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The Rise of Referendums: A Death Sentence for Multilateralism?

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ABSTRACT

Perhaps the most notable development of the second half of the twentieth century, and its greatest achievement, is the rapid global spread of two institutions: democracy and multilateralism. These institutions have collectively made us safer and more prosperous than any previous generation in history. But could the two now be coming into conflict? Recent experience regarding the EU suggests both that referendums as a tool of foreign policy decision-making are likely to become more common in the future, and that they pose major risks for multilateralism and international cooperation.

Multilateralism has seen better days. After a year in power, the Trump administration has already begun to reverse decades of standing US policy in regard to most of the multilateral institutions that underpin the current world order. This includes multilateral organisations such as the North Atlantic Treaty Organisation (NATO), the European Union (EU), the United Nations (UN), and the World Trade Organisation (WTO); current or proposed multilateral trade regimes such as the Trans-Pacific Partnership (TPP), the Transatlantic Trade and Investment Partnership (TTIP) and the North American Free Trade Agreement (NAFTA); as well as multilateral cooperation in support of climate change, refugees, nuclear non-proliferation, and international development.

But beyond the acute threat posed by the erratic behaviour of the world's most powerful man, there may well be another, more permanent, danger looming on the horizon in terms of the future of multilateralism. Across the Atlantic it is not, for the moment, elected leaders, but rather the mechanisms of direct democracy that pose the greatest threat to international cooperation. And in the long run, it may well be the rise of referendums as a tool of international policy that has the more far-reaching consequences for the world.

In June 2016, British voters chose to weaken their country's relations with the most effective multilateral forum for interstate cooperation ever created: the European Union. They did so against the explicit advice of 90 percent of economists,[1] 90 percent of British academics,[2] a vast majority of politicians, and all of the major national trade unions and

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[1]Green, "Economists say Brexit will damage economy".
[2]Morgan, "University staff back Remain".

business associations. Rather than an isolated outlier, the British vote could also be seen as part of a wider trend. Between 2014 and 2016, seven referendums were held across Europe relating to the EU. In all except one, the outcome was a rejection of European cooperation and multilateralism, driven by a number of factors including (but not limited to) a mistrust of elites, a rise in nationalism and nationalist rhetoric, and a dislike of specific policies often combined with a weak understanding of the wider context surrounding those policies.

This article argues that direct democracy, in the form of referendums, may pose a significant, and growing danger for the future of multilateralism. Referendums are popular and are widely seen as embodying a legitimacy to which no other form of decision-making can aspire.[3] This, combined with technological advances that will soon remove the cost impediment and make them much simpler to organise, is likely to lead to increased calls for their use. If they become more common regarding decisions with international implications, they could, at the very least, introduce an element of instability into global politics as their outcomes are by nature extremely unpredictable and their potential impacts can be significant.[4] More problematically, there are risks that collective decision-making by citizens will prove to be less conducive to international cooperation than current models, which are based almost exclusively on representative bodies, and that, due to low levels of knowledge of highly complex issues with far-reaching international ramifications, voters in referendums may not always act in their own long-term interests. Furthermore, once decisions are adopted by referendum they tend to be endowed with a level of legitimacy that may significantly reduce the scope for later compromise or the pragmatic behaviour upon which international cooperation rests. Finally, the system of multilateral cooperation may be more fragile than commonly assumed and a relatively few examples of non-compliant behaviour by states, on the basis of referendums, may be enough to seriously weaken a particular international regime, or to condemn it entirely.

An obvious limitation of an article looking at the practice of direct democracy in regard to multilateralism through recent examples related to the EU is that the two are evidently not synonymous. The EU may be a multilateral body, but a rejection of EU policies does not necessarily amount to a rejection of all forms of multilateralism. Indeed, it is not even always evident whether national publics voting against EU measures in referendums are expressing their opposition to those particular measures, or to the EU more generally.[5] Nevertheless, even as an admittedly imperfect proxy for public attitudes towards multilateralism more generally, the EU is both the most visible multilateral body in the lives of most Europeans, and the only such body that has been subjected to multiple national referendums on its policies. Thus it provides valuable, and otherwise scarce, examples of actual public practice in terms of direct involvement in international decision-making from which wider lessons may be drawn. A 2017 report of the European Parliament contended that "we are entering a new phase in the practice of direct democracy in the EU", which "is still very much unchartered territory".[6] The authors suggest that referendums on EU policy issues are highly likely to increase in frequency in the future and that this may engender largely unforeseeable results. Therefore, examining the dynamics that have been evident in

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[3]Butler and Ranney, *Referendums around the world.*
[4]Hobolt, "The Brexit vote".
[5]Van Middelaar, *The passage to Europe.*
[6]Mendez and Mendez, *Referendums on EU Matters.*

recent referendums on EU topics may be enlightening for future practice within this very specific context, if not more widely.

Finally, it is worth noting what this article does *not* seek to do, which is to make any normative claims regarding the role of referendums in terms of purely domestic governance. Though it is impossible entirely to avoid discussing in this article some of the general features that are common to all referendums, it is contended that those referendums with external effects are, in certain important respects, a distinct category and may be studied as such. The objective here is thus solely to discuss the impact of recent, and potentially future, experiments in internationally focussed direct democracy, and only insofar as it may impact on multilateralism.

Multilateralism and direct democracy

Multilateralism, in general terms, is broadly defined as international cooperation between three or more states.[7] It also generally implies that this cooperation is founded on the basis of generalised principles of behaviour, which "specify appropriate conduct for a class of actions, without regard to the particularistic interests of the parties or the strategic exigencies that may exist in specific circumstances".[8] It is therefore a generic institutional form of international relations, which can take on many guises.

Over the past 70 years, multilateralism at both regional and global levels has transformed relations between countries. During this period, the regimes and organisations that together constitute multilateralism have served to facilitate an unprecedented, and ever growing, level of international cooperation. Multilateralism has provided a means to overcome collective action problems in mutually beneficial ways, in areas as diverse as security, trade, labour standards, the environment and, in fact, any topic with cross-border implications (which is to say almost any).[9] It does this by providing a forum for negotiation and compromise, and the means to oversee those agreements independently.[10] It has also provided a measure of certainty and security in international relations by codifying certain standards of behaviour on the basis of reciprocity.[11] In large measure, multilateralism has ushered in a rules-based international order, in contrast to earlier, more anarchic epochs. The growth of these institutions and the organisations that underpin them are in no small measure responsible for a global population that is, by a significant margin, more prosperous and secure than ever before.

