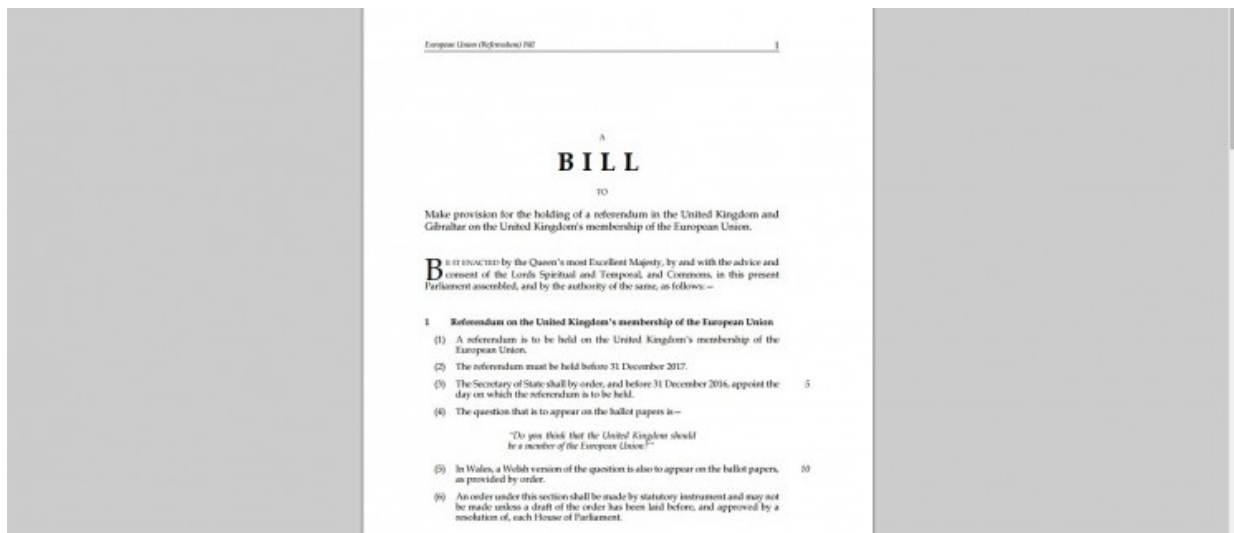


How binding can an EU referendum be?



The House of Commons is debating the Referendum Bill on Monday, which can bind the British government but cannot bind the European Union.

Two arch-critics of the EU, [Philip Davies MP](#) and [David Nuttall MP](#), have proposed that if the referendum is in favour of leaving the EU, the government should give formal notice of withdrawal within 28 days of the vote and there should not be another referendum before withdrawal is completed.

The intention is to prevent the government using a close vote for withdrawal or a low turnout to avoid what EU critics have fought for years to achieve.

While both these proposed amendments are within the power of the British government to achieve, a third proposal is not—that withdrawal must be completed within two years of serving notice of departing.

The UK leaving the EU

Leaving the EU is not a unilateral action. It involves complex discussions between EU institutions and the British government about the terms of subsequent relations between those parties.

The EU is notorious for being slow in arriving at decisions. British withdrawal will mean repealing obligations and agreeing how the UK will relate in future to a bloc of countries with which it has continuing political, economic and security ties.

These cannot be dealt with in an all-night session of the European Council or a one-day trip to Berlin or Brussels.

Banning a second referendum

An amendment proposing a ban on a second referendum is intended to stop the government renegeing on the referendum decision on the grounds that the price of withdrawal is more than the British electorate had been aware of when it voted.

Those most strongly in favour of getting out see leaving as a matter of political principle, not an economic calculation.

The government has tacitly accepted that all the conditions of Britain's future relationship with the EU will not be known when the referendum is held.

In current negotiations it is seeking statements of the EU's intent to give positive consideration to its demands in future. Any change requiring alteration of an EU treaty clause, such as removing the commitment to an ever closer European Union, could only take place in an intergovernmental conference, unlikely to be called until the next decade.

The government's desire to hold a referendum sooner rather than later increases the likelihood that some advances in reducing the UK's obligations to the EU will not be formally confirmed when the referendum ballot is held.

EU critics are afraid the government will seek to capitalise on short-term popularity to rush through a vote regardless of incomplete negotiations.

Critics want the bill to require that regulations affecting the vote come into force not less than six months before the referendum period. This allows more time for events, whether in Calais, Greece or Britain, to make the EU appear less attractive

Third reading

Although the third reading debate in the Commons cannot take amendments to the bill, this will be followed by debate in the House of Lords, which can make amendments.

Because the government lacks a majority there, the Lords can alter what the third reading proposes. Whatever the collective view of the EU in the Lords, it can use its powers to make amendments that will improve the information that the electorate has when the time comes to vote for the UK to stay in or out of the European Union.

Posted on the ESRC website: <http://ukandeu.ac.uk/how-binding-can-an-eu-referendum-be/>

Referendum or plebiscite: what's the difference?



The words referendum and plebiscite refer to electoral institutions in which the mass of the population votes on an issue. However, they have very different political connotations.

Plebiscite is a negative term referring to an unfair and unfree vote in an undemocratic political system. It was a favourite device of French Emperors Napoleon Bonaparte and Louis Napoleon to endorse their charismatic leadership. Hitler and Mussolini held plebiscites in which rejection of the dictator's proposal was unthinkable.

As a prime minister who holds office with less than 37 percent of the popular vote, David Cameron could hardly be considered charismatic, let alone a dictator.

