Mémoire en science politique[BR]- Travail écrit : "Les représentations de l'Union Européenne véhiculées dans le discours des acteurs politiques nationaux influencent-elles la perception que les citoyens se font de l'Union et ce faisant, le processus d'intégration lui-même ? Application d'un cadre de linguistique cognitive aux campagnes référendaires irlandaises pour la ...

Auteur : Gérard, Nelly  
Promoteur(s) : Michel, Quentin  
Faculté : Faculté de Droit, de Science Politique et de Criminologie  
Diplôme : Master en sciences politiques, orientation générale, à finalité spécialisée en relations internationales  
Année académique : 2018-2019  
URI/URL : http://hdl.handle.net/2268.2/7959

Avertissement à l'attention des usagers : 

Tous les documents placés en accès ouvert sur le site le site MatheO sont protégés par le droit d'auteur. Conformément aux principes énoncés par la "Budapest Open Access Initiative"(BOAI, 2002), l'utilisateur du site peut lire, télécharger, copier, transmettre, imprimer, chercher ou faire un lien vers le texte intégral de ces documents, les disséquer pour les indexer, s'en servir de données pour un logiciel, ou s'en servir à toute autre fin légale (ou prévue par la réglementation relative au droit d'auteur). Toute utilisation du document à des fins commerciales est strictement interdite.

Par ailleurs, l'utilisateur s'engage à respecter les droits moraux de l'auteur, principalement le droit à l'intégrité de l'oeuvre et le droit de paternité et ce dans toute utilisation que l'utilisateur entreprend. Ainsi, à titre d'exemple, lorsqu'il reproduira un document par extrait ou dans son intégralité, l'utilisateur citera de manière complète les sources telles que mentionnées ci-dessus. Toute utilisation non explicitement autorisée ci-avant (telle que par exemple, la modification du document ou son résumé) nécessite l'autorisation préalable et expresse des auteurs ou de leurs ayants droit.
Chairman

Ladies and gentlemen, you are all very welcome. As we have a quorum we propose to start. Whether we are ready remains to be seen but we will start anyway. Dinner or no dinner, we will dine now. This is the fourth of the public outreach meetings of the Oireachtas Joint Committee on European Affairs. We have two guest speakers - one for the treaty and one against it - but I will speak a little more about that in a moment. That is the format we follow.

This is a statutory meeting of the Oireachtas Joint Committee on European Affairs. By order of the Houses of the Oireachtas, we have authority to meet outside Dublin. The first of these series of meetings was held in DCU, the second was held in Galway, the third was held in UCC last week and this is the fourth meeting. The fact that we have only been able to meet the people here on the fourth of these series of meetings is not in any way a reflection on their importance to us. It is simply that we could not hold all these meetings on the one night. We are pleased to be here and that those present have been able to attend. The purpose of this exercise is for this committee, comprising Oireachtas Members, to engage in a public discussion with members of the public in order for it to hopefully be of benefit to them in obtaining more information to assist them in making up their minds on how they might vote in the Lisbon treaty referendum.

There are a number of points I want to make. We have two guest speakers. One is Mr. Kieran Allen, on my extreme left, although that is not to say he is on my extreme left other than by way of location. It was said about me on one occasion that I was the most extreme left winger of the Fine Gael Party and for my sins I put up my hand. The other guest speaker is Dr. Gavin Barrett. Mr. Kieran Allen is editor of VoteNo.ie website, author of a publication on the case against the Lisbon treaty and a candidate to be general secretary of SIPTU in the future, in regard to which I wish him well. Dr. Gavin Barrett is a barrister, a senior lecturer
in European law in the school of law in University College Dublin and editor of a number of works in the field of European law, most recently, “The National Parliaments and the European Union: The Constitutional Challenge for the Oireachtas and Other Member State Legislatures”.

I thank the Fairways Hotel for the facilities it afforded us tonight. The purpose of the exercise is to provide as much possible accommodation for members of the public who will be expected to participate.

People have said they do not know enough about the Lisbon treaty, they cannot make a decision on it, it is complicated and they do not have enough information to make up their minds on it. To that end, we propose to develop the thinking behind the treaty and behind the pro-treaty and anti-treaty lobbies. We remind those present that all members of the committee are Oireachtas Members. A number of members are deputising for the members of the committee who are not here and we will announce their names at a later stage. We do not propose to persuade those present to vote one way or the other but to develop a debate that will enable members of the public to come to a conclusion based on accurate information.

The audience is free to make a contribution. There are two tables up at the front and we will encourage the members of the public to participate in the debate by coming forward at the appropriate time. There are seats for people at the front where they may sit until they are called to speak in front of the microphone. One should stand at arm's length away from a microphone when speaking into it, as the sound is not clear if one stands too close to it and speaks into it. The audience is free to make a contribution to the "No" side and the "Yes" side of the debate.

The committee has devoted a large part of its efforts since its formation late in 2007 to becoming involved in the debate on what is happening in Europe, the Europe of the past, the Europe of the future, what the people want and what is in the national interest. We produced an interim report based on meetings we have had with the social partners. We interviewed ICTU, IBEC, the IFA and the ICMSA. We have met a large number of people involved in social partnership who gave their opinions freely and unequivocally but not unconditionally.
They said they had their views and were committed in one way or the other, but various people had reservations and said that, depending on what transpired, they would proceed accordingly.

The format of the seating is part of the committee's endeavour to be objective, fair and ensure, as far as possible, that the debate is balanced. My name is Bernard Durkan and I am Chairman of this committee for the time being unless my party leader and the Taoiseach decide otherwise. I am a Dáil representative from Kildare North. I have been a member of this committee since 1981. I am the longest serving party member of Dáil Éireann on the European Affairs committee.

Each guest speaker will be invited to make a short opening speech not exceeding ten to 15 minutes, and I ask them to observe that time allocation. I will then invite speakers from the floor. Members of the audience who wish to speak will be invited by the Chair to take the floor and they will have three minutes to contribute. The Chair has the right to interrupt. As a former Ceann Comhairle used to say, "the Chair never interrupts, the Chair intervenes". Therefore, the Chair will intervene if required to make some clarification or qualification, but that will not in any way diminish the time allowed for the questioner, the maximum of which will be three minutes. Members of the audience when invited to speak should give their name and state if they are a member of an organisation or if they represent a group, body, agency or otherwise.

Proceedings of this sitting will be officially recorded, including contributions from members of the public. This will become part of a report we will compile. Individual names of members of the public and their contributions will be recorded in the report. The purpose of this exercise is to ensure the accuracy of the formal recording of the proceedings. Members of the staff from Dáil Éireann are here as they would be present at a sitting in Leinster House. They will record the contributions of members of public and speakers at the platform. The Official Report of the sitting will be prepared and published on the website of the Houses of the Oireachtas. The Official Report, which will be the ultimate report, will incorporate conclusions. It will incorporate our findings following the meetings the committee will have had with the public, the social partners and the various other bodies we have met.
Before we commence, I draw the attention of the guest speakers and members of the public to the fact that members of the committee have absolute privilege, similar to that which prevails in a court - they can say anything they like about anybody but cannot be challenged anywhere about it. Members of the committee are reminded of the parliamentary practice that members should not comment on, criticise or make charges against any person outside the Houses of the Oireachtas or an official either by name or in such a way as to make him or her identifiable. If members of the committee or those deputising for them were to do so, they could find themselves at variance with the privilege that normally accords to their status.

If the guest speakers have agreed as to who will speak first, they might inform me of that, otherwise I will draw lots to decide. As there has been no agreement as to who will go first, I will toss a coin. As Dr. Barrett has drawn "tails", he has lost the option of speaking first. Therefore, Mr. Kieran Allen will speak first.

Mr. Kieran Allen

I have been at many strange meetings in my life but this is probably strangest of them all. I thank the members of the public for braving this wonderful May day to come out and hear the considered opinions. This exercise is completely unbalanced, as I believe I am the only "No" advocate on this platform. However, I took a decision many months ago that I would take any platform to advocate a "No" vote. It is on that basis I take this platform.

I will put the case for a "No" vote in the 15 minutes I have been allocated. We are voting on a constitution for Europe. According to Deputy Bertie Ahern, who is still our Taoiseach, 90% of the EU constitution, which was rejected by the people of France and Holland, is contained in the Lisbon treaty. What is not contained are logos, symbols and trappings but the content is essentially the same. What we are voting on, essentially, is a constitution which will shape Europe for decades to come. This is a vote on what kind of Europe we
want. It is a rather unusual debate in Ireland because we do not often have debates on international issues. This is really a debate about what kind of Europe we want.

Let us first dispose of the flimflam and the way the debate has been conducted up to now. If one votes "Yes" or "No", it will not affect foreign investment. I could say that the people of France voted "No" and foreign investment doubled and that people here should vote "No", but I do not believe they would believe that. Therefore, the vote will not affect foreign investment. Anybody who says that foreign investment will flee this country the day it votes "No" is talking nonsense.

One should not vote "Yes" or "No" out of gratitude. We are a sovereign people and we are entitled to make decisions. The worst any ruler can tell one to do is to show gratitude. One is not obliged to show gratitude. One can be for or against Europe. One can also be for Europe and vote "No" or not like the present structures and for that reason vote "Yes". It is not about Europe. People should also not be guilt tripped. They should not be told that if they vote "No", Europe will not work. Look at the EU Commission's website, in which the question of whether enlargement has slowed down decision making in the EU is asked. The answer given is that it has not and that the EU is working as well as previously. In fact, one study by the political science institute in the Sorbonne claims that decision making is actually faster since enlargement.

All of this is flimflam. The real issue we must examine is the type of Europe being promoted in the Lisbon treaty. I wish to argue, first, that because it is a major document, we should take a moment to consider the process. The process is extraordinary for what is, in effect, a constitution. Only 4 million people in Ireland are getting the opportunity to vote. The other 485 million people are deprived of a vote. We are told that this is because of their national traditions. However, is it not strange that only Ireland gets the chance to have a vote on it? Is it not also strange that this is due to one rather dissident troublemaker, a man called Raymond Crotty who took a court case on the matter in 1987? Is it not the case that the European elite would prefer not to have a vote but it is caught by a decision of the Supreme Court in this country? It is rather unusual. We are the only people getting an opportunity to vote on the shape of Europe; everybody else has been denied a vote.
We are getting an opportunity to vote but we are not being given a copy of the treaty. In France, when the debate on the EU constitution was being conducted, copies of the constitution were freely available in the post office. Not everybody in Ireland has access to the Internet, so people should not be told they can look it up there. People are voting on the future of Europe but they have not been given a copy of the treaty. They would not buy a car on that basis and certainly not a house. Why buy the future of a continent on that basis? Even if one did get a free copy of the treaty, one would discover it has the most extraordinary format. There are amendments to two treaties, protocols and declarations, which run to approximately 350 pages if I remember correctly. Most people say it is hard to read. People should not fall for the idea that they have a problem and are not sufficiently educated to understand it. The treaty has been deliberately constructed in this manner to make it less transparent. On the grounds of the process alone, therefore, it is worthwhile operating on the basis that if one does not know, say "No". It is a simple, straightforward precautionary approach.

However, lest I be accused of shrinking from the substantive issues, I will outline the "No" case under a number of headings. I will outline it in my capacity as a trade unionist, anti-war activist, democrat and socialist. This is 1 May, international workers day. People should be aware that when the Lisbon treaty was being drafted, 40,000 trade unionists in Portugal marched to voice their opposition. Why did they do that? As they did so, the official trade union movement in Portugal voiced its opposition to the Lisbon treaty. It argued that the treaty is tilting the balance in Europe away from a social Europe towards a more neo-liberal Europe, which will more resemble a pure market economy than one that respects social rights.