Democracy meanwhile has also brought significant gains to our collective welfare. It is now almost universally regarded as the only legitimate form of government and is likewise credited with increasing wealth and decreasing the propensity for both intra- and interstate violence.[12]

The relationship between multilateralism and democracy is, of course, not entirely without tension. The principal source of that tension is that coordinating action between large numbers of states almost inevitably means that international consensus-based decision-making tends to involve lower levels of popular participation than national-level policymaking. But

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[7]Ruggie, "Multilateralism: anatomy of an institution".
[8]Ruggie, *Multilateralism matters*.
[9]*Ibid*.
[10]Abbott and Snidal, "Why states act through international organisations".
[11]Ruggie, "Multilateralism: anatomy of an institution"; Keohane, "Reciprocity in international relations".
[12]Acemoglu and Robinson, *Why Nations Fail*; Doyle, "Kant, liberal legacies and foreign affairs".

the relationship can also be mutually reinforcing as multilateralism may serve to enhance democracy at the domestic level, for instance by promoting certain standards of behaviour based on democratic ideals.[13] In any case, what it lacks in input legitimacy (the perceived legitimacy of the process), multilateralism makes up for in output legitimacy (the perceived benefits it produces), or at least such tend to be the claims of its defenders.[14] Multilateralism is indeed the only way to address the collective action problems facing the world's states and to impose a level of stability on an ever more interconnected world.

Until now, the growth of these two institutions has largely gone hand in hand. As the world has become more democratic, it has also become more interdependent and multilateral. However, when given the chance, voters seem to be increasingly rejecting the frameworks of international cooperation that their governments have negotiated on their behalf. In large part, this reflects a growth in direct, as opposed to representative, democracy, in which decisions are taken directly by the general public rather than by their elected representatives. The principal mechanism of direct democracy that has been employed to date is the referendum.

As used in domestic policy, referendums do not follow any hard and fast rule. They have served to over-turn dictatorial regimes and entrench democracy (as in Chile, Brazil and South Africa), but have also endorsed more autocratic regime shifts (as, for instance, most recently in Turkey). Referendums have played a useful role in approving peace processes and paving the way for reconciliation (such as the Good Friday Agreement in Northern Ireland), but they have also rejected peace deals (such as the Annan Plan in Cyprus and the recent 2016 FARC peace process in Colombia). Territories have chosen independence on the basis of referendum (most recently East Timor and South Sudan), and they have also declined it (for instance, Scotland and Quebec). Referendums have been a mechanism to advance progressive social change (such as gay marriage in Ireland, or marijuana use in the United States) but they have also yielded more conservative results (referendum results against divorce in Ireland and abortion in Portugal served to delay the introduction of those policies in these countries). In short, just like representative democratic structures, direct democratic processes may yield both conservative and liberal, and both autocratic and open, outcomes.

In domestic politics, referendums may well serve a useful role in specific circumstances, though ideally as a complement to representative democracy rather than a replacement for it. But when used as a tool of foreign policy, either through subverting the will of representative bodies, or when used by governments as a strategy to bolster their international negotiating positions, referendums pose a unique and under-appreciated threat to multilateral institutions.

Specifically, the dangers of ceding international decision-making to direct, rather than representative, democracy are twofold. Firstly, as this article argues, it is not at all clear that the general public have proven themselves to be responsible and far-sighted decision-makers in foreign policy decisions. Secondly, the system of multilateralism is more fragile than is often realised. It depends on a complex web of interdependent mutual obligations and is driven by trust that short-term sacrifices by states in specific areas will be more than compensated by reciprocal action by the ensemble of other states in either the same or other

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[13]Keohane *et al.*, "Democracy-enhancing multilateralism".
[14]Scharpf, *Governing in Europe*.

related issue areas.[15] That trust in reciprocity and the strength of rules, which underpins the system, can be destroyed much more quickly than it can be built up.

Almost all International Relations schools of thought assume a basic level of rationality at the core of state action on the international stage (though scholars would dispute the nature of the context within which, and the objectives towards which, it is used). Broadly speaking, this means that decision-makers are expected, at a minimum, to form decisions through rational deduction on the basis of the available facts and, ideally, to care about the consequences of their actions. This implies a desire to seek out relevant information, to judge the reliability of different sources, and to attempt to understand the wider context and both short-term and long-term implications of different courses of action – all of which in the knowledge that these decision-makers will be deemed responsible (and, in democratic societies, accountable) for their actions.

The evidence to date suggests that the general public may not reason in the same way when confronted with foreign policy questions. As recent experience related to the EU suggests, at best they are likely to be short-termist, narrowly focused on a single issue (or a particular dimension of an issue), and to have relatively little preoccupation for abstract notions such as adherence to a wider body of rules, the implications for future reciprocity and longer-term consequences. At worst, they are liable to perceive the ability to input into international decision-making as an opportunity to express entirely unrelated grievances.[16]

The lessons of recent experience from the European Union

Examples of referendums within (or related to) the EU over the past three years provide a useful snapshot for examining public attitudes and decision-making processes towards multilateral bodies. Specifically this section examines the seven referendums regarding the EU that took place between 2014 and 2016 in the United Kingdom, Greece, Hungary, Switzerland, the Netherlands and Denmark.

