of the Supreme Court was announced on April 6, 1998. It did acquit the Prime Minister, but also set certain limits to the Union process. The ruling defined the clause “to a specified extent” to mean that a positive delimitation must be made, both of the issue-areas and of the character of the powers delegated. The transfer of powers need not be limited in the sense of being small; on the other hand, powers could not be transferred to such an extent that Denmark would no longer be an independent state. The Supreme Court argued, that the specification requirement was fulfilled, as the EU could only function within limits defined in the Treaty and on the basis of powers transferred from the member states. Neither Art. 235 nor the practices of the ECJ affected this judgement. Finally, the Supreme Court addressed the relationship between the ECJ and the national courts. It accepted the general prejudicial competence of the ECJ concerning all EC

The Danish Referendum on the Treaty of Amsterdam

legislation. However, Danish courts could never be deprived of the right to try whether an EC law violated the limits of Denmark's transfer of sovereignty to the Union:

"Danish law courts must therefore consider an EC law to be inapplicable in Denmark, if the extraordinary situation were to arise, that it could be determined with the necessary certainty that an EC law, which has been upheld by the European Court of Justice, rests on a reading of the Treaty which is outside the transfer of sovereignty according to the [Danish] Law of Accession."¹⁸

No sooner had this judicial hurdle been passed than another obstacle showed up. After Easter the labour rank and file unexpectedly rejected a two-year general labour agreement which the Trade Union Congress had negotiated with the employers' organization. The result was a major strike by more than 500.000 workers, which began on April 27 and soon threatened to paralyse the country's essential functions. This placed the Government in a dilemma. If the strike was allowed to run its course, it could interfere with the referendum campaign in an unpredictable way by furthering a general left-wing mobilization. If, on the other hand, the government intervened to stop the strike it risked to alienate those groups, which had voted against the labour agreement, and which to a large extent also represented traditional working-class scepticism towards the EU.

In the circumstances, the strike was allowed to run for 11 days, after which the Government and Parliament intervened and dictated a two-year solution which was close to the original agreement, but with a few additional concessions to the labour side. This intervention was generally accepted by the labour side, but some uncertainty remained whether the Government had not jeopardized some of its credibility with the Social Democratic left-wing.

The effective referendum campaign thus became extremely short, only 2½ weeks. The main contestants were the political parties and popular movements like The People's Movement against the EC Union

¹⁸ See Politiken, April 7, 1998.

(*Folkebevægelsen mod EF-Unionen*) and the June Movement (*Junibevægelsen*).

On the left the so-called Unity List (*Enhedslisten*) - a conglomerate of radical leftist groupings - was staunchly and predictably opposed to the Amsterdam Treaty, which it saw as part of the building-up of a Fortress Europe with closed frontiers, a common police and a common army.

The major political force on the left, the Socialist People's Party (*Socialistisk Folkeparti*) was badly split over Amsterdam. Since the 1993 referendum when the party leadership failed to convince its voters to vote for the Maastricht-cum-Edinburgh solution, the party started to veer back to its old Euro-scepticism, and when Amsterdam came up for decision, the party leader, Holger K. Nielsen, and a sizable majority of the party's activists turned against it. Their arguments were two-fold and perhaps not entirely consistent. First, it was argued that by and large the Treaty represented another, though minor, step towards the cementing the European Union. Secondly, it was claimed that even though the Treaty did represent some progress on certain points, it did not go far enough. Thus the Party leader criticized the environmental "guarantee" as defective and also argued that the Treaty should have gone considerably further in preparing for enlargement. Rather than uniting Europe, the Amsterdam Treaty threatened to split the Continent between insiders and outsiders; in fact, the party argued that all countries who want to join the EU should be allowed to do so as soon as they are prepared for it. The party's main demand, which was shared by the whole opposition to Amsterdam, was that Denmark should step out of the Schengen agreement as well as all cooperation at the judicial level, including the Europol.¹⁹

¹⁹ In June 1997, just before the Amsterdam Treaty was signed, the Danish Parliament decided to accede to the Schengen agreement. For several years Denmark had considered its position to Schengen, because of doubts concerning its compatibility with the Nordic Passport Union. After Sweden and Finland had joined the EU in 1995, a solution was negotiated which allowed the Nordic Passport Union to remain within Schengen. The decision to join Schengen was heavily criticized by the left-wing and right-wing Euro-sceptics.