I will be specific. Trade unionists have a number of concerns with the Lisbon treaty. SIPTU, of which I am a member, is having a debate and has not taken a position on it. I hope that debate is opened to the membership of SIPTU because I believe there will be a negative response. The UNITE trade union is officially opposed to the treaty. There are a number of reasons, the first of which is the Laval judgment. This judgment was issued on 18 December. It was in the making for three years and it concerned the posting of Latvian
workers to Sweden, where 90% of Swedish building workers are members of a trade union. As in Ireland, Sweden has a minimum wage and there is a registered agreement for the building industry. The Latvian company was willing to pay the minimum wage but would not pay the registered agreement for the building industry or enter into discussions with the unions on it.

The European Court of Justice ruled that trade union action against the Latvian company was illegal. Even though the people who drafted the EU constitution were aware of this they refused to include in the constitution a protection for trade union rights that would undermine future Laval judgments. In fact, the protocol in the Lisbon treaty on the internal market, which suggests that there must be a system to prevent any distortion to competition, will copperfasten judgments such as the Laval judgment. For that reason alone, people should vote against the Lisbon treaty.

Trade unionists are also concerned about what is happening to public services. My union SIPTU has just had to ballot on strike action, I am glad to say successfully, to stop the privatisation of parts of our ambulance service. If people had told me 20 years ago that some people would think it was possible to privatise parts of the ambulance service, I would have told them they were mad. However, my union has had to vote to stop it. The concern of trade unionists is that the EU has been used persistently to put obstacles in the way of state finance for public services. Consider the Aer Lingus debacle, when most of the people on this platform told us that because of the EU we could not put State money into Aer Lingus. Consider the issue of water charges. Our children must now pay for flushing toilets in schools, courtesy of the EU. There is a real issue about whether the State can put money into public services.

Despite repeated calls from trade unionists and non-governmental organisations for an article in the Lisbon treaty to protect public services, it did not appear. What did appear was a protocol, in EU jargon, protecting services of general interest but not services of general economic interest. The question is whether one is in a service of general economic interest or a service of general interest. Under the structure of the Lisbon treaty, one is handing that
decision to the EU Commission and the European Court of Justice, whose judgment I have just described, rather than the Irish people having a right to decide whether it is our democratic right to fund our schools, not have our children pay for flushing toilets and fund companies such as Aer Lingus. The drafters of the Lisbon treaty refused to include an article defending services of general economic interest.

The Lisbon treaty opens up new areas which are a threat to trade union rights. In particular, Article 188 of the treaty gives greater power to the EU to conclude international agreements on trade at the World Trade Organisation. Many of us who protested about the antics of the World Trade Organisation - three judges, as it were, who sit and issue edicts to the people of the world to promote a pro-globalisation agenda - are deeply concerned that the EU can go to the WTO and make deals on agriculture policy, which is a complicated area, and public services. These deals are then fast-tracked through and the Irish people are deprived of a national veto. People are particularly concerned that Article 188 explicitly states that the EU representatives are sent to the World Trade Organisation "to promote the achievement of uniformity in measures of liberalisation". That is code for more privatisation. That is what the EU does. It goes to the World Trade Organisation, demands that African countries open up their water supply and that European countries get a share of the market. We are giving more power to the European Union to fast-track negotiations at the World Trade Organisation, and the big agenda of that organisation is the opening up of services, particularly health and education services, to so-called international service providers. I prefer the Irish people to have a veto on those negotiations rather than leaving the matter to qualified majority voting at EU level.

I oppose the Lisbon treaty as an anti-war activist. The treaty commits the population of Europe to increase military spending. The EU elite makes no secret of the fact that it wishes to have military spending in Europe at approximately 3% of the overall budget of the Continent. Article 28 of the treaty says explicitly that each country shall progressively increase its military capabilities. Some people say we should not worry about that and that it is just an aspiration. However, the article also makes provision for the European Defence Agency to monitor compliance with this and to evaluate movement towards it.
The website www.statewatch.org, for example, states the explicit mission of the European Defence Agency, which has long been lobbied for by the arms manufacturers, is to increase military expenditure. I reject that aim and favour a world based on peace. In a period of recession, the country should not be pressurised into increasing military spending. We should increase spending on our health service.

The Lisbon treaty commits countries to sending troops to EU battle groups. The Union is developing an imperialistic and military agenda and developing like many superpowers. The Union is intervening increasingly in many African countries, not just for the welfare of those countries but, dare I say it, possibly for newly discovered oil resources in respect of which it is in competition with China.

The Lisbon treaty gives more power to the EU elite to send soldiers in battle groups on spurious humanitarian missions. We can debate the issue in Chad afterwards, if members wish. The Union is pursuing an economic agenda, as all imperial powers have done in the past. There was never an empire in the world that said, "We are here to rob you". They always claim they are trying to civilise or help, as is occurring today.

The Lisbon treaty provides for a mutual defence pact. Should any country in the Union be subject to a terrorist attack, other countries shall come to its assistance. This is rather dangerous considering how such a provision was used by George Bush. It is particularly dangerous in light of definitions of what constitutes terrorism. Some of us who protested at the G8 summit in Genoa were once described as very suspicious people who might endanger state security. Definitions of terrorism can be used very loosely, as we know from the case of George Bush. In light of what happened in this case, such provision can be extremely dangerous.

The treaty also contains provisions that give the Union greater access to personal data, in terms of access to the Internet, for example. It is not stated explicitly but there is a clause
that gives greater competence to the Union to access and share data on individual citizens. In terms of opposing militarism, it is a good idea to say "No".

There are many weaknesses in Irish democracy, which we could debate at some length, but at least one can pressurise the politicians in Ireland. At least one can march on the streets over the health service and raise and debate serious issues in the local press. If we are to transfer more power to the Union - we can all agree that the treaty confers more competencies thereon - we should ensure they are being transferred to an institution that is at least, if not more, democratic than our present arrangement. Unfortunately, it is not. The fundamental weakness of the Union - the democratic deficit - is that although we elect parliamentarians to the EU Parliament, strangely they do not get to draft legislation. The EU Commission, which is a deeply elitist and undemocratic body, gets to draft legislation and controls the legislative agenda. We are therefore transferring more powers to an institution that is not controlled by elected representatives. The representatives of the Commission are less subject to popular pressure than elected representatives in this country.

I am not against Europe. I have joined many left-wing movements in Europe, including the European Social Forum. I am very much for a social Europe and a positive Europe. If this treaty were to take the Union forward, by realising an agenda that suits the people of the Continent and not just those of any one nationality, I would vote "Yes". If the treaty had genuinely set out to tackle climate change by restructuring our transport system such that there would be less reliance on air transport and more on ferry and rail transport, I would have considered it in a positive light. If the treaty were to establish more social rights for the people of the Union and guarantee them access to medical care within a certain time frame - on diagnosis of cancer, for example - people would be for it. I refer to social rights and a positive agenda rather than competition rights.

None of the issues I raise is on the agenda and, therefore, to allow the people of the Union to give a wake-up call to the elite, who are shaping Europe in a very neoliberal, militarist way, we should say "No", and then begin the debate on what we want for the people of Europe.
Chairman

I call Dr. Gavin Barrett.

Dr. Gavin Barrett

I thank the Chairman for the invitation to talk.

I could spend my 15 minutes answering what Mr. Kieran Allen has just said, but that would use up the time allowed. I will therefore just stick to what I was to say in any case, partly because I did not recognise the European Union Mr. Allen described. I have been teaching EU law for the past nine years and am getting worried at this stage.

The raison d’être of the Union has almost been called into question tonight, and not just that of the Lisbon treaty. What was to become the European Union originated a few years after the disaster of the Second World War, which resulted in 60 million deaths, as a new method of governing relations between states, thus replacing economic and political rivalry and ultimately war with a very deep level of co-operation. Far from being a structure designed to promote war, the Union is designed to put an end to it. This is its most fundamental aim and it has been spectacularly successful in achieving this.

The new approach adopted by the European Union involved member states agreeing for the first time to delegate real and significant decision-making power to an international organisation rather than having states retain all decision-making power for themselves, as was the ineffective approach that obtained prior to its establishment. Mr. Kieran Allen obviously advocates the latter approach, although he is not a pro-war activist. The idea behind the Union involved going further than setting up powerless international bodies such as the League of Nations, which proved hopelessly ineffective in preventing the slide into the carnage and misery of world war. The revolutionary new strategy worked and European relations have been transformed.
The Union, which begun with the six-state European Coal and Steel Community, has enlarged to include 27 member states and has greatly widened its field of activity, which ranges from the Single Market and justice and home affairs to foreign policy. If the Union is so awful, one wonders why every country wants to join.

Ireland became a member state in 1973 and few would have anticipated the radical changes that awaited it since doing so. Economically, Ireland has been transformed and membership provided the framework for a radical increase in national wealth. It is really difficult to imagine this occurring otherwise. The wealth has benefited workers. We have had full employment and farmers and people across the board have benefited. Financial benefits derive from the Common Agricultural Policy and cohesion, structural and regional funding, all of which helped to fuel the growing Celtic tiger economy.

Ireland's place in the governing structures of a market involving close to 500 million consumers remains vital to a country which exports virtually everything it produces. Membership has also given Ireland more control over its destiny than would otherwise be the case. We have a population of less than 1% of the Union but are one of only 27 voices heard around the Council table.

What is the need for the Lisbon treaty? There have been four major amending treaties and referenda in Ireland since it joined the Union. The earlier treaties were linked to a big idea such as monetary union, the Single Market or the enlargement process. Broadly described, the aim of the Lisbon treaty is to make the institutions and mechanisms of the Union more effective and to inject more democratic legitimacy into the Union in a variety of ways, which I hope to describe. A good analogy is the example of a 57 year old house that has had a number of ad hoc extensions and which is to be renovated more thoroughly so it can continue to be habitable.

Previous amendments sometimes had an element of makeshift compromise about them, particularly in respect of voting arrangements. The idea behind the Lisbon treaty is to put in place a more durable arrangement. It was intended originally that the Irish-brokered constitutional treaty of 2004 would do the job but its rejection in referenda by the French
and Dutch electorates ended hopes of this. The Lisbon treaty, which in some ways is less ambitious yet in many respects very similar to the constitutional treaty, has been agreed by the member states as an alternative. It is different in some respects. I agree it is largely similar to the constitutional treaty but it is different in significant respects. It drops the symbolism, the flag, the emblem, the motto, the title, "Minister for Foreign Affairs", although not the substance of the role, the language of the constitution, the preamble, the clause on primacy and also adds other elements, for example, a role that Mr. Kieran Allen did not mention, namely, a bigger role for national parliaments.

There are significant differences. I think they legitimate it being put to a referendum in Ireland and being put to the people all over Europe or to their democratic structures in each individual state. I notice that when people talk about undermining the votes in France and Denmark, they seem to forget there were also referenda in Spain and Luxembourg which voted in favour of the constitutional treaty. There seems to be a view that not going ahead with a similar document does not undermine the democratic results in those countries. It is always only France and the Netherlands that are mentioned in that regard.

Why is Ireland the only one of the 27 member states having a referendum on the Lisbon treaty? Any treaty that seeks to regulate the relations between 27 sovereign states in a range of policy areas is going to be long and complex. Opinions genuinely differ on whether the best way to ratify a document of this nature is via a referendum or via national parliament. The argument in favour of the referendum route, is that it gives everybody a direct say on an important issue. On the other hand, a referendum also confronts busy and sometimes frankly not very interested, citizens with a document that demands a great deal of expertise and-or advice to understand. Every member state except Ireland has opted to proceed via the parliament.