Taking a longer view, the EU experience of referendums has been mixed. 48 referendums related to the European Union (or its predecessor, the European Community) have been held in total, mostly related to either accession processes or treaty changes. Predominantly they have returned positive verdicts, but the treaties of Maastricht (1992), Nice (2001), Lisbon (2007) and the European Constitution (2004) were all opposed by referendum in one or more country. In most instances, those countries voting against the treaty changes later approved them in subsequent referendums. However, in these cases, even though the decision was ultimately approved by a majority of the voting population, the mere fact of asking the general public to revisit their choices has generally not been conducive to bolstering the perceived legitimacy of the EU.[17]

Notably though, European citizens are becoming progressively less likely to accept EU measures put to them through referendum. Not including referendums regarding one's own country's accession to the EU, 27 referendums have been held in EU countries on EU policies. Of these 15 approved the EU measures, while 12 rejected them. Since the turn of the century, however, only 6 referendums have endorsed EU policies, while 11 have rejected them.

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[15]Ruggie, "Multilateralism: anatomy of an institution"; Keohane, "Reciprocity in international relations".
[16]Franklin *et al.*, "Referendum outcomes and trust in government".
[17]De Burca, "If at first you don't succeed".

The referendums of 2014 to 2016 were the first major tests of public opinion since the 2008 financial crisis. Across much of the West, the result of this crisis has generally been to reduce faith in elites, and has led to a rise in populist parties, increased nationalism and xenophobia in public discourse, and major political realignments in many countries to the detriment of centrist politicians and parties.[18] In such conditions, a shift in attitudes towards perceiving multilateralism and international organisations more negatively is perhaps not surprising, but the strength of this development has nevertheless surprised many commentators. To greater or lesser extents, all of the referendums covered have been characterised by a mistrust of both internal elites and outsiders, and low levels of knowledge of the implications of the vote – particularly longer-term implications – in diffuse issue areas.

In the UK, in the run-up to the Brexit vote, voters were consistently found to be ill-informed about the EU.[19] Exceptionally few (on both sides) had even a basic working knowledge of the functioning of its institutions and how decisions are made within its democratic structures. Nor did voters trust external sources to fill these gaps in their knowledge. Surveys showed that, in particular, 'Leave' voters trusted almost no-one.[20] 'Experts' were notoriously side-lined, mendacious claims allowed to take root and, in the absence of a shared understanding of the basic terms of the decision, voters were induced to express emotional, rather than rational preferences at the ballot box. While a majority of the electorate was, according to polls,[21] unwilling to suffer negative economic consequences as a result of Brexit, the ability to dismiss all such predictions as scare-mongering allowed enough voters to take a decision that ultimately, in the view of many, goes against their best interests.

Although it will probably be considerably diminished, the UK economy is considered strong enough to survive outside the EU. The same cannot be said for Greece in the summer of 2015. Although facing the prospect of certain bankruptcy and default, an (even deeper) recession, long-term exclusion from international credit markets, and probable eviction from the euro and perhaps even the EU, voters chose to reject the only lifeline on the table: the bailout on offer from the EU. Seen as an expression of national defiance against external influence and the politics of austerity, and the (always misguided) impression that 'things cannot get worse', voters were induced to believe that they could both reject austerity policies and still save their economy from imminent collapse. The Greek government (which had supported the no vote) miscalculated that such a referendum outcome would strengthen its hand in negotiations but, crucially, when faced with the reality that no further concessions were on offer and the knowledge that it would ultimately be held responsible for future negative consequences, it took the only responsible and pragmatic course of action and performed a U-turn on its policy, effectively contradicting the results of its own referendum.

The Hungarian government also used a referendum in October 2016 as a tool to strengthen its bargaining position at the European level on the question of how, and whether, to share the burden of addressing the refugee crisis. According to some estimates, the government spent more than five times what it had spent on its previous national election result,[22] in campaigning for a rejection of EU proposals to redistribute recently arrived refugees among EU countries. Though the turnout failed to meet the required level for validity, with most

[18]Funke *et al.*, "Going to extremes".
[19]European Commission, *Public opinion in the EU;* Daddow, "The UK media and 'Europe'".
[20]Kirk and Dunford, "EU referendum".
[21]Kaufmann, "Hard Brexit?".
[22]Pallinger, "Hungarian Migrant Quota Referendum".

of the opposition supporting a boycott, the government nevertheless claimed the result as a propaganda victory that effectively halted EU negotiations. Yet, even when seen as a rational calculation by the Hungarian government intent on short-term political gain, this is a dangerous strategy. Beyond the loss of goodwill among its European partners, and the obstacles that it creates by restricting later pragmatic behaviour on the part of the government, it is also easy to imagine populists in other EU states calling for a referendum questioning whether those states that do not demonstrate solidarity on one issue (refugees) should receive it on another (subsidies). Such a situation would inevitably tie the hands of policymakers on both sides, serve to harden attitudes and potentially lead to a breakdown in all cooperation. The Hungarian government meanwhile was sufficiently satisfied with the result that it conducted a second 'national consultation' (which in political, if not legal terms differs little from a referendum) in late 2017 on what they (misleadingly) term the 'Soros plan' to redistribute refugees.[23]

The referendum in Denmark in 2015 concerned transforming the country's standing 'opt-out' from EU justice and home affairs legislation into an 'opt-in' that would allow the government to choose to become part of certain cooperation schemes and, particularly, to ensure continued membership of the EU's joint police agency, Europol (which would otherwise be threatened). This, it was claimed, would give the government more flexibility and would better serve the country's interests. The initiative was supported by a large majority of mainstream politicians, as well as almost all trade unions and business associations. Despite initial favourable polling, however, national sentiment turned against the measure during the campaign and it was ultimately defeated. Those campaigning in favour of the adoption of the opt-in discovered that their practical arguments regarding the benefits that the new arrangement would deliver gained little traction against a counter-narrative grounded in a discourse of sovereignty and self-determination. Public opinion was further influenced by concerns regarding the completely unrelated issue of immigration, together with the opposition claiming (with little basis) that Denmark could in any case retain the benefits of continued Europol membership while rejecting the opt-in deal[24] (indeed, Danish access to Europol has now been limited). Additionally, lack of trust in national politicians may have contributed to the result.[25]

The four referendums above were called by the governments of the time (even if they did not all support the outcomes). The Swiss and Dutch constitutions meanwhile provide for automatic referendums provided a certain threshold of signatures is achieved, regardless of the will of any of the major parties. In Switzerland, the population voted in a referendum in February 2014 to limit freedom of movement within the country from the EU, despite the fact that, if put into effect, it would effectively nullify *all* agreements between Switzerland and the EU. The measure put the Swiss government, which opposed the vote, in an almost impossible position, and required it to attempt to find a solution that did not destroy the Swiss economy by cutting it adrift from the EU (a much watered down compromise solution was found in December 2016 and is seen as controversial in Switzerland). In the Dutch case, populists in the Netherlands were able to call a referendum on the ratification of the

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[23]Both in its public consultation and official discourse, the Hungarian government has attempted to conflate the plans under discussion at EU level to redistribute refugees, with the philanthropist financier George Soros, who has spoken in favour of burden sharing and integration of refugees but is not associated with the EU plans.