The Danish Referendum on the Treaty of Amsterdam

This position was somewhat weakened when it turned out that prominent party leaders, among them the parliamentary leader and the party's deputy chairman, were not prepared to toe the party line, but advocated a "yes" to Amsterdam; in fact, there was a majority for Amsterdam in the party's parliamentary group. The arguments of this group were mainly pragmatic: that Amsterdam represented a step forward compared to Maastricht, and that it was a pre-condition for enlargement.

The government parties, i.e. the Social Democrats and the Social Liberals, argued that the Government had attained all its major goals in Amsterdam, which was therefore a much better and much more "Danish" treaty than Maastricht. (The Social Democrats also argued that it was a more "Social Democratic" treaty, but this could not be the Government position, as it was not subscribed by the Social Liberals). The government parties emphasized that the strengthening of employment, environment and consumer protection policies represented real progress compared to Maastricht, but the main argument was that the Treaty was a major "peace project" by opening the way for enlargement to the East. Another important argument was, that the Edinburgh exemptions had been protected.

The government parties further argued that the consequences of a "no" would be highly damaging to Danish interests. The Government warned that a re-negotiation of Amsterdam as demanded by the opposition groups was totally unrealistic and emphasized that there were no potential exemptions to be made from Amsterdam as there had been with Maastricht. The opposition parties had pointed to the possibility of resigning from Schengen. This the Government was not prepared to accept, and it warned that the cost of doing so could be prohibitive, e.g. the break-up of the Nordic Passport Union and the transformation of Denmark's borders into external EU borders.

In the view of Prime Minister Poul Nyrup Rasmussen, Denmark's eventual arrangement with the EU in case of a "no" could not be foreseen; Denmark would probably have to enter into a looser association with the EU with less participation in European cooperation, but he clearly ruled out leaving

the Union entirely.²⁰ Another prominent government argument was that a rejection of Amsterdam would damage the chances of an early enlargement of the Union.

The non-socialist pro-Amsterdam parties used more or less the same arguments as the Government, though often more explicitly. The Liberals, especially, were outspoken in their warnings of a “no”, predicting that this would logically lead to Denmark’s departure from the Union and to a “Norwegian” solution; former Foreign Minister Ellemann-Jensen repeatedly warned against this prospect.²¹ On the positive side, the Liberals and Center Democrats were the most outspoken in favour of Amsterdam and the further development of European integration, while the Conservatives and the Christian People’s Party were somewhat more circumspect; thus the Conservatives’ slogan was: “We will work for Europe, but fight for Denmark”.

On the right-wing, the two populist parties both conducted vigorous campaigns against Amsterdam, though on a slightly different basis. Under the slogan “Vote Danish - vote no” the Danish People’s Party conducted a nationalistic campaign in continuation of its anti-foreigner election campaign. Its main focus was on Schengen and the dangers for Denmark of open borders, but the party also demanded that Denmark should opt out of the Common Foreign and Security Policy, and that EU citizens’ political and social rights in Denmark should be curtailed. The small Progress Party used the same arguments, but concentrated on an anti-bureaucratic and anti-centralistic EU-sceptical line.

Since 1972 popular movements have played important roles in EC/EU referenda and in EP election campaigns, where they regularly gain about one-fourth of Denmark’s EP seats. The oldest organisation, The Popular Movement against the EC Union, conducted a clear leftist campaign

²⁰ “Usikkerheden ved et nej”, (interview with Poul Nyrup Rasmussen), *Politiken*, May 20, 1998.

²¹ Together with Iceland and Liechtenstein Norway is part of the European Economic Area with the EU. This means participation in the Internal Market, but little, if any influence on its policies.

focused on the dangers of Fortress Europe, of a common policy, of a common defence policy and also of the erosion of national veto powers in the Union.