Sceptics, and I assume I would number Kieran in that regard, would argue that these countries have done that simply to avoid the possibility of defeat in a referendum. There are more worthy arguments which come into the equation. With a referendum there is always some risk of generating opposition or large-scale abstention on the grounds that the measure
is complicated. Voting against the Lisbon treaty merely because it is complex is not the right approach. Doing this means we could not approve any comprehensive European Union treaty because any amending treaty between 27 historically independent states on such a range of issues will be complex. It is simply unavoidable.

I do not think that Kieran's advice that if you do not know vote "No" is particularly good advice. In my view if we vote "Yes" to the Lisbon treaty, there is a far greater chance of things going along as they did before, slightly more effectively, efficiently and democratically. I think Kieran's advice to vote "No" is really a plunge into the unknown.

What the Lisbon treaty will not do is end Irish neutrality. Article 42 states that the security and defence policy provisions shall not prejudice the specific character of security and defence policy of certain member states - it is referring to neutral states. We have also protection of our neutral status being written into the constitutional amendment that is confronting us as well. It will not end Ireland's foreign direct investment policies, it will not endanger Irish control of its corporation taxation policy and it will not facilitate the legalisation of abortion. It will not introduce a mechanism making the treaties capable of amendment without reference to the Government or the Oireachtas. The treaty is not responsible for ending the situation in which each state sends a permanent commissioner to Brussels and the new voting arrangements in the treaty will not prevent Ireland from defending its interests in a manner similar to that in which it has done in the past. I notice that Kieran did not make those arguments. I am glad because all of those arguments are wrong.

What will the treaty do? I do not have much time to go through all the changes in the 700 page document. I have been asked in particular to look at the issue of national parliaments under the Lisbon treaty, so I will save my last five minutes for that. I will touch on some of the other changes it will make. Under the heading "Democratic Reforms", it will ensure a bigger role for the democratically-elected European Parliament, for national parliaments, which I will return to, and for the European Court of Justice, especially in the justice and home affairs area. I think it is appropriate that any organisation with as much power as the
European Union should be subjected to the requirement that it respect our fundamental rights and now, for the first time, with the Lisbon treaty we will have a catalogue of fundamental rights, limiting the European Union and the member states in implementing European Union policy in relation to what they can do. New voting rules in the Council of Ministers are clearer and more logical. Large states are being protected by the requirement that laws can only be adopted if they get the support of states representing 65% of the population, small states such as Ireland being protected by the other requirement that 55% of states must support them. In that respect, small states count as much as big states. There is protection there for big and small states.

Other changes include changes designed to increase the effectiveness of the European Union. A permanent president of the European Council and a high representative for foreign affairs will give more cohesion to the European Union and to its foreign policy. One change that I would have imagined that Kieran likes, although he did not mention it and seemingly it is not enough to make him vote for the treaty, is that the treaty provides for the possibility of withdrawing from the Union. Therefore, if the Irish people decide that the European Union is as terrible as Kieran makes out, they will have a right to pull out of it, if they democratically decide to do so. Treaty revision seeks to reform generally the process of amending the founding treaties to make it generally more democratic and transparent to speed it up in some limited cases, but always subject to the veto of member states and their national parliaments.

Overall in the common foreign and security policy area, there is more continuity than change. We must live with the reality that most member states of the European Union are militarily aligned with one another. Originally, if the French had not rejected it by virtue of what was called the European Defence Community Treaty back in the 1950s, defence policy would already have been dealt with under the European Union treaties. Because that treaty was rejected, the Western European Union treaty was signed and that governed relations. However, as time has gone on, French objections disappeared and the Western European Union has been gradually fading away like the smile of the Cheshire cat.

It is true that the European Union is gradually taking over some responsibilities of the Western European Union. What should the Government's attitude be to this? My answer is
that it should probably be the same as it is at the moment. Some people would say that we will not touch anything or have anything to do with any of that. In an era in which peace enforcement and peace keeping tend to be more regionally based, it is a good idea that Ireland states that it does not want to compromise its neutrality and so it will not agree to anything that puts an end to its neutrality but at the same time if it can help with crisis management or with peace keeping it will do so. I think that is appropriate and desirable. In substance the new arrangements are not that radical an innovation because all the member states, except the neutral states, are allied to each other. What difference does it make if it goes on in the Western European Union or the European Union, as long as our neutrality is adequately protected? It is adequately protected.

I was asked to say a few words about national parliaments under the Lisbon treaty because it does introduce some important new reforms which are important from the democratic point of view. Parliaments, including the Oireachtas, already have an important role in European Union affairs under national law and practice. Their job includes the task of scrutinising draft EU laws and the performance of national government ministers in Brussels. The Lisbon treaty seeks to add significantly to the rights of national parliaments. The treaty will insert a new article into the Treaty on European Union setting out the additional roles which parliaments are intended to have.

The important powers sought to be conferred on national parliaments can be divided into four categories. First, the right to police the so-called subsidiarity principle. Subsidiarity is a principle of European Union law which basically is a complicated name for a simple concept, namely, where the EU shares a competence with member states, EU action is only permitted in situations where member states themselves cannot achieve an objective. Subsidiarity has been part of EU law since 1993, but under the Lisbon treaty, national parliaments will be given powers for the first time to police adherence to it, to ensure the European Union does not violate this principle and does not act in situations where member state action would be just as good. That is via a yellow card and orange card procedures, which I can go into, if necessary. Depending on national law, national parliaments can also bring a case before the European Court of Justice if the Lisbon treaty comes into force to
make sure that it is adhered to. Therefore, subsidiarity policing keeps the European Union in its place.

A second role for national parliaments will be a formal role in drafting any future treaties of this nature. If the Lisbon treaty reforms are adopted, then when EU treaties are amended in the future, the process will involve some kind of convention. This is somewhat like the Philadelphia convention that drafted the US constitution, and member state parliaments will be represented in that. This is a significant right for national parliaments, because it means they can mould the future shape of the European Union.

The Lisbon treaty makes changes to the way in which the treaty can be amended in the future. For most changes, the system will stay the same, but for some less controversial amendments, simplified procedures will be introduced. The further need for a ratification process in member states will be removed in two cases. To ensure that national democratic rights are not undermined, the new article 48 provides that each and every member state parliament in the European Union is given a six month period during which it has the right to veto single-handedly the treaty change in question.

Lack of access to knowledge about what goes on in the EU has hindered access to power on the part of national parliaments. One of the most significant reforms of the Lisbon treaty is that it ensures direct access from the community institutions straight to national parliaments on a whole range of issues. Most importantly, draft laws are to be forwarded to national parliaments and eight weeks will have to pass before these laws can be put on the agenda, while a further ten days are needed before a position can be adopted at European level. This is where subsidiarity principles come in, represented by the orange and yellow cards. If a third of all parliaments indicate that the EU has gone too far and has violated subsidiarity, then the EU proposal will have to be reviewed. That is the so-called yellow card. If a majority of the votes go that way, the legislation will be entirely blocked if the Council of Ministers or the European Parliament agree with national parliament, which is the so-called orange card.
It will not be easy for national parliaments to block legislation, but it should not be because we do not want the system to paralyse the EU. These reforms will be less significant for the yellow and orange cards they produce, than for the national political debates they will hopefully stimulate. They may be a first tentative step in transforming national parliaments into a virtual second chamber of the European Parliament. Whatever one thinks about these reforms, they are better than what we have now.

Mr. Allen said that voting "No" would not do this or that. He seemed to give the impression that everything will be hunky dory if we vote "No". I do not believe that. What will happen if we vote "No"? We will basically be left in a situation in which we go back and renegotiate, which means we are blocking reform in the EU, a process that has taken seven years. We will not be able to renegotiate the treaty in any significant way, because if the other 26 member states see us pick out some elements of the treaty, then they will want to pick out other elements and pretty soon we will have no agreement at all. Therefore, we would only be able to re-negotiate very small details and opt out of very small, minor matters. What is the good in that? I do not think there is anything out of which we should opt. We already have everything we need.

What possible good can come of blocking reform for a protracted period? We will be leaving the EU in a situation in which it is functioning without agreement on how to move forward in the future. Apart from the fact that rejecting the treaty will not inspire goodwill, while it will not drive away foreign direct investment, it certainly will not attract such investment. It will leave an organisation that has done tremendous good politically and economically for Ireland and the rest of Europe - including keeping the peace in Europe - drifting in a rudderless way. On that basis, I advocate that we vote "Yes".

Chairman

I thank Dr. Barrett for his speech. The next phase of our discussion gives members of the audience an opportunity to participate. The proposal is to take two questions initially. Those wishing to put questions should come forward to the two tables that are set out, while
anybody else who wishes to ask a question should sit in the front seats to give the Chair an idea of the number of people waiting to speak.

All political parties in Dáil Éireann are entitled to be present, to speak and to sit on the platform. It is not all true to say that the platform is one sided. The platform truly reflects the composition of Dáil Éireann, arising from the last general election. The composition of the parties at the moment does not allow Sinn Féin numerically to have a representative on the committee, but that party's representatives in the Oireachtas have been invited on numerous occasions to sit on the platform. Other groups, whether for or against the treaty, are similarly entitled to come and speak from the floor. We particularly invited the leaders of the "No" groups to ensure that there is balance and an opportunity for those who have a contrary opinion to those on the platform. We invited representatives from Libertas on several occasions, and if there are members of that group here this evening, we would welcome them to the platform. They need not be afraid as we will ensure that fair play prevails.

We have a group of people on the platform. We have Senator Déirdre de Búrca. Everybody here knows Deputy Seamus Kirk, former Minister of State and long-time servant of the people in this area. Deputy Joe Costello is from the Labour Party and is a member of the committee with considerable experience. Everybody will know Deputy Thomas Byrne from Fianna Fáil and we also have Senator Terry Leyden from Roscommon. These people are all members of the Joint Committee on European Affairs in the Oireachtas.

I welcome our first speaker. You must give your name, the organisation you represent if you represent one or your party affiliation if you are a member of a party.

**Mr. Seán Carolan**

I am Seán Carolan. What is proportionality? What is subsidiarity?

**Mr. Jimmy Gollogly**
I am Jimmy Gollogly. I am a busy European citizen. Article 9 of the Single European Act states:

The Community shall be based upon a customs union which shall cover all trade in goods and which shall involve the prohibition between member states of custom duties on imports and exports, and of all charges having equivalent effect.

What do members of the committee understand by that?

Dr. Gavin Barrett

Proportionality and subsidiarity are principles of European Union law. The European Union is subject to various restrictions on the way it can act. We have had unpleasant unions in Europe before, the kind that Julius Caesar, Napoleon or Hitler had in mind. The difference between those unions and the European Union of today is that this Union is based on the rule of law. The European Union cannot do anything it wants. It is subject to rules which limit its action. Two very important rules in that regard are proportionality and subsidiarity.

I could go into much detail on what proportionality means but, like subsidiarity, it is capable of being explained in a very simple way. It simply means one is not allowed to crack a nut with a sledgehammer. In any action the European Union takes, there must be some kind of reasonable proportion between the ends that it achieves and the means it uses to achieve those ends. That is one rule that applies and has always applied to the European Union. It was originally applied by the European Court of Justice, which stated it was an implied rule. As time has gone on, it has been more explicitly stated in the treaties and we now have a protocol - a kind of attachment to the treaties - of legally binding force which defines it more exactly.

Subsidiarity is an issue I touched on in my opening remarks. It basically means that the European Union is only permitted to act in situations when the member states cannot get the job done themselves. This is key to what the European Union is all about. The member states, in handing over powers to the Union, are hopeful that the Union will be able to do
things they are not able to do themselves, such as setting up a Single Market into which we can sell all our goods and services and therefore increase the wealth in this country.