[24]Ibolya, "A vote of no confidence".

[25]Jacobsen, "Denmark rejects further EU integration".

EU-Ukraine association agreement in April 2016, something which all EU governments (including the Netherlands) had by that time already signed, and in defence of which the Ukrainian government was risking a proxy war fuelled by Russia on its own territory. In their more candid moments, the leaders of the 'no' vote admitted that they did not care about the Ukraine agreement itself, or the consequences for that embattled country, but rather saw the vote as an opportunity to stir up anti-EU feelings among the population.[26] Polls also suggested that while most voters were against the association agreement, had what the agreement contained (and what it did not) been explained to them, a majority would actually have been in favour.[27] Like the Swiss vote, the referendum result (though supposedly 'advisory') put the Dutch government in an almost impossible situation: retract its signature on a document that its European partners all considered settled and abandon the Ukrainian people, who were putting their lives on the line, thereby destroying the West's credibility, or be seen as opposing the will of the people? As in Switzerland, a compromise solution was found in which the EU clarified the limits of the agreement in December 2016, and this was later approved by the Dutch lower house of parliament in February 2017. In both cases, the parties supporting the compromise measures laid themselves open to potentially politically damaging charges from political opponents of having essentially ignored the will of the people.

The Swiss government has, for several years, been considering measures that would limit referendums on proposals that directly contradict the country's vital international obligations[28] (including international human rights obligations[29]) but these have faced resistance. If enacted, this would bring Switzerland into line with both Italy and Germany which, based on negative experiences of the use of this tool to subvert democracy in the 1930s, restrict the use of referendums (for Italy when contradicting international treaties and for Germany almost entirely[30]). Indeed, possibly the first example of a country withdrawing from a multilateral body through referendum was provided by Nazi Germany's withdrawal from the League of Nations in a referendum dominated by demagoguery and nationalist fervour and approved by 95 percent of voters.

The six referendums examined here fall into two categories. Those in the UK, the Netherlands, Denmark and Switzerland are examples of the general public displaying markedly different preferences from those of their elected representatives and, in doing so, overruling the judgement of the latter. In each case, the referendum mechanism enabled the adoption of positions that would have been almost impossible within national parliaments. Those in Greece and Hungary, instead, are examples of referendums being used by governments to strengthen their bargaining positions within the context of international negotiations. Both types of referendum, the subversive and the supportive, pose specific, as well as general, risks for multilateral bodies.

Finally, there is also an exception to the rule: the 2014 Danish referendum on the EU's Unified Patent Court (UPC), in which voters endorsed the EU proposals to create a single patent court in order to simplify the process of recognising patents in all EU countries.

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[26]Heck, "Oekraïne kan ons niets schelen".
[27]Otjes, "The Netherlands' referendum on Ukraine".
[28]Swiss Federal Council, *Report on the relationship*.
[29]Past measures approved through referendum include banning the construction of all minarets, even though only four exist in the country, which arguably constitutes a breach of the right to freedom of religion. Moeckli, "Of minarets and foreign criminals".
[30]The sole exception is the reorganisation of state ('*länder*') boundaries.

The vote was characterised by high levels of elite consensus and was on a topic deemed to be relatively uncontroversial and of low interest to voters.[31] Held on the same date as the European Parliament elections, voters' choices were highly correlated to the endorsements of their parties.[32] In contrast, the referendum held the following year, described above, unfolded during the migration crisis, when emotions were running high, and was successfully linked by 'No' campaigners to issues that voters cared deeply about, namely a loss of sovereignty over immigration and asylum issues, despite government assurances that these were not at stake.

The general public: Responsible international decision-makers?

While there is much to be said for direct democracy in terms of engaging citizens in decision-making processes and better reflecting their preferences, the evident danger is that if decision-makers are not individually accountable for their actions (as voters in a referendum are not) they may see no need to act pragmatically, nor to acquire a sufficiently detailed knowledge of the consequences of their decision. Getting informed requires time and effort and thus involves a heavy cost for almost no reward, considering the incredibly low likelihood of a single vote in a referendum being decisive. By contrast, the weight of responsibility for decision-making by elected representatives tends to require them to acquire a minimum level of information before taking decisions, or to delegate decision-making to specialist bodies (such as parliamentary sub-committees), vested with high levels of trust.

In a review of the arguments for and against referendums, David Butler and Austin Ranney include "decisions by ignorant, uncomprehending voters" in the latter category.[33] While she offers a more positive verdict on voter competence in EU referendums than many, Sara Hobolt acknowledges that citizens tend to have generally low levels of knowledge on EU policies (though she believes knowledge levels may be increased if the informational environment of a referendum is sufficiently conducive).[34] Joseph Schumpeter, meanwhile, contends that individuals learn to be good decision-makers only when the weight of responsibility is upon them (for instance in professional settings) but, absent such accountability in large and diffuse group decision-making settings, they are more likely to demonstrate a "reduced sense of responsibility, a lower level of energy of thought and greater sensitiveness to non-logical inferences", making them in turn more ready to yield to irrational prejudice and impulse, relax moral standards, and indulge in expressing indignation, all at the expense of their own long-term self interest.[35] Thus, he argues, this "reduced sense of responsibility and the absence of effective volition in turn explain the ordinary citizen's ignorance and lack of judgment in matters of domestic and foreign policy".