A referendum, by contrast, is a free, fair and competitive vote. It is democratic if the wording of the question, and the rules governing the campaign, give both proponents and opponents of the issue the ability to compete on fair terms and votes are cast and counted without fraud.

As long as both Yes and No sides have a chance of winning, their chances do not have to be equal.

A referendum campaign, especially one as lengthy regarding Britain's European Union membership, gives the side that appears behind at the beginning of the campaign a chance to emerge victorious. This point is well understood by those who want Britain to leave the EU.

Since the word plebiscite has undemocratic connotations, it is often used by critics to reject popular consultation, whether fair or unfair. Traditionally, proposals for British referendums were considered inconsistent with the idea of representative parliamentary democracy.

The increase in proposals for referendums has introduced confusion in place of principle. It would be an abuse of rhetoric for critics of the EU referendum to allege that it will be a plebiscite.

However, a Google search shows that the two terms are sometimes used interchangeably in the same story by such media as the [BBC](#), the [Financial Times](#), the [Guardian](#) and the [Independent](#).

The many volumes written about the mechanics of conducting referendums show that there is no one best way to conduct a free and fair referendum.

The debate on the EU referendum bill shows differences of opinion among MPs about whether the government's proposals are equally fair to both sides.

Emotions about EU membership encourage suspicions about what is in and what is left out of the referendum bill. To maximize acceptance by losers as well as winners, the procedures for the vote should be above suspicion.

The amendments offered to the [EU referendum bill](#) currently in the House of Commons show that there are differences of opinion among MPs about its conduct.

Backbench Conservative MPs have already protested against regulations allowing Conservative ministers and civil servants to make statements about EU affairs whilst the official campaign is going on.

The SNP has claimed that fairness requires that majorities in all four nations of the United Kingdom should vote No to the EU before the UK government could withdraw from the EU.

This amendment was rejected by the government emphasising that the UK is, for purposes of EU membership, a unitary state. The fairest principle in a referendum is one person, one vote, one value.

The readiness of the government to accept some amendments shows it is prepared to concede that its bill can be improved.

For example, it has accepted that a referendum should not be held on the same date as any other election in any part of the UK.

Since many of the amendments to the bill come from backbench Conservative MPs, the government has less certainty than normal that those it opposes will be rejected.

When the bill moves to the House of Lords, there is more scope for the bill to be amended, since the government is far short of a majority in the Lords.

Posted on the ESRC website: <http://ukandeu.ac.uk/referendum-or-plebiscite-whats-the-difference/>

Greek lessons for the UK's referendum

By [Professor Richard Rose](#), UK in a Changing Europe Commissioning Fund Awardee



Credit: Georgios Giannopoulos

The Greek referendum offers four lessons in how not to conduct a national referendum about a country's relationship with the European Union.

The British government's handling of a referendum on the country's continued EU membership shows it has not learned three of these lessons.

1. Make the question clear

The 74-word question put before the Greek electorate was convoluted and opaque. Greeks were asked if they approved documents written in English by bankers and lawyers and past their sell-by date when the vote was held.

The UK referendum bill now in Parliament is not Greek to British voters. The question posed is clear: Should the United Kingdom remain a member of the European Union? The alternative answers are yes or no.

2. Don't rush the vote

The Greek referendum was announced by its prime minister only nine days before the vote was held.

Hoping to build on his general election victory, Downing Street is promoting the prospect of a ballot on EU membership being held next spring. However, David Cameron has made clear that the referendum should be on terms that he promises to negotiate with the European Union in the months ahead.

Downing Street's desire to hold a referendum before the government loses its popularity is inconsistent with the slow tempo at which discussions normally proceed in Brussels.

Moreover, saving the eurozone and dealing with a threatened Grexit (Greek exit from the EU) has greater priority than Brexit (British exit).

For the British government to ignore how Brussels reacts to demands from a single national government is a recipe for frustration or worse.

3. One country's vote on EU policy does not bind other EU member states

Alexis Tsipras justified his referendum on the grounds that the Greek people have a democratic right to be consulted on an agreement with the EU. However, he ignored the fact that the democratically elected governments of the other 18 eurozone countries must also approve any agreement with Greece for it to be binding.

Backbench Tory MPs can bind the Prime Minister to seek the return of EU powers to Britain, but they cannot bind 27 other national governments and supranational EU officials.

Measures such as a reduction in regulatory red tape are negotiable. However demands to rewrite European Union treaties to restrict immigration from the continent or abandon the symbolic commitment to an ever closer Union politically impossible. The Prime Minister will need to rely on smoke and mirrors if he wants to claim that powers he brings back from Brussels are sufficient to make sceptical Tory MPs endorse what he has achieved.

4. From referendum to neverendum

Sunday's ballot will not end Greece's economic crisis: it will just open up another Pandora's Box, the contents of which will dictate how European and global institutions deal with Greece.

Holding a referendum in the UK before EU institutions have the time and inclination to undertake major alterations in their powers means that at best many British demands will be in limbo when a vote is called. There will be

agreements to hold discussions in which all member states can press for reforms, or oppose them, as their national governments choose.

Even a vote to stay in the EU would not end the debate. If David Cameron delivers on his intention of leaving office before the end of this parliament, Tory candidates seeking support within the Tory party would claim they could do more to reduce the EU's influence on Westminster.

If the outcome is a vote to withdraw from the EU, this will not settle the issue. Instead, it will lead to years of uncertainty while negotiations proceed with the EU about how UK could continue to enjoy benefits of EU membership and what obligations the EU would impose on the UK as a non-member state in association with it.

Posted on the ESRC website: <http://ukandeu.ac.uk/lessons-from-the-greek-referendum-for-the-uk/>