Subsidiarity was put in place at the behest of the then British Prime Minister, Mr. John Major, in 1992 because of concerns that the European Union might exceed its role and take on powers it should not take on. It is there to keep the Union in its place and to make sure that if the member states could do something just as well, then the European Union would not do it. The significant point about the Lisbontreaty is that national parliaments will be given a role policing this area to make sure the European Union does not violate this particular requirement.

With regard to Mr. Jimmy Gollogly's question, the treaty provision he referred to has actually been in place since the beginning of the treaties. It establishes that the European Union is what is called a customs union. There are various levels of economic integration. One can have no economic integration at all or one can have a free trade area, such as NAFTA. A free trade area is when goods that are produced in various countries can be traded between those countries but goods produced outside the free trade area cannot be so traded. For example, goods produced in Korea and imported into Mexico cannot be sold on to the USA without being taxed. A customs union is one step beyond this again. It basically means that one erects a common external tariff outside the territory of the customs union--

**Mr. Jimmy Gollogly**

To save Dr. Barrett's time and everybody else's, I feel a wee bit aggrieved that I voted for the Single European Act in May 1987. We are in the BMW region but we cannot drive BMWs here because we must pay very high VRT. I would claim I am probably the most European person in this room because I believe in the Single Market. However, my Government does not believe in it. It will not permit me to enjoy the fruits of the Single Market. I cannot sell my motor car anywhere else in the European Union. I am surprised that my Government is asking me to vote "Yes" to Lisbon but it does not want to adhere to the Single European Act, which is the height of hypocrisy.
Chairman

We will come back to both speakers. Would Mr. Allen like to comment briefly before I call on the members?

Mr. Kieran Allen

I do not have much to add. I believe the issue of subsidiarity arises so that where issues do not fall within the exclusive competence of the European Union, they should be dealt with nationally. However, it is important to state that in reference to the issue of national parliaments, that is mainly where the focus will be. Let us therefore understand what that does not include. For example, if the EU decides to issue directives on the postal service or the break-up of the electricity service, this would not fall under the issue of subsidiarity. It applies to a narrow area, which is an important point, and there are limitations with regard to exactly what it can decide.

I agree with point on the hypocrisy regarding free trade, which is rather common. For example, George Bush says he is for NAFTA but he is also for the protection of the US steel industry. It is not uncommon for people to talk about being in favour of free trade and then protect certain interests. We have this in the case of VRT on cars.

Chairman

I call Senator Déirdre de Búrca of the Green Party.

Senator Déirdre de Búrca

Subsidiarity is an important issue on which the Lisbon treaty has very positive provisions. As was explained, it means that decisions are made at the lowest effective level. Sometimes when we are signing up to treaties or approving treaties, we think we are giving all the
power to the centre. There is a feeling we are giving more and more power to Europe and that this means our Parliament and local government will not have any functions left.

A legally binding protocol is now attached to the treaty that gives the principle of subsidiarity a legal basis and there is also a protocol on the role of national parliaments which means they will be able to monitor all of the draft legislation before it is adopted. As soon as the Commission produces draft legislation, it sends copies to the European Parliament and the Council of Ministers, and will also send copies of that draft legislation to national parliaments. It will be committees like ours, which forms part of the Oireachtas, which will consider and scrutinise these.

This will put pressure on us, and as committees we will need to be resourced because a lot of draft legislation will be coming out. However, it will mean that if we scrutinise this legislation when it is still at the draft stage, and we feel it is not appropriate and that the institutions of the European Union should not be making laws in this area - that we should doing this - or if we feel the functions should be exercised at a local government level, we will flag that back to the Commission. The new provisions of the treaty will make sure that we do not see that sucking of power to the centre, with the European level becoming all powerful and our Government and local government levels becoming weakened or undermined. It is very positive. I am delighted Mr. Carolan raised the issue.

**Chairman**

I will also come back on that issue. I now call on Deputy Joe Costello and then Deputy Seamus Kirk.

**Deputy Joe Costello**

There is very little to be added to what has been said. The issue has been fairly well explained. We are concerned about the principles of subsidiarity and proportionality, particularly subsidiarity because it confers a new role in regard to national parliaments determining how the European Union conducts its business, particularly with regard to
policies and law. The basic principle of European Union operation is that all decisions that can be made locally, whether at national or regional level, should be made within the member state. The national parliaments will now be the guarantors of this so the European Union cannot exceed its competences and powers. That is a wholly new and important power which is being conferred on national parliaments. As I have said, this will mean we will have to conduct our business quite differently in Dáil and Seanad Éireann to ensure we exercise those new powers adequately.

Proportionality is a related concept in that while all matters should be dealt with locally, where the powers are to the European Union--

**Mr. John Carolan**

May I interrupt? Will our own Parliament be losing power in Europe because of proportionality?

**Deputy Joe Costello**

No.

**Chairman**

It is a good question.

**Mr. John Carolan**

We will only have a Commissioner for five out of every 15 years. Will we lose our power in Europe? We will be the small man in Europe.

**Chairman**

That question will be answered adequately before we have finished. We will continue.
Deputy Joe Costello

Subsidiarity gives extra powers to our local Parliament. With regard to Mr. Carolan's last question, at present all member states have a commissioner. Under the Lisbon treaty, not all states will have a commissioner all the time. One can interpret this as the loss of a commissioner for five out of 15 years. On the other hand, it means every member state will have the same entitlement, on rotation, to a commissioner for the same period and that no state, no matter how large, will have two commissioners. Therefore, it is more egalitarian from the perspective of small states such as Ireland. The current holder of the Presidency, Slovenia, with a population of 2 million will be entitled to a commissioner on exactly the same basis as Germany which has a population of 82 million.

Deputy Seamus Kirk

I will respond briefly on the issue raised by Mr. Gollogly regarding VRT. We have absolute control over our own taxation system and the Lisbon treaty will allow for a continuation of that control. Several economists have expressed concern about the consequences if we were to lose control of taxation policy at national level, with particular reference to our preferential rate of corporation tax which is generally accepted as an important element in our success in attracting foreign direct investment. There is no doubt that VRT provides a significant revenue stream for the Exchequer. Anybody who looks at the range of departmental Estimates on a yearly basis knows that the costs involved in maintaining public expenditure are extremely high. We must have guaranteed sources of revenue. The decrease in stamp duty receipts since the beginning of the year, arising from the slowdown in the building industry, graphically illustrates the importance of such sources of revenue. Most Members would be pleased to see our VRT rates in line with those in other member states. It is an important element of overall taxation policy and an important source of revenue for the Exchequer.

Mr. Jimmy Gollogly
Does Deputy Kirk not believe in the principle of the Single Market? The Deputy considers himself a European; he is voting "Yes" and believes in the European project. Does he not also believe in the Single Market?

**Deputy Seamus Kirk**

Yes, but I also believe that as a nation we should have absolute control over our taxation policy--

**Mr. Jimmy Gollogly**

It must not impinge on the market. The current practice is anti-competitive. I cannot sell my car in France or Germany. There is no free market in motor cars for Irish citizens. It seems the Deputy does not believe in the Single Market.

**Deputy Seamus Kirk**

It is not a question of not believing in it. Rather, it is a question of dealing with reality. Many speakers have made the point that we must retain as much control over our own destiny as possible. The importance to the economy of retaining control over our taxation system is well recognised. I would be delighted if there could be a universal VRT rate throughout the European Union and we were all equals in that regard. However, I must be realistic. We would have to find a substitute for the cash flow from VRT.

**Chairman**

The governments of the 27 member states have different ways of raising revenue. I acknowledge the point made by Mr. Gollogly. It was originally envisaged that the Single Market would ultimately lead to a consolidated tax base. Many were opposed to such a development, arguing that it could put us in an invidious position in attracting foreign inward investment and so on. Interestingly, the European Union's climate change proposals
have seen member states introducing different measures in regard to VRT from the perspective of implementing counter-measures to global warming.

In regard to imports, exports and trade, we must always bear in mind that we are trading within a region which includes large operators such as Germany, France, Italy, Spain and the United Kingdom. Before gaining access to the Single Market, we were unable to compete effectively. We retained our goods and exported our people. In the case of tariffs, we should always remember that the largest and most powerful will be in the best position to exert influence.

Mr. John Carolan

What about China and India?

Chairman

We are told that they are the economic powers of the future. That may well be so. It is true that they have large populations and, as such, have an economic impetus of their own. However, we should also remember that, as a member of the European Union, we are part of a population bloc of 500 million. It is up to us to maintain our manufacturing capacity; we must produce, maintain and export. We have the means of remaining competitive both within and outside the European Union.

I listened to a radio discussion earlier today in which the response of the United Kingdom to the current crisis was compared with that of the euro zone countries. As I recall it, the British Prime Minister went to the United States some weeks ago seeking assistance and inspiration in this regard. That is a problem outside the euro zone. We have a stable and strong currency, despite all that is going on around us. In the current situation we would be extremely vulnerable if we had to buy our oil on the basis of the Irish punt or the pound sterling.

Mr. Jimmy Gollogly
My next question requires only a yes or no response. On 20 February the European Parliament voted on the following motion: "The European Parliament undertakes to respect the outcome of the referendum in Ireland". Is it true that the motion was rejected by 499 votes to 129? Is it also true that one of our MEPs voted to reject it? I would be astounded if that were so.

Chairman

Yes.

Deputy Thomas Byrne

I am sorry but I must leave shortly to attend a meeting in my constituency. My understanding is that this was a mischievous amendment to a motion in the European Parliament.

Mr. Jimmy Gollogly

Is that a yes or a no?

Deputy Thomas Byrne

It was a mischievous amendment to a motion which had nothing to do with the substance of the issue under discussion. It was designed to cause trouble and was not part of the ongoing proceedings. It was not a motion in itself.

Mr. Jimmy Gollogly

My question is whether that motion was rejected by 499 votes to 129 in the European Parliament. It is a simple question that requires only a yes or no response.
Mr. Kieran Allen

The answer is yes. The title of the resolution was A Resolution on Democratic Accountability. There was nothing mischievous about bringing forward an amendment purporting to respect the decision of the Irish people. The MEP who voted not to respect that decision was Proinsias De Rossa. I have called repeatedly on the Labour Party to disown that action. In the interests of democracy, it should do so and forget this talk about telling the Irish people to vote again if they vote "No".

Mr. Jimmy Gollogly

The European Parliament does not undertake to respect the results of the referendum.

Mr. Kieran Allen

Yes, it voted down the amendment moved by Ms Mary Lou McDonald.

Deputy Thomas Byrne

This has nothing to do with the European Parliament. It pertains to the Irish people and what they decide in the referendum.

Chairman

We must move on. I call Deputy Costello; we will then come back to Deputy Byrne.

Deputy Joe Costello

On this point, approximately 80% of the Members of the European Parliament voted against the amendment. They did so because it was completely out of order. The European Parliament has no role in respect of what Ireland does in the referendum. It has no remit in
this regard and that is the reason it voted in this fashion. It is not opposed to Ireland or the holding of a referendum here. It is not making a decision with respect to what would happen were Ireland to reject the treaty. It was a completely mischievous amendment; consequently, the European Parliament, by a margin of 80%, rejected it, which shows exactly what its Members thought of it. Proinsias De Rossa voted against it in the same way as 80% of the other Members of the Parliament from all parties.

Mr. Jimmy Gollogly

It sounded like plain English to me.

Chairman

It could be stated it was an attempt at a veto, were one country to reject it. However, everyone knows that if a single country rejects the treaty, it will not proceed as intended. It does not require an explanation.

Mr. John Carolan

The Chairman has stated all the countries are trading among themselves and that the European Union is very strong. However, the value of the euro is too high and Ireland is in a difficult position. What can we do about this?