One might expect low levels of knowledge among voters regarding a particular topic to act as a powerful incentive to either seek out information, abstain from voting in referendums, or trust the judgements of their representatives or other specialists. Yet, this is not always, or even generally, the case. In the Irish referendum on the Lisbon Treaty in 2008, for instance, in which voters rejected the Treaty despite strong support for it from

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[31]Beach, "A tale of two referendums".
[32]*Ibid.*
[33]Butler and Ranney, *Referendums around the world*.
[34]Hobolt, *Europe in Question*.
[35]Schumpeter, *Capitalism, socialism and democracy*.

almost all major political parties, polling found that "[t]here can be little doubt that [lack of knowledge/ information/ understanding] emerged as the primary reason for people voting No".[36] In other words, the general public was not necessarily opposed to the proposals under question, but chose nevertheless to reject them, against the advice of their representatives, simply because they did not understand their implications.

Concerns that voters may lack requisite levels of knowledge regarding the issues on which they are being asked to decide, also apply, of course, to referendums on purely domestic issues. Often this is as simple as not understanding the question being presented to them, which seemingly occurs relatively frequently.[37] In a particularly striking example, for instance, voters in Colorado voted in November 2016 to retain slavery in the state constitution, due to a clumsily worded proposition which most commentators felt had been misunderstood by the majority of the electorate.[38] Equally the Greek referendum discussed above was also criticised for the opaque and needlessly confusing wording of the question.[39]

In relation to international decision-making, the issues to be decided upon are often more complex and less accessible to voters than purely domestic issues. The Lisbon Treaty, rejected by Irish voters in 2008 (before being approved by them in a second referendum the following year) is, for instance, a long and hugely complex document, dealing predominantly with the internal workings of the EU, and is written in a style that is almost impenetrable for non-specialists.

Some would argue that at least part of the problem is that elected representatives do not invest sufficient time and effort in explaining the merits or demerits of multilateral forums and issue areas to the general public.[40] Indeed, explaining or defending decisions taken in these contexts rarely seems to be a priority of national leaders, particularly when doing so would involve a potential loss of political capital. However, it is not at all clear that a greater focus on public outreach from politicians would necessarily lead to more informed publics. For one thing, the general public tends to receive information only indirectly, through various media sources, which have their own ideological or profit-driven incentives in terms of what information they communicate and how it is contextualised.[41] Thus, complex explanations risk being reduced to sound-bites or portrayed in emotional frames before ever reaching the eyes or ears of citizens.[42]

But the general public has also not demonstrated a strong willingness to seek out information. The studies of John Hibbing and Elizabeth Theiss-Morse,[43] looking at attitudes towards direct democracy within the American public, found there to be generally low levels of desire to increase levels of individual knowledge by seeking out publicly available information. Summarising the results of their various focus groups, they find that "[p]eople judge the American public to be quite deficient in political knowledge, but this does nothing to derail the desire to give more power to these poorly informed people". Schumpeter

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[36]Millward Brown IMS, *Post Lisbon Treaty Referendum Research Findings*.
[37]Magleby, "Direct Legislation".
[38]Phillips, "Colorado asked voters to end slavery".
[39]The question to which voters were asked to answer 'yes' or 'no' was: "Should the plan agreement submitted by the European Commission, the European Central Bank, and the International Monetary Fund in the Euro-group of 25.06.2015, be approved? It consists of two parts, which constitute an aggregate proposal: the first document is entitled 'Reforms for the Completion of the Current Program and beyond' and the second 'Preliminary Debt Sustainability Analysis'."
[40]Longo and Murray, "No ode to joy?".
[41]McCombs and Shaw, "Agenda-setting function of mass media".
[42]Daddow, "The UK media and 'Europe'".
[43]Hibbing and Theiss-Morse, *Stealth democracy*.

likewise felt that the impact of "meritorious efforts" to teach and inform would tend to be insignificant, absent a willing desire from the public to learn. In his words, "All of this goes to show that without the initiative that comes from immediate responsibility, ignorance will persist in the face of masses of information however complete and correct."[44] Moreover, not all voters are equally open to being swayed by expertise or explanation. Studies have found, for instance, that particularly those voters with pre-existing Eurosceptic tendencies are susceptible to the emotional framing of issues, require lower levels of information to take firm decisions, and are less likely to later change their minds on the basis of contradictory information than those who adopt a more pragmatic approach to voting on EU issues.[45]

More generally though, the concern about the impact referendums can have on multilateralism is not so much that voters will misunderstand the specific proposals of the referendum, but rather that they may not grasp their wider implications. In a hypothetical example, if the question of imposing tariffs that are non-compliant with World Trade Organisation rules on a particular country or type of product were put directly to voters, then they would most probably comprehend the immediate significance of such a measure for trade regarding that country or product. It is much less likely, however, that they would be equipped to weigh fully the long-term costs for the wider global trading regime, and thus indirectly the costs and benefits to themselves; or even to know that such a regime exists and that the proposed measures are not in compliance with it. Equally, it is not hard to imagine voters choosing to exempt their country from certain unpopular multilateral obligations if given the chance (such as some human rights commitments to minorities, *non-refoulement* of refugees, carbon reduction targets, obligatory financial contributions to international bodies, and so on) without fully understanding the wider consequences of their actions for these international regimes. For the moment, such concerns remain largely theoretical (although some of the examples covered above would tend to lend credence to them), but future practice may result in more serious challenges to multilateral institutions.

