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## **Editorial: Debating the Referendums I: the case of the Greek bailout referendum of 2015**

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Referendums are often considered to be as the most significant act of democracy in parliamentary democracies. They are considered as the best means to reflect the true and authentic people will which is otherwise in the representative democracies mediated by the election system, the political parties and the parliament. Referendums are considered to be a means of 'direct' democracy originated in ancient Greece and they are praised for their ability to enhance political participation and democratic decision making. Apart from Switzerland where referendums are incorporated in everyday policy making and are a vital part of the ongoing political dialogue, as far as now, the rest of the European countries have rarely turned to referendums mainly in important political turning points or in taking political decisions of great significance and of great constitutional, national or societal impact.

In this framework, in Europe with few exemptions referendums are rare. Characteristic are the referendums regarding constitutional change, as the recent Italian referendum (2016), or the Greek referendum that followed the fall of the military junta (1974) regarding the abolition of monarchy, while in some countries as Denmark and Ireland constitutional change can be made only via a referendum. Of international importance was the Annan plan, Cyprus referendum of 2004. Matters of great societal importance were examined in referendums regarding the use of nuclear power (Bulgaria, 2013), the placement of a migration quota (Hungary 2016) abortion (Portugal, 2007) and conscription (Austria 2013). The recent financial crisis has been the subject of many recent referenda held in Iceland regarding loan guarantees (2010 and 2011). The relation of many European countries to the EU, regarding membership or agreement to EU treaties has also been examined via referendums in the past in the Czech Republic (membership referendum of 2003), or disapproving the Lisbon Treaty (the Netherlands 2005).

Referendums are often presented as the best medicine for the problems and the crisis of representative democracy. Representative democracies are criticised for partitocracy, corruption, elite decision making that does not taking into account the real problems and demands of the people and the lack of transparency, meritocracy, public participation and accountability of officials. The same criticism is addressed also to the EU and its institution where the democratic deficit seems to grow. The lack of institutions where the European people can debate, participate or engage in a European public sphere is pointed out, as well as the lack of transparency, access to information and participation of the European citizens to the EU political decision making. Towards these criticisms, there is a debate on whether referenda can enhance democracy and especially the citizen's

participation in politics, which now is characterised by absence, apathy and hostility towards the national and EU institutions.

The crucial question is the following: Can referendums really become the perfect remedy to a tired and corrupted system of democratic representation? Undoubtedly, referendums can enhance political participation and engage the people to political decision making. Nevertheless, they can enhance participation and decision making on specific topics, or policies and thus, in no way can be considered to be a means of revitalising the public sphere, or the public dialogue in matters of general importance as for example, the press, the internet, the blogosphere or the social media can do. Additionally, referendums can also come with shortcomings. Referendums can lead to societal divisions since they are applied via the majoritarian principle. Thus, minority opinions, which can be of equal importance, are completely annihilated. In this framework, in the end, a large part of the public's opinion is not represented at all after a referendum, though it may have gathered a significant percentage of votes (up to 49%). This cannot happen in the representative democracies, where both majority and minority opinions are represented in the parliament. Referendums can actually reflect the authentic will of the people only when they are well informed on the debated subjects and the referendum results. Otherwise, the citizens can be easily led or manipulated by the media, the government, political parties, etc.

Of extreme importance in this regard is the neutrality that the public institutions and especially, government and public officials have to demonstrate during the referendum procedure, is of extreme importance for its genuine and authentic outcome. Thus, presidents in presidential democracies, prime ministers and ministers should abstain from any comments or statements that may favour or promote specific opinions held in the referendum. On the contrary, the local administration and the political parties, as directly involved to the public can form committees that can support certain opinions held in the referendum. Of extreme importance is the clarification of the specific outcomes that the referendums may produce when choosing one opinion over the other. Thus, the competent institutions, e.g., the parliament or the government should explain in detail and depth what the specific outcomes of the referendum would be in either of the opinions debated. The transparency regarding the outcomes of the referendum is crucial in order that the citizens will produce a really fully informed decision. At this point, also of significance is the time allowed for the citizens to form their decision, which should be reasonable as well as the objective broadcasting of its opinion held in the referendum in the media.