Chairman

We cannot do anything it. We must wait for the other currencies to regain their composure, for want of a better description. If one's currency falls in value relative to others, it is good for exporters but poses difficulties for importers. Ireland attempted to retain its currency at a high value during the years by tying it to the United Kingdom's currency, the pound sterling, and everyone thought that was a great idea. The problem was that the value of Ireland's currency rose and fell with the British currency. There are swings and balances. Those who
are engaged in a manufacturing industry and import raw materials for re-export are doing well and matters are balancing out reasonably. However, those who are manufacturing locally and export everything are at a slight disadvantage. Nevertheless, there are swings and balances. Ireland is in the happy position of being tied to the euro, a highly stable currency. The European countries in the eurozone do not appear to be affected to the same extent as other countries. One should remember that were we obliged to buy oil on the basis of a reduced value currency, we would be paying far in excess of what we pay and would have a balance of payments problem. Dr. Gavin Barrett wished to make a point in this regard, after which we will move on to the next question.

**Dr. Gavin Barrett**

On vehicle registration tax, I acknowledge Mr. Gollogly's pain in the sense that I lived in France for a while, experienced some of the rules and regulations in place there with regard to such matters and found them to be similarly painful. However, the problem in respect of this issue is we cannot have it both ways. Deputy Kirk also made this point. We cannot assert that we want to retain taxation as a matter on which we have a veto, as we do under Article 113 of the post-Lisbon consolidated treaties, and at the same time assert that we want the European Union to impose a general tax in this regard. We must move in one direction or another. For better or worse, Ireland is strongly of the view that Article 113 should be maintained in place with a unanimous vote. Consequently, if one wishes to blame anyone, one should blame Ireland because we are maintaining this position. There are advantages and disadvantages to so doing.

As for the point on losing a commissioner, one aspect of the debate on the Treaty of Lisbon that I find extraordinary is that people appear to be unaware that under the existing treaties, there will not be a permanent commissioner for each member state after 2009. This will take place under the existing treaties, not under the Lisbon treaty. Regardless of whether the Lisbon treaty is approved, there no longer will be a permanent commissioner for member states after 2009. Consequently, voting "No" to the Lisbon treaty will not bring about a position in which there will be one commissioner per member state.
Chairman

I wish to make one point in this regard. I was a strong advocate of the retention of a commissioner for each member state. Five or seven years ago, when previously a member and Chairman of this joint committee, I fought for its retention on the same basis, whereby two Senators represented each state in the United States. I have changed my mind and the reason for so doing is I believe the new system is fairer to smaller countries. It will prove to be so because it will prevent individual countries from recognising members of the Commission as being their commissioner. We have seen both recognition and criticism of this phenomenon when, for instance, Commissioner Mandelson went off on a tangent that was not necessarily perceived to be completely in the interests of smaller countries. The new position will be that one commissioner will be in situ, with one gone ahead and another coming up behind. It will not be and should never have been the case that a country can assume a commissioner will do its bidding. It will no longer be possible to do so. The new system will be much fairer and beneficial to smaller countries. I will come back to Mr. Gollogly, as necessary.

We will hear from the next two members of the public. They should supply their names, indicate membership of organisations, if any, and other relevant details.

Councillor Eamonn O’Boyle

I am an elected member for Fine Gael on Dundalk Town Council. I send apologies on behalf of my colleague, the chairman of Dundalk Town Council, Mr. Jim D'Arcy, who has another engagement and cannot be present. Councillor Mark Dearey is in a similar position.

My questions are interrelated and have been partly answered. We have largely benefited from membership of the European Union and during the 35 years of our membership, Ireland has blossomed and gained a great deal. I refer to the Celtic tiger. However, I still have a number of concerns about which I wish to ask some questions. During the years a series of treaties, amendments or constitutions have been foisted on us and we have been given the privilege on voting on them. My first concern is that were we to vote for
the Lisbon treaty, we would surrender that right and would not have such an opportunity again. The general belief is other countries are looking to Ireland to give the lead because to my knowledge it is the only country that can exercise this veto to protect the interests of smaller nations. This is of major concern.

I suspect there has been a form of creeping paralysis, in that we have experienced a significant deterioration in our representation and voice. While the points made by the Chairman indicate the opposite, we will be losing a commissioner. Although Dr. Barrett has noted that this right has been surrendered, we now will lose it for five years out of 15 and only will have a commissioner for ten years out of 15. The Chairman suggested this was a fairer system. What is to prevent the European Union, at a future date, from introducing a further treaty proposing its further reduction? Moreover, we are reducing our parliamentary membership. While Ireland has 13 elected representatives, this will be reduced to 12, which constitutes a further whittling away of our sovereignty.

The Chairman mentioned Mr. Peter Mandelson as an example in respect of agriculture. I am concerned that he will have his way and the European Union appears to be impotent to prevent him from following his present course, which favours the bigger countries that want cheap food. Britain always has sought cheap food and we were held back as a nation because of British aspirations to keep down food prices. The farming community and the IFA, in particular, have been vocal on this issue. Moreover, last Sunday's edition of the Sunday Independent graphically displayed how this would affect jobs and so on.

The introduction of water charges in schools was a typical example of another concern. However, it came about, schools were asked to pay for water. In one sense, it is like robbing Peter to pay Paul. Kids having to pay for water to flush the toilet is a tragedy that should never have been allowed to happen. Where was the Government or did it not have any power to stop it?

The committee spoke about the increased flow of information from the European Union. We see a rowing back by the Government in respect of freedom of information. There was a report on the news this evening about the charges applied in seeking basic information on entitlements and rights and what was happening in various sectors. My question is whether,
as a small nation, we are rowing back in seeking real freedom. Are we being told that we are the small boy and that we must keep quiet and do what we are told? That is my concern.

The Constitution, particularly our legal framework, will probably be diminished by European law. Dr. Barrett is more of an expert on this area but our legal system which protects the smaller person might be nullified or certainly will be seriously diminished by European legislation having greater effect.

On privatisation, we see creeping paralysis, whereby we are encouraging privatisation in the health sector. It seems local government is doing the same. It will also manifest itself in education and probably manifest itself through the curtailment of trade unions in public services under national agreements.

While we can gain a lot under the Lisbon treaty, I am concerned about what we will lose. It is a case of swings and roundabouts. The roundabouts are hidden. I cite as an example the fact that we did not receive detailed information on the treaty. Why can we not gain ready access to it and why it is written in such incomprehensible language? These are worrying signs. If one was being up-front and straightforward, why was it not made easier to read? I do not mean to be critical of this meeting but there is a lack of representation. This is because people were not fully informed or the meeting was not publicised adequately.

Chairman

Councillor O’Boyle covered many questions. Members will have an opportunity to go through the entire spectrum. In respect of the simplicity of the language used, some serious businesspeople have indicated that they cannot understand it.

Councillor Eamonn O’Boyle

In addition, our taxation system has benefited from inward investment for many years. If the European Union has its way, that will be rendered--
Chairman

We will deal with that issue also. It is difficult to achieve simplicity because it is a treaty. It constitutes an agreement between two or more people, or, in this case, 27 member states. Within it, there needs to be reflected the views, aspirations, concerns, objections, worries and fears of each individual member state. That is what has been done. For example, the Good Friday Agreement encompasses provisions that are objectionable to many. However, it is an agreement and 97% of the people on this part of the island voted in favour of it, with 79% or 80% of the people living in Northern Ireland. In any treaty of that nature one will find a disparity of views that must be encompassed within it. That is not say anyone will seek to exclude the others but it does recognise the need to have regard for those views.

Mr. Seán Lynch

I am just a citizen who is representing myself. I wish to make two points. When the debate started a few months ago, I sought documentation from the EU bodies in Dublin. It took me four or five telephone calls over a period four weeks to obtain it. When it arrived, it was so thick I could not get it through the letter-box. There were 500 pages, most of which I went through. There is a lot of drivel. Having said that, I have been looking at this EU stuff on a daily basis since 1973. I attended a meeting in Dundalk in 1972 when the chamber of commerce organised a series of weekly lectures for the public on the European Union. I did not miss a single one. I must be honest with the committee; I never thought about the EEC after what I had heard and given what has happened since.

It is a fact that the members of the European Commission - the people who make legislation - are not elected. They are appointed by governments. To me, the fact that they are not elected indicates a lack of democracy. Where there is no democracy, things can become very dangerous. Ireland will not have a veto for five out of 15 years. That is my understanding. It is a little long to be left out in the cold for five years when big countries can get together and gang up in respect of an issue on which we want to have a veto. It is great to have a veto.
because we can say no to something. I am convinced that there is such voting and such voting pacts are arranged. We will lose our veto, which is the best part for much of the time. That is when matters may go against us.

We have the Constitution which was introduced by Éamon de Valera in 1937. He was a great man for the simple reason that the Constitution was carried by the people. However, the Constitution has been whittled away by stealth in recent years by the European Union. If I knew I would be in this position tonight, I would have brought a copy of the Constitution with me. There are certain sections that were inserted by various referenda. Measures and Acts were introduced in order that EU law would be regarded as national law, over which it would take precedence. Many such measures were introduced. If someone can produce a copy of the Constitution, I will read the relevant sections. The Constitution is being whittled away by all these treaties and will be finished off by the Lisbon treaty.

When I read the document, I noticed that it kept referring the reader from one part to the next. It is an amending treaty, sections of which state provisions will be subject to legislation to be made down the line. This legislation will not be introduced before 12 June this year. It will be introduced afterwards. I do not know what form it will take but I would like to see it. That is why this is a self-amending treaty.

My dealings with the European Union during the past 25 years have been undemocratic. During this period I suffered a serious loss by being excluded under an EU directive under which I should have been included in 1985. I think I recognise Senator Leyden. I refer to EC Directive 85/384/EEC, known as the architects' directive. Some 25 years later I am now being included when my working life is coming to an end. I have lost serious money, opportunities and prestige, while my good name has been taken away by both the Government and the European Union.

Chairman

By virtue of the EU adopting a particular branch of the architectural profession.
Mr. Seán Lynch

Correct. Since 1922 until today, the State had no legislation governing the profession of architecture. I am a qualified architect. While the directive was being concocted in the 1970s and 1980s, Ireland and Holland had no legislation unlike every other country. There was one influential professional body here with a Minister who was a director. That Minister looked after his own members and the members of the smaller professional bodies could go to hell. I could fill this room with the letters I have sent to Deputies, MEPs, the EU, the Government and the Competition Authority. The files are unreal. I was pushed around but the penny dropped one day. This will come back to something that was said earlier about the new legislation that will give us three to five months. Because there was no legislation, one professional body was picked.

Chairman

For recognition.

Mr. Seán Lynch

Yes, and the three other bodies, despite being fully entitled, were deliberately excluded until the penny dropped ten years or 15 years ago and someone decided to include them. I am now being told that my qualifications are equivalent to those listed in the directive.

Chairman

It is a fair point.

Mr. Seán Lynch
Why was it not done 25 years ago when I raised this matter with Deputies and MEPs? I travelled to the Dáil and so on. The letters I wrote cost my pocket.

Chairman

I received correspondence from Mr. Lynch.

Mr. Seán Lynch

I have studied the directives. Before I retired, I was a civil servant and dealt with thousands of EEC directives of 30 to 40 pages apiece. They are direct legislation that we are given perhaps two years to implement. If the legislation is not introduced by statutory instrument through the European Communities Act, it becomes international law automatically. This cannot be democracy.

Chairman

I thank Mr. Lynch.

Mr. Seán Lynch

I have one or two further points.

Chairman

We will revert to Mr. Lynch, as I want to have the first part responded to. A long list a questions has been asked. Mr. Lynch should maintain his position. Fianna Fáil wants to speak first.
Senator Terry Leyden

I will revert to Mr. Lynch shortly. I know to what he refers because I was involved in the question of the registration of architects. I was also a Minister involved in the Single European Act, but I did not do much at the time. The issue was kicked to touch for a long time.