The June Movement, which was established in 1992-93 as a more pragmatic anti-Unionist movement, echoed these themes, and also emphasized the inherent lack of democracy in the Union. The most controversial part of its campaign was a certain populism. On the one hand it repeated the Fortress Europe theme, but on the other it also appealed to nationalistic and xenophobic sentiments by attacking Schengen and the opening of Denmark's border to the south. It thus attempted to steer an uneasy mid-course between the leftist and rightist criticisms of the Treaty.

Finally, anti-Unionist voices were on the increase among moderate non-Socialist voters than before. The so-called Europe of the Nations (*Nationernes Europa*) argued on a traditional nation-state platform that the Union had gone too far and had to be rolled back to take care of only those issue-areas, where international cooperation is necessary.

The Referendum Result and its Antecedents

The referendum of May 28, 1998, gave a small, but significant victory for the supporters of the Amsterdam Treaty and more generally for Denmark's continued participation in the Union as an active and (nearly) full member. 55.1 per cent voted for, while 44.9 per cent voted against. As shown in Table 1, this was a smaller "yes"-vote than in 1993, but still well above the vote in 1992. Turnout was very low, only 75.6 percent compared to 83.1 amend 86.9 percent in 1992 and 1993 respectively. This seemed to indicate a certain fatigue among the electorate.

To set this result into perspective one can cite the Eurobarometer poll from March 1998, which compares the member states on a number of issues. The barometer shows the Danish people to be best informed of the Amsterdam Treaty, at least at the subjective level, as 91 per cent answer "yes" to the question "Do you know the Amsterdam Treaty?" against an EU average of 34 per cent and 25 per cent in Germany. On the question

“Are you in favour of EU membership?” Denmark also scores above the EU average. 53 per cent declare themselves in favour, while 22 per cent are against membership; the EU average is 49 percent for and 14 per cent against; in Germany only 38 per cent of the population are now in favour, while 15 percent are against.²²

Table 1. Referenda on EU questions 1972-98: Regional Distribution

	Turnout			Yes percentage				
	1992	1993	1998	1972	1986	1992	1993	1998
Denmark	83,1	86,9	75,6	63,4	56,2	49,3	56,7	55,1
<i>Main areas:</i>								
Copenhagen	81,6	84,5	73,6	47,5	36,3	38,3	44,7	49,2
The Islands	84,6	87,5	77,2	63,9	54,9	49,6	56,5	54,6
Jutland	82,0	86,0	74,6	68,6	62,5	51,6	59,9	57,1
<i>Copenhagen Metropolitan Districts:</i>								
South	80,4	83,3	71,5	43,8	33,4	36,3	42,2	47,4
East	81,9	84,6	73,9	48,3	35,3	37,4	44,4	48,8
West	82,3	85,1	73,6	49,7	39,7	41,0	47,0	51,1
<i>Island Counties:</i>								
Copenhagen	86,3	88,8	78,4	58,2	49,8	48,9	55,4	54,4
Frederiksborg	85,6	88,4	78,6	64,1	58,0	53,5	59,5	57,7
Roskilde	86,5	89,1	79,0	63,9	55,1	51,6	59,0	55,7
West Sealand	82,5	86,0	75,6	67,0	56,9	48,6	55,4	51,8
Storstrøm	83,5	86,5	77,1	68,6	56,1	48,4	55,0	51,9
Bornholm	79,4	82,9	73,1	62,6	57,3	49,3	53,0	53,0
Funen	83,0	86,1	77,2	67,5	57,6	48,1	56,2	54,6
<i>Jutland Counties:</i>								
South Jutland	82,6	86,6	77,3	75,1	68,3	54,1	61,5	57,1
Ribe	81,2	85,9	73,9	70,9	68,1	53,7	61,3	58,1
Vejle	82,8	86,5	74,8	68,3	62,5	51,9	60,8	56,2
Ringkøbing	82,5	86,3	75,0	75,3	73,7	57,5	66,4	61,5
Århus	83,8	87,2	76,1	62,1	53,5	48,7	57,4	56,4
Viborg	81,6	85,3	74,0	74,6	67,7	53,6	62,8	59,5
North Jutland	79,2	84,4	71,7	66,3	59,5	48,7	55,9	54,5

Sources: *Statistiske Efterretninger*, Befolkninger og valg, 1992, no. 13 and *ibid.*, 1993, no. 9; *Morgenavisen*

²² Quoted in Politiken, May 21, 1998.