There is also the risk that people use referendums to express unrelated grievances and 'punish' incumbent governments through so-called 'second order' voting. In any vote, voters make choices that are based on a mixture of principle, pragmatism and a desire to protest, though there may be more of a temptation to favour the third option on issues which appear more distant and abstract. There is evidence, for instance, that the French and Dutch rejections of the EU's Maastricht Treaty, as well as Ireland's approval of it through referendums in 1992, was in each case more closely related to the relative popularity of the ruling party than a reflection of genuine attitudes towards the EU.[46] Notably, this mechanism can work both ways with voters also rewarding popular governments by choosing to trust them more than the opposition. When the UK voted on joining what was then the European Community in 1973, for instance, the strength of the vote to join was largely related to the relatively higher levels of popularity of the politicians in favour of joining than those opposing accession.[47]

Finally, there is a risk that referendums on foreign policy may be susceptible to nationalism and xenophobia being the dominant forces behind decision-making. Almost all of the 2014-16 referendums considered above, for instance, are at least partially open to this charge. In decisions in which it has been possible to portray other countries or distant

[44]Schumpeter, *Capitalism, socialism and democracy*.
[45]Mendez and Mendez, *Referendums on EU Matters*.
[46]Franklin *et al.*, "Referendum outcomes and trust in government".
[47]Bogdanor, "Western Europe".

international bodies as a threat and thus opposing their influence as a patriotic choice, the opponents of international cooperation have been able to tap into a powerful emotional response that has almost certainly served them well at the ballot box. Elected officials may, of course, also be tempted to take advantage of these emotions to strengthen their domestic positions but, crucially, even when they do, they are generally able to temper their grand-standing to domestic audiences somewhat with more cooperative behaviour (often behind closed doors) in international forums.

The legitimacy and allure of referendums

Yet the concept of direct democracy, even as applied to international relations, undeniably remains seductive. No other form of decision-making has a comparable level of legitimacy.[48] Referendums are empowering and enable citizens to feel they have been heard in a way which representative democracy does not. In many ways, they are the pure embodiment of the democratic ideal, as envisaged by thinkers from the Greek philosophers[49] to Rousseau.[50]

Giving the general public the power to impact decision-making directly is widely popular,[51] and politicians opposing it are likely to pay a political price, whilst those promoting it may see it as an expedient strategy to gain a short-term popularity boost. Partly due to their popularity, mechanisms of direct democracy are now used twice as frequently as 50 years ago, and four times more than at the turn of the twentieth century; this growth has been highest in democratic countries.[52]

Multiple surveys in the United States have shown large majorities in favour of introducing national referendums to decide contentious issues.[53] Notably, these majorities exist even when the respondents tend to acknowledge that referendums may produce inferior outcomes and that the general public is not necessarily wiser or more knowledgeable than their elected representatives.[54] The argument of enhanced legitimacy is a powerful one and the inclusive nature of the process of decision-making may be even more important for voters than the outcome. Hibbing and Theiss-Morse contend that the issue is not so much that voters actually want to become more involved in politics themselves, but rather that they like the option of leaving decision-making to elites, whom they distrust, even less. In their surveys of the American public, they found an overwhelming 86 percent of voters in favour of increasing the number of issues put to referendum (i.e. 'ballot initiatives'), while 78 percent felt "the people" did not have enough power compared to "the government". Within the EU, surveys have also found very high levels of public support for referendums in almost all member states.[55] Popular demand for referendums on EU issues, in particular where treaty change is concerned, has clearly outstripped supply.[56]

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[48]Butler and Ranney, *Referendums around the world*.
[49]Even if, notably, most of these philosophers, such as Socrates, Aristotle and Plato, did not actually regard such democratic decision-making as preferable to other forms of government, which they viewed as more enlightened.
[50]Rousseau, *The social contract*.
[51]*Ibid*.
[52]Altman, *Direct democracy worldwide*.
[53]Cronin, *Direct Democracy*.
[54]Magleby, *Direct Legislation*; Hibbing and Theiss-Morse, *Stealth democracy*.
[55]Mendez and Mendez, *Referendums on EU Matters*.
[56]Mendez *et al.*, *Referendums and the European Union*.

Those opposing particular referendums have tended to base their arguments on their costs and the short-term uncertainty that they create, or have argued that the particular question under consideration is not a priority for the general public and hence time and effort could be better invested on other issues. The argument that the general public may not be responsible decision-makers is, understandably, rarely employed by politicians and would be widely unpopular if it were. Being perceived as insulting the intelligence of the general public, upon whom politicians rely for their re-election, bears all too obvious political costs.

On the other hand, promising to return power to the people is likely to pay electoral dividends and, as such, calls for referendums may well become more frequent. A wave of politicians across Europe has recently taken up the call for greater delegation of decision-making powers to the general public. Often these calls come from insurgent parties, which in many cases have seen rapid rises in popularity. For instance, both the Five Star Movement in Italy and Podemos in Spain have put direct democracy at the heart of their political platforms and have reaped electoral rewards. But more mainstream parties have also found referendums to be popular. All five of the frontrunners in the 2017 French presidential election, for instance, at one point or another included referendums in their political platforms.

Aside from the potential electoral gains for parties promising referendums, opening up political structures to more bottom-up influence may also be seen as bestowing greater political legitimacy upon the institutions themselves. This has, for instance, been a concern for the EU, which introduced the Citizen's Initiative giving European citizens the ability to propose European legislation in 2007 partly in order to counter its perceived democratic deficit. Developments in this direction may also be part of a wider trend in terms of opening up government to citizens and engaging them more closely in the process of policymaking. The Dutch law providing a right to referendum, which enabled the vote on the EU-Ukraine agreement in 2016, was adopted as recently as 2015.

Yet, the enhanced legitimacy of decisions taken by referendum is also part of the risk that they pose to international decision-making. This is because, once a position has been legitimated by referendum, it becomes extremely difficult to deviate from that position without running the risk of appearing undemocratic. Even if referendums are legally non-binding in nature they tend to become politically binding once conducted. As Altman points out, "if a vast majority of the citizenry rejects a certain measure in two democratic countries, it matters relatively little if it is a consultative or facultative plebiscite, despite the first being nonbinding and the second binding".[57] Indeed, the experience of the Brexit referendum demonstrates that a majority does not even need to be particularly high for its decision to be invested with an almost unassailable level of political legitimacy. This, in turn, significantly reduces the scope later for both pragmatic behaviour and the compromises on which international relations are built.