Our responsibility on 12 June will be considerable. I am disappointed with the turn-out in a city the size of Dundalk. People may be bored by the subject and have heard enough. To be honest, I am tired of it and I will be glad when 12 June has gone, hopefully with a "Yes" vote. Leaving aside a number of eminent people for and against the treaty, our country of 4.2 million people has a significant decision to make on 12 June. The people and not the Government will make the decision and each vote will be equal. Irrespective of which political parties are for or against the treaty, each voter must decide what is in his or her best interests and the interests of his or her family, country, region and future. Would it have been better for us to have remained outside the complex issues of the EU, which has benefited Ireland more than any other member state?

Speaking as a former Minister with responsibility for trade and marketing and as a negotiator on the Single European Act, I had the best team of civil servants when I went to Brussels. For this reason, I have great confidence. The Lisbon reform treaty is a complex document, but it is available in libraries and I do not know whether the cost of sending one to every house would be justified. Perhaps it should be sent, but I have not read every line of the copy before me. I read it and respond as issues arise, including to Councillor O'Boyle's question. Issues concerning our independence and neutrality, abortion and corporation tax do not arise. Our veto on taxation levels will be retained.

With respect to the IFA, would it be better for us to be outside the WTO talks and looking in or inside and looking out? After 12 June, what influence will we have if we do not vote...
"Yes" and how will we tell Commissioner Mandelson our opinions? We would give away our powers by voting "No".

Councillor O'Boyle asked a number of good questions, but I will only address one because there are many committee members who can deal with the others. Article 48 addresses the matter of future amendments to the treaty. No one is hiding behind the treaty. In respect of future changes to the constitution of the EU, the article states: "The amendments shall enter into force after being ratified by all Member States in accordance with their respective constitutional requirements." This is the most important part of the article. Furthermore, section 5 states: "If, two years after the signature of a treaty amending the Treaties, four fifths of the Member States have ratified it and one or more Member States have encountered difficulties in proceeding with ratification, the matter shall be referred to the European Council." I know no one who is satisfied with every line.

**Councillor Eamonn O'Boyle**

I stated that I accepted that.

**Senator Terry Leyden**

Mr. John Bruton, Deputy Pat Carey, Deputy Roche, and others represented us at the negotiations regardless of this treaty. The Commission did not write this document. Rather, it was decided by representatives of member states.

Councillor O'Boyle referred to charges on freedom of information requests and school water charges. Getting to the bottom of the latter issue is difficult. It is a form of cross-subsidisation because the taxpayer must pay the charges through the Department of Education and Science, which will pay the local authorities. Water is such a valuable resource that it is difficult to believe it is still free. It is more expensive than diesel or petrol if bought in a bottle in a shop.
Mr. Lynch referred to a specific issue in which I was involved. The directive was kicked to touch by different Departments. Whether Mr. Lynch is satisfied with the outcome, the last Minister to deal with it was the Minister of State, Deputy Roche. I became a member of the Royal Institute of Architects of Ireland, RIAI, the name we dare not mention, while I was practising. As members of the Irish Architects Society, we were tied to the RIAI. Mr. Lynch's background information is correct. I decided to throw my lot in with the RIAI, which was given preference over other organisations.

Mr. Seán Lynch

The Competition Authority was asked to adjudicate on the architectural profession. It recommended that, instead of the RIAI being a self-policing body - police cannot investigate the police - an architects' council of Ireland should be set up independently from which the professional bodies could take direction. However, a council was not established and the RIAI won the day, supported by the EU.

Chairman

We may revert to Mr. Lynch.

Senator Terry Leyden

It is a fair point. I am aware of Mr. Lynch's grievance in that respect. One was first placed on an official departmental list. It is a complex issue. I apologise for delaying the Chairman, but I wanted to respond to Councillor O'Boyle as satisfactorily as possible.

I appreciate Mr. Seán Lynch's point and I sympathise with his position. What he said is correct. I cannot disagree with anything he said as far as the architectural issue is concerned.

Mr. Seán Lynch
May I--

Chairman

We will return to this. Two or three other speakers are offering and I want to accommodate everyone. I will return to Mr. Lynch. We are not going away yet.

Dr. Gavin Barrett

I will deal with some of the questions Councillor Eamonn O'Boyle raised. There is the issue of a decline in our voice in Europe and Councillor O'Boyle mentioned our loss for a period of a commissioner. It is important to recall the roles of the various institutions. If one is not dealing with this area all the time, it might appear a little complicated. The role of the Commission is not to represent individual member states. This comes back to what the Chairman said earlier. The member states are represented at the Council of Ministers. In the case of a transport issue, we are represented by the Minister for Transport or in the case of an agricultural matter, we are represented by the Minister for Agriculture, Fisheries and Food. The function of a commissioner is not to represent us. I appreciate the point made about a decline in our voice in that regard, but that is not the role of a commissioner. I have said on a number of occasions in different places that this is not an issue on which the debate on the Lisbon treaty should focus, as much as it has, because even under the existing treaties every member state will not have a permanent commissioner. I am a little at a loss as to why the debate has focused so much on that particular issue.

On the other hand, Councillor O'Boyle spoke generally about a reduction in our voice in Europe, and it is true that when the treaty of Lisbon comes into force, there will be some adjustment. There will be a new system of voting at the Council of Ministers as regards qualified majority voting, the double voting mechanism in terms of 55% of the votes of member states and 65% of population. It is true that will involve something of a loss in the weight of our vote. Whether that will make any difference is another question entirely. As we are such a small country, our vote has always been quite small. It began with being three
out of 87 votes. Ireland has never been in the position of tipping votes at European Union level. The wisest words I heard said about this were by the Taoiseach, Deputy Bertie Ahern, when he spoke about the Nice treaty or perhaps it was the constitutional treaty, a number of years ago. I recall he said the issue was not about votes because if it was, there would be no point in our turning up. He was right in what he said.

Having regard to the number of decisions taken by the Council of Ministers, they hardly ever call a vote. The reason is that member states do not like out-voting each other at the Council of Ministers because they know that if they out-vote another member state today, they will be out-voted tomorrow. Therefore, the way decisions are taken by the Council of Ministers is by consensus. They try desperately hard to get everyone on board in respect of matters before they take a vote to them. That is why the most important point about the Council of Ministers is that we are sitting at the table. That is the main point.

As a result of the requirement of 55% of the votes of member states, in respect of which we have one vote, no law can be adopted unless it receives 55% of votes at the Council table. We have one vote out of 27 there and we have only approximately 1% of the population of the European Union. Therefore, the weight of our vote is much greater in that respect. We will still have that voting power following a decision of the Lisbon treaty, which is an important point to remember.

Regarding the point raised about Commissioner Peter Mandelson, about whom everyone is talking, he cannot agree a trade deal by himself. Such a deal must be approved by the Council of Ministers and that will also be done by consensus. The Minister, Deputy Cullen, whom I saw on a television programme recently, is the relevant Minister who deals with Commissioner Peter Mandelson on some matters. The Minister, Deputy Cullen, said on that television programme that he did not recognise the debate on this matter. He said that Commissioner Mandelson comes in, discusses the matter on which consensus is reached and then goes off. That is the way the system works.

**Councillor Eamonn O’Boyle**
I wish to comment on that particular point but I do not want to delay proceedings.

**Chairman**

I want to go down through each question and I will then return to Councillor O'Boyle.

**Dr. Gavin Barrett**

With regard to the imposition of water charges on schools, EU law does not require us to impose water charges to enable children to flush toilets. That matter was covered in the newspapers. Such a proposal is wrong. It needs to be filed under a proposal by the European Union that all bananas should be straight. That suggestion is not the case. There is plenty of scope for Ireland in that regard. It relates to the implementation of EU law but not with what EU law requires. The EU frequently gets the blame for mistakes that are made at national level and that are our fault.

Councillor O'Boyle mentioned the issue of freedom of information. The European Union has been a leader in promoting the freedom of information. I work in this area trying to find out how laws are decided and what is decided. One could check the position of European Union law on the Internet for recent years. We are catching up with it now, but it has been a long struggle.

On the issue that our Constitution will be sidelined under this treaty, it will not be. National law issues are governed by the Irish Constitution while European law issues are governed by European law. That has been the case since we joined the Union. The doctrine of supremacy, in other words that European Community law is supreme, has been in place from the beginning. We must have a rule such as that. Otherwise one provision of the European Union law would be trumped by the German constitution and another provision would be trumped by the French constitution and pretty soon we would have no European Union. Therefore, a doctrine of supremacy is required. There is no way around that. The idea that this treaty will sideline the Irish Constitution is simply not the case.
The incomprehensibility of the treaty of Lisbon is frequently mentioned. I edited a book on a consolidated version of some Irish labour law a while ago and that exercise thought me that every piece of amending legislation is incomprehensible unless one has such amending legislation and the original legislation side by side. I was dealing with the Unfair Dismissals Act 1993 or 2003 and if one tries to read it without looking at the Unfair Dismissals 1977, it will be, to borrow the phrase, gibberish. One will not be able to read it. The way one reads a document such as that is to read it in its consolidated version. The same applies to the treaty of Lisbon. If one reads the consolidated treaties as amended by the treaty of Lisbon, they are not gibberish. They are not difficult to read but they are long, extending to some 700 pages, but that is because they cover many issues. They are not gibberish and are quite readable. I promise the audience that. If they try to do that, they will realise that is the case.

Mr. Kieran Allen

I will deal first with the issue of the complexity of the treaty. The issue is not one of complexity. Eamon de Valera was able to draft a constitution in the 1930s that was simple, readable and on which the people could vote. In this case we have a constitution which takes an unusual form, that of amendments to two major treaties, protocols are then added and there are also declarations. It is difficult, but I argue this is done as a deliberate strategy essentially to push through changes in Europe without a major public debate on them.

I will refer to two individuals who played a key role in developing this strategy. Following the defeat of the EU constitution in France, the Amato Group, comprising 16 wise men, as they were known, was set up to draft a strategy on what to do about the rejection. One of them, Mr. Jean de Haan, a former Prime Minister of Belgium, told Le Soir newspaper that it was dangerous talk to want too much transparency and clarity. They drew the lesson that there was too much transparency and clarity in the French constitution. Mr. Amato, a former Prime Minister of Italy, according to an article in The Economist said that he had no problem with complexity but he has a problem with lack of transparency. In that article Mr.
Amato said the reason for pushing this lack of transparency was for British political purposes. A referendum had been promised in Britain at the time. In that article, Mr. Amato said, “Look you see, it’s absolutely unreadable, it’s the typical Brussels treaty, nothing new, no need for a referendum”. This was to allow a British Prime Minister to do that and, therefore, circumvent the holding of a referendum. The issue is not one of complexity but one of a deliberate strategy to construct a constitution in a most unusual fashion to avoid transparency and public debate.

Let us deal with the issue of Peter Mandelson. I have a different position on this from probably most people on the panel. I am not necessarily for the traditional Irish position of providing subsidies to create dearer food. The world faces a major problem regarding food. The UN has announced that there are food riots in the Philippines at present. There is a major problem concerning food. I am not for the neo-liberal solution of leaving matters to the market. I am probably for some solution where some subsidies should be in place to guarantee food security and probably cheaper food, but that is a different argument. I will quote from Article 188c(4) of the Lisbon treaty. It states: "For the negotiation and conclusion of agreements, referred to in paragraph 3, the Council shall act by a qualified majority." What is referred to in paragraph 3 are agreements with one or more international countries or international organisations such as the World Trade Organisation. This means we are giving up the right to a national veto on the results of negotiations at the World Trade Organisation. It will be done by way of qualified majority voting. I have a certain view on the issue of food subsidies. I object to an elite in Europe going to the World Trade Organisation, a completely undemocratic body which imposes rules on the world's population for a globalisation agenda, and fast-tracking this through without us being able to debate it because the national veto is gone. Therefore, I do not understand Senator Terry Leyden's point that if we vote "No" to this treaty we will not be able to negotiate. If we vote "Yes" to the treaty we will hand over our veto on the issue of the World Trade Organisation. This is a fundamental point.
My major concern is with regard to privatisation. I agree with the point made on what is happening to our public services. I believe this will also be used to push forward more privatisation of public services.