The Danish Referendum on the Treaty of Amsterdam

Jyllands-Posten, May 29, 1998.

This demonstrates that Denmark is no longer in the absolute bottom when it comes to the level of general support for participation in European cooperation, but in the middle; what is characteristic of Denmark is the rather high percentage of dedicated opponents. However, the salient question in Denmark's European policy is no longer participation as such, but the modalities of the Union. During the referendum campaign a heatedly debated question was whether the Amsterdam Treaty meant "more Union". On this issue of the borderline between national and Union competences, Danes tend to have conservative views, cf. Table 2, which renders some results from the time of the 1992 and 1993 referendum campaigns.

Table 2. Scope of European Union. Percentage of Danish voters in favour of inclusion of issues under EC competence

Issue Areas	May 1992	June 1992	May 1993
Abolition of trade barrier and customs obstacles	61	69	65
The internal market	59	74	71
Economic and Monetary Union	45	53	42
Equalization of economic differences between EC countries	42	49	43
Common foreign policy	38	38	37
Common defence policy	37	30	34
Single currency	35	34	23
Labour market policy - 'the social dimension'	33	39	41
Creation of the United States of Europe	23	19	21
Common citizenship	15	13	14

Sources: Karen Siune, Palle Svensson and Ole Tonsgaard, - *det blev et nej* (Aarhus: Forlaget Politica, 1992), p. 74, and Palle Svensson, 'The Danish Yes to Maastricht and Edinburgh. The EC Referendum of May 1993', *Scandinavian Political Studies*, No. 1, 1994.

In order to explain this reserve towards "the Union", one has to refer to history and political culture. During the Amsterdam campaign most anti-Union feelings were directed towards Schengen. Underneath was a clear, though not openly articulated anti-German tone. Opening the border to

Germany appears a major problem, while nobody seems to care about the fact that Denmark has had open borders with Sweden and Norway for more than 40 years under the Nordic Passport Union. This reflects a troubled historical relationship with Germany, which has given Danish nationalism a special anti-German twinge.

Furthermore, Denmark shares the German understanding of the nation as built upon a common ethnic ancestry and a common history; in one particular characterization the Danes have been called a tribe with close and intimate relations between members of the tribe, but negative relations towards other tribes, the Nordic tribes perhaps excepted.²³ This means that foreigners are generally well treated in Denmark, but they are not allowed really to integrate, to become one of “us”. This attitude makes intimate and binding cooperation with other “tribes” dubious, because it may affect the national identity.

Another important fact is, that Denmark is not a failed or troubled nation-state as certain other EU countries. Denmark reacted to the world crisis in the 1930's and the Cold War by building up a strong welfare state on a national basis. In this process Denmark became a self-contained state with strong democratic institutions, with a well-functioning, though expensive welfare state and with a modern economy. Danes are therefore generally well satisfied with their country which they tend to view as more democratic and more socially balanced than other European states. Support for the national welfare state is not only strong among the less privileged parts of the population, but also in the middle classes. And among those who are closely tied to the welfare state as clients or as employees there is an instinctive fear that the EU - if the union process is allowed to continue - may undermine the special Danish welfare system by reducing entitlements, etc.

²³ Former British Ambassador to Denmark Sir James Mellon in 1992, quoted in Peter Gundelach, “Danskernes særpræg”, *Dansk Udenrigspolitisk Årbog 1992*, Copenhagen: Dansk Udenrigspolitisk Institut, 1993, pp. 133-145. On the Nordic aspect, see Johnny N. Laursen & Thorsten B. Olesen, *A Nordic Alternative to Europe?*, CORE Working Paper 2/1998, Copenhagen: CORE, 1998.