It is no coincidence that referendums are the favoured tool of populist parties. Even when non-binding, and thus supposedly merely consultative, they enable these parties to bypass legislatures and to see their pet topics endowed with a legitimacy that then becomes almost impossible to oppose. And even if they lose the vote, they nevertheless often see a rise in support. For these reasons, a recent report by the European Council on Foreign Relations found that 'insurgent' political parties are currently calling for at least 34 separate

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[57]Altman, *Direct democracy worldwide*.

referendums across Europe in the coming years.[58] Direct democracy is at the heart of the political programme of many opposition parties on both the left and right across Europe, several of which, such as the Five Star Movement in Italy, Podemos in Spain, the National Front in France, and the Freedom Party in the Netherlands, to name but a few, have become significant political forces in recent years (the Five Star Movement, formed only in 2009, makes extensive use of online voting for policy proposals by its members and was the most voted party in the Italian national elections on 4 March 2018). On the back of their earlier success, the initiators of the Dutch EU-Ukraine agreement referendum founded a political party in 2016 on the explicit principle that all of its decisions would be taken through the direct democratic input of its members. Though it did not win any seats in the last election, similar initiatives elsewhere may well have more success.

More assertive populations

Have the current calls for greater citizens' involvement in politics been a reaction to current conditions or part of a long-term trend? Undoubtedly the 2008 economic crisis has had a profound impact on politics across many countries. In much of the West, social movements have increased, existing political parties have moved away from the centre, and new parties have come into being riding a wave of popular discontent. Judging from the popular discourse of politicians who have seen their vote shares increase during this period, attitudes towards multilateralism have also hardened markedly since 2008. Is the issue then simply the holding of referendums on multilateral topics in discontented times?

Undoubtedly, the current economic conditions have not been conducive to increasing public trust in domestic, or even less, international institutions. Support for these institutions declined dramatically during the crisis, and the perception of unpopular policies being imposed from the outside on national parliaments is deemed by some to be partly responsible for this evolution.[59] Support for the EU, in particular, has fallen dramatically since the onset of the crisis.[60] More generally, distrust of elites, weakening of liberal values, and the rise of fringe political parties are all characteristic of past economic crises[61] and have all played a significant role in the referendums covered here.

But the rise in calls for mechanisms of direct democracy may also be part of a longer-term trend. For instance, levels of trust in parliaments and governments have been falling since long before 2008.[62] Scholars who have studied evolving cultural norms over the past half-century attribute this to a progressive shift in values across generations. They contend that modernisation has brought changes to civic culture, which have led to an increase in "self expression values" linked to autonomous human choice with respect to earlier "survival values".[63] In turn, this has led citizens to become less "allegiant" and more "assertive" in their relations with their governments.[64] According to these scholars, who base their insights on large cross-country annual surveys over many years, as citizens become more socio-economically secure they also tend to become less trusting of governments and more

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[58]Dennison and Pardijs, *World according to Europe's insurgent parties*.
[59]Armingeon and Guthman, "Democracy in crisis?".
[60]Mendez and Mendez, *Referendums on EU Matters*.
[61]Funke *et al*., "Going to extremes".
[62]Crozier *et al*., *The crisis of democracy*; Dalton, *Democratic challenges, democratic choices*.
[63]Inglehart, *The silent revolution*.
[64]Dalton and Welzel, *The civic culture transformed*.

demanding in their interactions with them. Thus, according to Russel J. Dalton and Christian Welzel, "contemporary democratization stimulates a more critical citizenry",[65] which in turn increases demands for greater devolution of powers to 'the people'. Indeed, the growth in mechanisms of direct democracy has, perhaps unsurprisingly, been highest in democratic regimes,[66] which have undergone or are undergoing these cultural changes.

New technology as an enabling factor

Another reason to expect a rise in referendums as a decision-making tool in both national and international forums is that one of the principal arguments against direct democracy, its cost, may well disappear in the near future as a result of technological advancements.

In the past, representative democracy was not only seen as the ideal form of democracy, it was also, in many ways, the only possible form. Parliaments are limited in size by the very practical restriction of the number of people who can fit into a single debating chamber. Practical impediments to sharing information and meeting face-to-face underpin much of the criticism of direct democracy from ancient times until now. John Stuart Mill, for instance, reflecting on the difficulty of extending the ancient Greek system of direct democracy beyond the number of people who could fit into the same *agora,* noted that "mechanical difficulties are often an insuperable impediment to forms of government".[67] With the rise of the Internet however, a development that could not have been imagined by earlier commentators, such "mechanical" concerns no longer apply. Unlimited numbers of people can not only follow debates, but also participate in them in real time, and express their preferences instantaneously at the push of a button. In such circumstances, it seems likely that calls for, and experiments with, direct democracy may increase markedly in the twenty-first century.

Commentators on referendums have tended to assume that, although they will probably become more common in future, they will always serve as a complement to representative democracy rather than a potential replacement of it.[68] Based on past experience, they also argue that efforts to increase citizen engagement through *e-government* initiatives are expected to remain top-down managerial affairs, in which citizens' input is sought but actual decision-making power remains in the hands of elites.[69] In this case, however, past behaviour may not be the best predictor of future experience.

The rapid evolution of technology has made possible developments that were unthinkable only a few years ago and countless sectors have already been rapidly, and radically, transformed. At the same time, political systems in many advanced democracies have changed relatively little since the nineteenth century despite significant societal and technological changes. Philippe Schmitter, for instance, argued in 2005 that new technologies had already substantially lowered the cost of organising pan-EU referendums;[70] a cause favoured by scholars such as Jürgen Habermas.[71] It therefore seems feasible that the full potential of

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[65]*Ibid.*
[66]Altman, *Direct democracy worldwide.*
[67]Mill, *Considerations on representative government.*
[68]Uleri and Gallagher, *The referendum experience in Europe.*
[69]Chadwick and May, "Interaction between states and citizens".
[70]Schmitter, "e-Voting, e-Democracy and EU-democracy".
[71]Habermas, "Why Europe needs a constitution".

the Internet for revolutionising politics (with both positive and negative consequences) has hardly begun to be exploited.

The potential impact on multilateralism

Referendums that reflect markedly different preferences to those of elected legislatures (such as the ones mentioned in the UK, Netherlands, Denmark and Switzerland) and referendums used by governments to strengthen their hand in international negotiations (such as those in Greece and Hungary) pose both common and distinct risks for multilateralism.