I disagree with my UCD colleague on the water framework directive. The issue of water charges comes from the political philosophy that the way to deal with scarcity is to ration according to money and to put charges on items. Other ways exist to deal with scarcity. We could have laws limiting the use of water, we could reorganise how we supply water to toilets and drinking water or we could invest in the piping system. Other solutions exist as well as the neoliberal solution to scarcity, which is charging.

The EU has a neoliberal approach. It produced the water framework directive, which is why we have charges, and its agenda is to make all of us pay for water. Fortunately, the good people of Ireland rebelled during the water charges campaign. People refused to pay the water charges despite the advice of most people on this panel. They elected Joe Higgins and the Government sought a derogation on water charges for domestic users. In recent years, they are narrowing the definition of domestic to exclude not only businesses but also sports clubs and creches. This is preparing the way for water charges. Why can this not be debated by the Irish people? Why must we be told it is a directive from Europe and that we will have no debate and we must have water charges?

How many people know about the biofuels directive? From a certain period, 10% of all transport fuels across Europe must come from biofuels. Have we debated this here? Have we taken part in this debate? The EU decided this and then we found out. It is leading to dearer food and more problems for the climate. This is what is happening. The EU is fundamentally undemocratic because it sucks away political discourse and debate within Ireland, stating it is a necessity and we must go along with it.

Chairman
I shall come back to Mr. Lynch later as I wish to allow other speakers to contribute. However, I wish to deal with a couple of outstanding issues now.

With regard to the arrangement on biofuels, I was the first politician in Europe to introduce a policy on the development of biofuels, when I was spokesperson in this area. I did not wait for the European Union to come forward. I pointed this out on several occasions. The inspiration did not come from Brussels. We developed it ourselves because we believe it is the right thing to do so as not to leave us and Europe vulnerable with regard to the need to meet our future fuel requirements and combat carbon emissions.

With regard to Mr. Lynch's point on our veto being gone, it is not gone. The ultimate veto still remains and we can walk away. If we want to be that way there is nothing to stop us but I do not think we should do so. We must always remember that we are a member state. We cannot tell everybody else what to do and they cannot tell us what to do. We must recognise that whatever we do is in unison to the greatest extent possible and, if it comes to it we will go the way of qualified majority voting to achieve agreement.

With regard to the argument that the Irish Constitution is being whittled away, this referendum is a discussion with the Irish people to ask them to give their approval to accommodating this treaty under the terms of our Constitution and to approve the treaty having regard to our Constitution. It is as simple as this. The Constitution operates in various ways. The Government produces a Bill, as it has done in this case. The Bill is sent to the President and if the President does not agree with it she can refer it to the Supreme Court for a decision as to whether a proposal violates the Constitution. We are well and truly covered in all of these areas. It is up to ourselves and we have control over this. Nobody tells us what to do.

Everyone in this room pays indirectly for water whether we like it or not. Water does not come through the pipes for free. The local authority must pay for it. The argument as to whether there should be direct payments is the same argument we have with regard to
motorway tolls. I would like to see toll-free roads but I would prefer to have the road than have no road. However, this is another argument.

Mr. Seán Lynch

May I may two points?

Chairman

Yes. Mr. Lynch may make two brief points.

Mr. Seán Lynch

This is an important point with regard to future directives and laws. Since we joined the EEC, thousands of directives have come down, some of them ten or 20 pages long. All of them affect us. None of these directives went through Dáil Éireann.

Chairman

They do now.

Mr. Seán Lynch

They were rubber stamped under the European Communities Act.

Chairman

No.

Mr. Seán Lynch

This is what happened. It is what happened to the EU directive on architects.
Chairman

It did not. I want to engage with Mr. Lynch on this point. I was a member of this committee at the time of the directive on architects and, as Mr. Lynch knows, the committee debated it at great length. A debate took place between the two bodies up for approval in this area. Perhaps it is true the decision Mr. Lynch wanted, or that perhaps I wanted, did not issue from it, but the debate took place.

Mr. Seán Lynch

I did not--

Chairman

At present, we have a reinforced situation whereby the two committees which govern European affairs in the Oireachtas, the Joint Committee on European Scrutiny and this committee, in their turn have the right to debate, question and qualify every directive which comes from Brussels and to question the Minister or Minister of State before he or she goes to Brussels and after he or she returns. These are new measures which did not exist previously.

Mr. Seán Lynch

No, the point I am trying to make is that for any future directives, which will be called "laws", the Government will have eight weeks to examine the draft and decide whether to accept or reject it. Eight weeks is not a long time to deal with hundreds of directives which may be 20, 30 or 40 pages long. This does not give me a chance to examine a directive which would be relevant to me.

Chairman
It does now.

Mr. Seán Lynch

It will be a massive and cumbersome exercise that cannot be done in eight weeks. This is what is laid down.

Chairman

This provision is a change of which people are not aware.

Mr. Seán Lynch

Eight weeks is not long enough for the thousands of directive coming down the line. Thousands have already passed. What I am stating--

Chairman

I know what Mr. Lynch is stating.

Mr. Seán Lynch

I will not have an input into a directive because the eight weeks will be gone.

Chairman

Mr. Lynch can if he wants to.

Mr. Seán Lynch

I have a great deal to state but my final point is--
Chairman

I want to allow Senator Déirdre de Búrca to contribute.

Mr. Seán Lynch

We have two acres of bog which, God knows, we depended on for 30 years to supply turf. Approximately half of the bog remains. Under EU legislation I am not allowed cut turf in my bog. We are told we are running out of fuel, I do not know whether it is lies or truth, and fuel prices are increasing. We may have to return to the bog to cut the turf to provide fuel. This is one EU directive of thousands.

Chairman

Well done; point taken.

Mr. Seán Lynch

I do not see the European Union as a democratic organisation. I thank the Chairman for his time.

Chairman

I should have dealt with that point earlier.

Senator Déirdre de Burca
I wish to refer to a number of points raised by Mr. Allen, one of which concerned water charges. One of the reasons the Green Party is so positive about the European Union is that its actions in the environmental area have been very progressive. Most of our positive environmental legislation has come from European directives. The European Union has obliged us to look after our water supplies. Last year in Galway we saw the consequences of a failure to protect our water sources. People in Galway were on notice to boil water because it was undrinkable. We cannot take water quality for granted anymore. It is becoming more and more expensive to provide clean drinking water and we will have to pay for this. The European Union is obliging us to put in place the water treatment plants that we should have had long ago. These plants will be necessary to ensure we can provide a clean drinking water supply for the population. That will cost money because such treatment plants are very expensive. We will have to examine the option of getting the money from general income tax revenue or water charges. That is something we, as a people, will have to examine and make a decision on.

It is unfair to say the European Union is responsible for children in schools paying water charges to flush toilets. We must ask why the water we are using in toilets in schools is treated to drinking water standard. There are much simpler mechanisms for providing water for schools for flushing toilets, namely, rainwater harvesting equipment. Simply, rainwater is collected and used for flushing toilets. There are ways around this issue but it is not fair to accuse the European Union of being responsible for our schools having to pay water charges.

On the issue of making the treaty more accessible, legal documents are always difficult to read. Each previous treaty was difficult to read and this one is not any more complex. A treaty which deals with representing the interests of 27 member states in legal language is going to be hard to understand. However, the Lisbon treaty is no more difficult than say, the Nice treaty. A free booklet that simplifies the contents of the treaty is available from the Forum on Europe. I encourage people to obtain a copy as it provides a concise overview of the treaty's contents. There is also a White Paper on the treaty which is available from the Department of Foreign Affairs. The Department will post a copy of the document to anyone...
who requests it. Another useful document which, unfortunately, is not free is the consolidated version of the treaty. The treaty is a series of amendments and the consolidated version includes all of the previous treaties and the amendments made to same. It is readable, although it is a long document. It is available from the Institute for European Affairs. A hard copy costs €25 but it can be downloaded for free from the institute's website. It is well worth buying if one wants to find out how the earlier treaties will read if the Lisbon treaty is passed.

Chairman

I will return to a number of points raised once we have heard from the next two speakers.

Deputy Joe Costello

I shall refer to the issue raised by Councillor O'Boyle which has not been addressed by anybody. He expressed concern about the privatisation of essential public services such as health and education services. I assure him that there is no proposal, clause or measure in the treaty that will have the slightest impact on the privatisation of any such service. I will clarify the matter by reading a section of Protocol 9. It states: "The provisions of the Treaties do not affect in any way the competence of Member States to provide, commission and organise non-economic services of general interest". That means that health and education services will not be affected in any way.

The treaty also deals with economic services of general interest. Again, I will read the relevant section in order that it will be clear that such services will not be privatised either. The treaty refers to "The essential role and the wide discretion of national, regional and local authorities in providing, commissioning and organising services of general economic interest, as closely as possible to the needs of the users". Services of general economic interest include what we know as semi-State services such as the ESB, Iarnród Éireann, Dublin Bus and so forth. According to the protocol, such services must be provided as closely as possible to the needs of users at local and regional level. Clearly, this is the role of
the member states. If there is any concern about the European Union interfering in this area, there is a further provision in the treaty which provides for the first time a legal basis for a framework directive to defend public services.

The Labour Party and the Party of European Socialists have drawn up a regulation which we will put to the European Commission if the treaty is passed. It will then go before the European Council, the European Parliament and our national parliament. This regulation will ensure we will lay down strict guidelines for public services which cannot be privatised by the European Union. It cannot privatise non-economic services. Only the member state concerned can do so. If the Government defends public services, there will be no problem. If there is a threat to public services, it comes from within, from the national Government, not from the European Union.

On the other side of the coin, there are related directives related and one may well ask what control do we have over them. Directives must go through the normal legislative process and we can deal with them as they come along. One problem is presented by the Government preventing the directive on agency workers being implemented. That is exercising the trade union movement to an enormous degree because agency workers are not receiving the equal treatment they deserve and to which the directive states they are entitled.

It is very important to examine what is happening in the European Union in its proper context. One must go a step further and examine the values enshrined in the treaty. That is something to which we have not paid enough attention. Articles 1, 2 and 3 refer to the values of the European Union. They restate and enhance the values of the Union which include freedom, democracy, equality, workers rights and so forth. The treaty also restates the relationship between the European Union and the rest of the world, which is based on the same democratic values.

The Charter of Fundamental Rights is geared towards the rights of the citizen and for the first time will have a legal basis. There is another legally binding social clause which
ensures all legislation coming from the European Union will be socially proofed in terms of its impact on employment, social exclusion and communities. The treaty is very compassionate, which is why the Labour Party's view of it is totally different from that of Mr. Allen. We believe this is the first of the EU treaties that has moved substantially towards ensuring the market becomes a social market and it is the concerns of the citizen that are of utmost importance. We are 100% in favour of the treaty, the best of all the treaties produced so far.

**Chairman**

It has been suggested that if all politicians of the main parties in Leinster House are in favour of something, there must be a conspiracy. However, there is another side to that argument. Do people really think that I, as a member of Fine Gael, Deputy Costello, as a member of the Labour Party, and Senator de Búrca, as a member of the Green Party - a member of the Government, admittedly - would be assisting the Government to achieve the result sought in this instance, unless we considered there was a genuine reason to do so? ICTU, IBEC and the employers, with one or two exceptions, have stated that despite some warts, the treaty is better for us.