The Danish Referendum on the Treaty of Amsterdam

This may sound, as if Denmark is an extremely closed and self-centered country. This is not the case, though. Despite recent tightenings, Denmark still has a fairly liberal immigration policy; Denmark is actively involved in enlarging the Western institutions to the east; and there is a broad consensus that Denmark should be among those countries which provide most aid for the third world. In the EU, Denmark is generally recognized as a constructive and loyal partner in day-to-day work.

After these general comments on why the Danes have problems with the Union process, a few remarks on the result of the recent referendum may be in order. However, it must be emphasized that in the immediate aftermath of the referendum very little reliable data is available on who voted what and why. However, results from previous referenda may give good indications, as voting patterns are fairly stable.

First, there is an important regional dimension to Danish EU voting, cf. Table 1.

Denmark is divided into 17 major constituencies, which (except in the Copenhagen area) are identical with the basic administrative “county” unit. As the Table demonstrates there are significant differences between the Copenhagen area, which has never voted “yes” in any EU referendum since 1972, and the rest of the country, which usually has a “yes” majority. The “yes” vote is also stronger in Jutland than in the island part of Denmark. This regional pattern is diametrically different from the other Nordic countries, where support for the European Union is concentrated in the metropolitan areas (the “center”), while the rest of the country (the “periphery”) votes no. The reason for this particular Danish pattern is probably that agriculture has traditionally been strongly pro-EU, while workers have been sceptical.

The most interesting aspect of the recent referendum is not, however, that the traditional regional pattern still obtains, but rather that it has weakened considerably. While the “yes” vote dropped 2-3 per cent in the rest of the country between 1993 and 1998, the “yes” vote rose in Copenhagen by 4.5 percent; in fact, for the first time in 25 years one Copenhagen metropolitan district (West) returned a “yes” majority. On the other hand, support

weakened in peripheral areas, such as Vestsjælland, Storstrøm and Ringkøbing; a specially interesting result came from Southern Jutland (*Nordschleswig*), which usually is very pro-EU; this time, support dropped by 4.4 per cent, probably due to anxiety about Schengen and the prospect of an open border to Germany.

There are also important demographic cleavages in the Danish population over the EU, cf. Table 3, which represents poll data collected on referendum day .

Table 3. The Amsterdam Treaty and Demographic Indicators (“yes” vote)*

Sex	Men	58 %
	Women	54 %
Age	18-29	55 %
	30-39	50 %
	40-49	52 %
	50-59	58 %
	60-69	58 %
	70 +	68 %

*) Data in this table was collected by Gallup Research Institute on referendum day, May 28, 1998. As the total poll over-estimated the “yes” vote by 1.8 percentage points, the values in this table should be reduced by 1-2 percentage points. The total sample was 1.919 persons.

Sources: Gallup Research Institute & Berlingske Tidende, May 29, 1998.

First, there is a certain difference, 4 percentage points, between men’s and women’s votes, even though it was significantly reduced compared to 1992 and 1993, when the difference was 10 and 6 percentage points, respectively. Such differences probably reflect the different working experiences of men and women. Women tend to be employed in the public sector, mostly in low to medium functions and concentrated in the so-called caring professions, i.e. nursing, teaching, etc. These are professions with little concrete contact with the European Union but closely associated with the national welfare state; fears of the fate of the welfare system in a broader European context are therefore easily raised.

Age differences also play a role. The least positive groups are the 30-50 year olds, while young and people above 50 are more positive. It is

tempting to see the scepticism of the middle group as a reflection of the 1968 revolution.

Data from 1992/93 also shows some co-variation between education and pro-EU attitudes, with highly educated persons being the most pro-EU.²⁴ This pattern is relatively new as there used to be a pronounced EC scepticism among academics and intellectuals until a decade ago. However, this scepticism has been on the wane since then, and during the referendum campaign artists, authors and intellectuals openly campaigned for a “yes”; this would have been unthinkable only a few years ago. Euro-scepticism is now clearly associated with the less privileged segments of the Danish population.