These principles and many more are enlisted in the Code of Good Practice on Referendums (2007) of the Venice Commission of the Council of Europe. This code of practice though not binding sets out that in order for the referendums to truly and authentically represent the people's will certain guarantees should be met. Thus, for example, a referendum which 'groups' questions addressed to the people that can be chosen only as a whole is certainly abusing their authentic will, as a referendum which is not based on the full information of the public regarding its results, or a referendum based on an unclear or complicated set of questions which the public will not be able to easily comprehend, etc.

In this framework, one could say that the Greek bailout referendum of 2015 actually violated all the above mentioned criteria and principles. The referendum was initiated due to the dead end caused regarding the bailout negotiations between the Greek Government and the European Commission, the European Central Bank and the International

Monetary Fund ending up in the proposal of a 3rd Memorandum at June 25 of 2015 which the Greek Government asked the people to agree or disagree on. The referendum was declared on June 28 of 2015 and was held a week later at June 5 of 2015, thus in a very short period of time that did not allowed for the people to form a truly informed decision regarding the question posed in it. The question itself was extremely difficult to comprehend and it contained technical terms, in English, while no information documents were presented to the public regarding the specific subject of the referendum. In the end, the 'no' choice set out first for the people to choose.

The questions posed was the following: Should the draft agreement proposed by the European Commission and the International Monetary Fund which was presented in the Eurogroup of June 25 of 2015 be accepted, noted that it contains two parts of which consists as a whole. The first document is entitled 'Reforms for the completion of the current program and beyond' and the second one is entitled 'Preliminary debt sustainability analysis'. Both documents were referred in the English language with their Greek translation following the English text, thus making the whole question pose impossible to comprehend, while the choices for the people were first to say 'no' and then 'yes', thus leading the electoral in considering the no choice as more significant. Moreover, during the extremely short period of time provided for the people to make an informed decision on the question posed in the referendum the basic principle of neutrality by government official was violated, since the prime minister addressed the people twice, as the main government official, encouraging them to vote for 'no'. The more problematic fact nevertheless, was that the people were not informed for the results of their choice. Thus, though, the majority of the Greek citizens, a 61,3% voted no in the referendum, a 3rd Memorandum was introduced shortly after the referendum with similar provisions as those introduced initially. The Greek electoral experienced in that sense a sense of deception and annihilation of its expectations.

In Greece according to Article 44(2) of the 1975/86/01/08, two kinds of referendums can be held. One regarding national subjects which is initiated by the government and decided in the parliament by a simple majority vote (151 votes) and one regarding a social subject (with the exemption of matters regarding fiscal policies) introduced by a bill which can be initiated by 120 members of the parliament and decided with 180 votes. Though the first type of referendum regarding national subjects is considered to be binding only in principle, nevertheless it is considered as producing a political framework obliging for the government, a rule which has not been followed in the Greek referendum of 2015. Greece unfortunately does not have a constitutional court to review whether this referendum actually violated basic democratic and constitutional principles but it will be extremely interesting to address its procedure to the Venice Commission, to which Greece is a member, in order to determine whether the Code of Good Practice on Referendums has been violated in this case.

The Greek referendum divided the Greek society in two parts, a division that still holds, since the incomprehensible question set out has been translated as a question of whether to stay in or out the EU and the Eurozone. Both the mass media and the social media supported this intense division which left the Greek society with a great void and disappointment which has build to today's apathy towards a political dialogue which seems to be lacking credibility since while the people said 'no' to the 3rd Memorandum, it was adopted with no hesitation. Until today, the negative effects of this referendum are reflected in the public dialogue, where often politicians, citizens or even opinions are

characterised as people that voted ‘yes’ or ‘no’ in the referendum, or as representing non-EU (‘no’) or pro-EU opinions (‘yes’).

This year, editorials will address the three important for the EU and the Eurozone referendums of Greece, the UK and Italy their shortcomings and their consequences on the national and European political dialogue as well as their input and benefits for democracy and public participation. One conclusion can be derived by the Greek referendum. A referendum procedure which is not based on the basic principles of prior full information of the public on the subjects and the outcomes of the referendum as well as on the principles of neutrality and transparency cannot improve the quality of democracy in a polity. It can neither understood as a form of direct democracy, or as an act of enhancing or revitalising representative democracy. Additionally, the true and authentic will of people is always captured in the referendum outcomes which for this reason should never be annihilated or manipulated. If these preconditions are not followed, the referendums instead of improving the quality of democracy in a polity, instead can lead to societal division and political credibility deficit, as in the Greek case.