With respect to those referendums that could be seen as subverting the will of elected representative bodies, the greatest risk is that unpredictable and ill-informed electorates are unaware of, or do not sufficiently take into account, the wider long-term implications of their vote.

The foundation of multilateralism is faith in diffuse reciprocity in which states accept occasionally sub-optimal outcomes, while safe in the knowledge that in the long run the system of inter-related obligations will deliver them more gains than losses.[72] However, this depends on two related assumptions: that decision-makers will consider international obligations within a wider long-term context, and that they can trust other states to do the same. If the general public reasons differently (tending for instance to take a more issue-focussed, short-term approach), or if states are unable to offer firm guarantees regarding future behaviour, as their positions may be overturned by referendum at any stage, then it is hard to see multilateralism not coming under strain.

Furthermore, the growth of multilateralism has to date been based largely on incremental developments reaping related aggregate benefits which in turn have demonstrated the utility of further international cooperation.[73] But this also depends heavily on decision-makers' awareness of those benefits, which implies a high level of sector-specific knowledge. It is not clear that referendum voters are equipped with this specialised knowledge, and certainly it does not play as important a role in referendums as it tends to do in debates in representative bodies.

Instead, for referendums called by governments as a tactic to strengthen their hand in international negotiations, their objective has been twofold: first, to bolster domestic support for their policies and, second, to attempt to portray their own positions internationally as democratic and, by extension, those opposing them as undemocratic. "Pro-hegemonic" referendums[74] used to boost the internal popularity of ruling parties are not new; but the external dimension of the Greek and Hungarian referendums covered here, in which the result was aimed as much at international negotiators as domestic publics, is a recent evolution.[75] The risks are that it could well make international negotiations more contentious and reduce trust between the parties. Other governments, which are also legitimately representing the views of their electorates, tend not to appreciate being portrayed as acting undemocratically. Such referendums are also likely to reduce the room for manoeuvre later of the government that called the referendum, and may bind them to a hard-line position

[72]Ruggie, "Multilateralism: anatomy of an institution".
[73]Haas, *The uniting of Europe*.
[74]Smith, "The Functional Properties of the Referendum".
[75]Mendez and Mendez, *Referendums on EU Matters*.

in international negotiations that proves to be untenable in the future. Relatedly, purely domestic referendums may also serve to provide international cover for governments proposing illiberal policies that they believe would otherwise result in political sanction (such as the Turkish president's recent proposal to hold a referendum on the reintroduction of the death penalty).

Another danger for foreign policy-related referendums is that, while ill-judged policy decisions within a country may in time be reversed, the same is not necessarily true for decisions impacting international relations. Such choices could set in train a series of actions beyond the control of the electorate, which would later make a return to the *status quo ante* impossible. For instance, British citizens may well come to regret their Brexit decision and seek to revise their previous decision. Yet, as the UK has now officially announced its intention to leave the EU, it will depend on the unanimous will of all 27 member states to accept the country back in (potentially, indeed probably, following heated exchanges and loss of trust in the intervening period). It is not at all clear that these member states would be so keen on letting such a troublesome member back into the club and could even demand concessions (such as the dropping of the British rebate) in exchange, which in turn could risk hardening attitudes even further.

Conclusion

Direct democracy holds a seductively attractive appeal and with technological advancement its implementation is likely to become more feasible and perhaps more common than ever before. However, in relation to its potential impact on multilateralism this development could well pose a number of serious risks for future international cooperation.

Predominantly, these risks relate to the general public choosing different approaches to foreign affairs than their representative bodies, which could, at the very least, lead to increased international instability because of lower levels of predictability. With respect to international decision-making involving highly complex issues with far-reaching consequences, the general public may lack sufficient information to be able to assess adequately how best to act in their own long-term interests. They may also feel under less obligation to inform themselves than decision-makers in representative bodies, may lack trust in those who do possess such knowledge, or may use referendums primarily as a means to punish incumbent governments. Yet, once decisions are legitimated by referendum they could then prove difficult to undo.

Of course there are no guarantees that elected representatives will necessarily act responsibly on the world stage either (a point all too obviously being driven home by the Trump presidency). But the structures and constraints of representative democratic decision-making, including the need to satisfy multiple diverse interests, a reliance on bureaucracies that value expert knowledge, and an awareness of future accountability, provide certain safeguards that make a degree of pragmatism if not inevitable then at least more likely. These mitigating factors are all noticeably absent in referendums, which tend instead to offer simple binary choices shorn of nuance and complexity, and with none of the institutional checks and balances.

The backdrop to the referendums of the past few years, particularly in the wake of the economic crisis and the fiscal austerity resulting from it, has been a significant rise in populism on both sides of the political spectrum, across Europe and more widely. Margaret Canovan

defines populism as "an appeal to `the people' against both the established structure of power and the dominant ideas and values of the society", noting that in Western democratic countries where liberal values are dominant it tends to be connected to a rejection of these values. In her view, populists' opposition to a form of decision-making that is perceived as particularly obscure, complex, distant and elitist, makes the European Union, in particular, "a sitting duck".[76] Opposition to multilateralism through referendums cannot therefore be entirely divorced from wider debates surrounding populism more generally. However, even if populists may have other tools at their disposal, it is hard to deny that referendums have proven to be a particularly powerful instrument in advancing their anti-multilateral agendas.

Whether by disgruntled citizens or disgruntled governments, referendums are now being used more and more often as a tool of foreign policy. This may eventually result in a 'democratisation' of international relations, with concurrent advantages in terms of associating citizens more closely to decision-making and thereby enhancing its perceived legitimacy but, judging by recent experience, it also poses significant threats for international cooperation.

The current system of multilateralism may be both under-appreciated by the general public in terms of its benefits and over-estimated in terms of its resilience. At the same time, we may be on the brink of a new age of direct democracy, just when we seem to be seeing a revival of populism and the advent of a 'post-truth' political context. While referendums may not yet be a death sentence for multilateralism, at the very least they are likely to pose new and increasing challenges for it, to which policymakers will have to adapt if they hope to continue to promote and protect the current system of international cooperation.

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[76]Canovan, "Trust the people!".

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