Differences between professions are significant, as well. General (less skilled) workers tend to be the most sceptical professional group. Skilled workers are less sceptical than unskilled workers, and functionaries and civil servants are even more pro-EU. The most pro-EU group is the group of self-employed which also encompasses the large group of independent farmers. Corresponding to these figures, one also finds clear income differentials between supporters and opponents of the European Union.²⁵

Finally, the party correlates of attitudes towards the European Union are very significant, cf. Table 4.

Table 4. The Amsterdam Treaty and Party vote 1998 (“yes” vote)

Socialist People’s Party	19 %
Social Democrats	55 %
Social Liberals	70 %
Center Democrats	68 %
Conservatives	80 %
Liberals	83 %
Danish People’s Party	12 %

Sources: Gallup Research Institute & Berlingske Tidende, May 29, 1998.

²⁴ See Hans Jørgen Nielsen, *EF på valg*, Copenhagen: Columbus, 1993, p. 57 & 59.

²⁵ *Ibid.*

There is a clear anti-EU majority among supporters of the leftist parties, who make up about 10 per cent of the electorate. On referendum day some 81 per cent of the People's Socialists voted against Amsterdam, which places this party squarely in the "no" camp. On the right, which also covers about 10 per cent of the electorate, there is also a heavy "no" percentage, with 88 per cent of the Danish People's Party voters voting against.

In between these groups are the pro-European parties, who between themselves gather about 80 per cent in general elections, but some of which have serious difficulties in persuading their voters about the party line on the European Union. This time some 17 per cent of the Liberals and some 20 per cent of the Conservatives voted against the party line, as against only 11 and 14 per cent in 1993.²⁶ This indicates that scepticism towards the Union has grown among normally pro-European voters on the center-right.

Traditionally, the Social Democratic Party has serious problems with its rank and file. In 1992 two-thirds voted against Maastricht, and even in 1992 about half the voters rejected Maastricht-cum-Edinburgh. This time the party apparently succeeded in having a majority vote for the Treaty, namely 56 per cent. Even if this figure should probably be lowered by about two percentage points, it indicates a shift among the voters, which may very well be due to the extraordinary efforts to secure a "yes" by Prime Minister Poul Nyrup Rasmussen. Even so, the party obviously continues to have a major problem with the European Union.

Denmark's European Policy after the Referendum

On the basis of the referendum, Denmark can now deposit its ratification of Amsterdam. The result obviously gives the Danish Government increased freedom of movement in European politics. However, this should not be exaggerated. 45 per cent of the voters voted against Amsterdam, and one of the Prime Minister's first comment to the result was that the losing side,

²⁶ Ibid., Table 16, p. 55. In 1992 11 per cent of the Liberals and 21 per cent of the Conservatives voted against the party line.

The Danish Referendum on the Treaty of Amsterdam

with its anxieties and concerns, would not be forgotten. He also vowed that Danish EU policy would continue to be in the interest of ordinary people, not the “high and mighty”. Thus the policy goals of the last few years are likely to be continued, i.e. a combination of policies reflect the need to close the gap between the Union and ordinary people with an ambitious enlargement policy. Several politicians, including the Prime Minister, also expressed their expectation (and certainly also their hope) that the tempo of integration would decrease with enlargement. Danish politicians will therefore continue to have one eye in the rear-view mirror, when driving on the European highway.

In the aftermath of the referendum the question of future referenda has repeatedly been raised. There is a broad understanding, at least on the pro-EU side, that there should be fewer referenda in the future. The Danish Government can therefore be expected to be reticent with respect to major treaty revisions in the near future, which - by involving transfer of sovereignty - would trigger another referendum. Likewise, it seems safe to predict that the Danish Edinburgh exemptions will not be put to the test in referenda in the near future - and probably not before the Euro is a physical reality.

ISSN 1435-3288

ISBN 3-933307-17-1



Zentrum für Europäische Integrationsforschung
Center for European Integration Studies
Rheinische Friedrich-Wilhelms-Universität Bonn

Walter-Flex-Straße 3
D-53113 Bonn
Germany

Tel.: +49-228-73-1880
Fax: +49-228-73-1788
<http://www.zei.de>