Mr. Seán Lynch stated that the European Commission is not elected, but provision has now been made for the European Parliament to elect a representative. That represents a genuine attempt to democratise that part of the European institutions.

**Dr. Gavin Barrett**

In addition, the President of the European Commission will be directly elected by the European Parliament when the Lisbon treaty comes into force, as will the Commission as a whole. Is there time to respond to other questions?

**Chairman**
We will return to them. The speakers to my right and left will also have an opportunity to respond later.

Provision will be made for petitions where a million signatures are collected. This number was selected in the context of the EU’s total population of 500 million in order to prevent abuse of the process by allowing petitions on trivial issues.

I become somewhat uneasy when people mention the Charter of Fundamental Rights because I was a member of the convention which drafted it. Every part of the document was debated at great length.

If the Lisbon treaty is passed, 32 Oireachtas Members will have the opportunity to vet all directives, meetings between Ministers and decisions taken at EU level. They will be supported by a staff of eight. Several years ago when I was previously Chair of this committee, I had to personally hand write a report but, thankfully, that has changed. The question of measures being rushed through without discussion no longer arises because the Parliament, as represented by its committees, has sufficient resources to monitor them adequately.

Mr. RuairiÓ Murchú

I am from Sinn Féin.

Chairman

You are very welcome.

Mr. RuairiÓ Murchú
Deputy Arthur Morgan offers his apologies for not attending. He had a prior engagement at the May Day workers march in Dublin.

Nobody is advocating that we walk away from the EU. Article 48 would remove the automatic right to a referendum on future changes, which is a necessary weapon in the armoury of the State. Particularly in areas where states do not like to outvote each other, it is important that decisions are made by the people.

I was led to believe that the Irish Government's position prior to the negotiations on the EU constitution was to oppose the loss of a Commissioner for five out of 15 years. That position has clearly changed, as perhaps has its importance. I want clarity on the prospect of every state losing a guaranteed Commissioner in 2009, despite Lisbon. The reality is that state issues arrive at the Commission through national Commissioners. I am aware of the argument that every state will be without a Commissioner for five out of 15 years but we will also lose 50% of our voting rights, whereas larger states will be compensated with increased voting strength based on their populations.

What is wrong with renegotiation? I do not concur with Dr. Barrett's simplistic assessment of the impact of a "No" vote. Why should we not seek opt-out clauses on the European Defence Agency and EURATOM, which do not serve the interests of this State?

Does the Charter of Fundamental Rights contain anything that is new? I understand the citizens' initiative is a damp squib, so I would like that to be addressed.

I have concerns about the following statement made last July by the President of the Commission, Mr. Barroso:

Sometimes I like to compare the EU as a creation to the organisation of empire. We have the dimension of empire.

Perhaps we also face the dangers of empire.
Mr. Tomás Sharkey

Go maith agaibh as an deis a bheith anseo. Is comhairleoir de chuid Sinn Féin mé i gComhairle Contae Lú.

Chairman

If Mr. Sharkey wishes to proceed as Gaeilge, he may do so, but we will receive the translation.

Mr. Tomás Sharkey

Ba bhrea liom but this method will be cumbersome because I studied the treaty as Gaeilge over the past four days. I will revert to the second language of the State.

I am a county councillor for Sinn Féin and a member of the regional health forum in the north east. I noted the suggestion that the attendance at tonight's meeting is poor for a town of Dundalk's size. However, there are a number of reasons for that. The people of Dundalk have already witnessed similar meetings, such as the one organised last week by Q4 Public Relations on behalf of the EU Commission's office in Ireland. That was somewhat of a whitewash given the efforts made to put three "Yes" speakers on a platform and to herd people in under the pretence that an open and fair debate would be held on this important issue. Two weeks ago, I spoke with a group of ladies about the treaty. The first question from the floor was whether the Minister for Foreign Affairs, Deputy Dermot Ahern, had anything to do with the treaty because his Government is trying to close our hospital. That is what concerns the people.

I take exception to the question asked by Senator Leyden regarding the type of voice we will have on the outside subsequent to a "No" vote. Nothing can be further from the truth. When the French people voted "No" to the constitution two years ago, their country
received unprecedented levels of foreign direct investment. The only study conducted on the European Union's efficiency since accession, which was conducted by the London School of Economics, showed that efficiency has improved. The argument that the treaty is necessary because the EU and its institutions are cumbersome does not stand up.

This morning, I sought six copies of the consolidated treaty in the Government Publications Office on Molesworth Street on behalf of constituents. I did not go to the Institute of European Affairs because I refuse to pay €25 for each copy but I was informed that the free versions will not be available until Friday, 9 May, which means I probably will not receive them in the post until 13 May, or less than one month before the referendum takes place. Given that 96% of the Lisbon treaty is the same as the proposed constitutional treaty, the negative attitude and information vacuum that exists is an indictment of the head table and representatives of the Oireachtas.

A considerable amount of misinformation has also been propagated. Three weeks ago, Fine Gael held a meeting in this building at which an EU lobbyist and former Irish civil servant, Mr. Paddy Brennan, alleged that when Ireland voted "No" to Nice, the Xerox company's operation in Dundalk was lobbied by Austria to move. By the end of the meeting, Mr. Brennan had to withdraw his allegation, apologise to the public for making it and clarify that the statement was untrue. That reveals the lack of credibility among some spokespeople. He shared a platform with Ms Mairead McGuinness, MEP, who allegedly has credibility.

I have serious concerns about the EURATOM provisions in the treaty. EURATOM promotes, develops, supports and grants aid to the nuclear industry. For more than a generation Louth County Council and Dundalk Town Council have been consistently anti-nuclear. We are victims of Sellafield. It was elucidated in the Dáil last year that Ireland would contribute €8 million per year into EURATOM and a Green Party Deputy said EURATOM puts a bomb under the Lisbon treaty. It is incredible that a treaty such as EURATOM is proposed to the people of the north east of this State. Our people are victims of the nuclear industry.
I will finish with a point on the distortion of the market and the Chairman will let me in again with supplementaries.

**Chairman**

We will come back to Mr. Sharkey.

**Mr. Tomás Sharkey**

No. Last night I had a meeting with local gardaí in my constituency in the Hackballs Cross barracks area. There is no broadband in the north Louth area. My local gardaí cannot use PULSE. They cannot check on PULSE at the start of their shifts what types of robberies are taking place in local station areas. They have to go to Dundalk town and sit in a queue to input their incidents and see what is going on in other areas around them such as Carrickmacross, Dundalk and the Louth Village areas. That is because of the break up and privatisation of our telecommunications industry which is the agenda of the EU and the Lisbon treaty. If my house is burgled tonight by three suspicious men in a red 2004 van, tomorrow morning the gardaí will not have it inputted in PULSE for the gardaí in Louth to look out for a red 2004 van with three suspicious men in it. That is the effect of the privatisation and marketisation agenda that is written all over the Lisbon treaty. That is why the rural communities and communities under threat that I represent do not like this treaty. I am here to represent my constituency.

**Chairman**

Both speakers raised a number of interesting questions. Mr. Sharkey mentioned that there has been much misinformation, which, unfortunately, there has. This is the last raft of questions and we will try to deal with them as best we can. On democracy and representation, current and proposed, while we have a reduced number of MEPs, we have a
ratio of approximately one to 360 whereas Germany has approximately one to 800. Despite the reduction in our overall numerical strength in the European Parliament, in relative terms we have not lost out. Our representation is way above that of our larger neighbours.

Why do we automatically presume the French and Dutch were correct? Not all the decisions either country made in the past were correct. Why do we not refer to the fact that Ireland is a sovereign State, unlike Scotland and Wales? We have the right not to follow the French, Germans or Dutch but to make our decision based on our Constitution in our own country. We are Members of Parliament of a sovereign State. Some 90% of the proposals here were contained and rejected by the French. I have already referred to this. That is my opinion. I am a public representative and other Members on the platform will refer to it.

The Lisbon treaty does not introduce the EURATOM Treaty. It has been there all the time. We have contributed to it for years. We have approved of it previously through previous referenda. It is not a new invention, as Deputy Costello will tell the meeting in a few minutes. I was a member of this committee way back when this issue was discussed. I am opposed to the use and development of nuclear energy here and have publicly stated that on numerous occasions. I agree with Mr. Sharkey on that. However, the two points of view contradict each other because the EURATOM Treaty was already there. We are doing nothing to it; it is continuing on. Some EU countries which already had nuclear energy, such as the UK, have been given permission to continue to do so. A few years ago some countries opposed some of the incoming member states which already had nuclear energy on the basis that it was unsafe technology. It was quickly pointed out to them that they had the same technology. That was when France raised questions on the Czech Republic.

**Deputy Joe Costello**

I will take a couple of the points but will not go through them all. The Labour Party is a very strong supporter of the Charter of Fundamental Rights and we consider it a very important new addition to the European treaties. It is important because it covers not just the standard economic and social rights but the whole gamut of social, economic, administrative and
cultural rights. There is a new and very important element to it in Article 28 where there is a new right to collective bargaining and union recognition, which did not exist in this country before. That is a very important right from a worker's point of view.

On Mr. Sharkey's remarks that he sees only the "Yes" side here, I emphasise what the Chairman said at the outset. All Sinn Féin Deputies were invited to attend but have not attended a single one of these fora, and this is the fourth meeting. One gets one's point across by being at the table and they could have been right up here. They could and should have been here. Mr. Sharkey said the local Deputy had an alternative appointment, but the forum is here.

Mr. Tomás Sharkey

May Day is an important day in the socialist calendar, as Deputy Costello knows.

Deputy Joe Costello

I would have preferred to have been at the Dublin Council of Trade Unions march in Dublin, which I had intended to attend, but I decided to come here because it was my duty to do so. We had no choice on EURATOM. When we joined the EU in 1973 EURATOM was part of the package. Regardless of whether we were happy with it, we had no choice. One of the items the Irish Government put down for negotiations in this treaty was an indicator that it and a number of other countries wanted to see the EURATOM Treaty reviewed, which is long overdue because it is over 50 years old. The fact that the EURATOM Treaty is there, and that is has nothing to do with the Lisbon treaty, does not create any compulsion for Ireland to use any particular form of energy. We do not have to use nuclear energy. We are not bound to use that as an energy source.

Mr. Tomás Sharkey

We contribute to the promotion, development and grant aiding of the nuclear industry across Europe.
Deputy Joe Costello

If Mr. Sharkey listened to what I said, we had no choice in 1973. It was part of the package for which we voted. Ireland, by referendum, voted for the EURATOM Treaty.

Mr. Tomás Sharkey

And this referendum alters previous referenda, so we should have, could have, may have, would have--

Deputy Joe Costello

We, with a half dozen other countries, said it is time to re-examine this. That is the situation,

Mr. Tomás Sharkey

It was not important enough to the Irish side to be gained.

Chairman

We must have one speaker at a time. We will try deal with all the questions.

Deputy Joe Costello

To introduce a little touch of reality into Sinn Féin's arguments, Sinn Féin in the Republic of Ireland opposes the treaty while Sinn Féin in Northern Ireland fully supports it. Sinn Féin has a schizophrenic position on this because for political purpose it has been official--

Chairman

That is not right, is it?
Mr. Ruairí Ó Murchú

That is not right.

Mr. Tomás Sharkey

Indeed it is not. The Deputy has made an outrageous remark but his own party's MEP voted to ignore and disregard the voice of the Irish people. I challenge the Deputy in front of me to address those remarks.

Chairman

Hold on a second.

Deputy Joe Costello

I will answer the question.

Mr. Tomás Sharkey

No Sinn Féin representative is in support of this treaty. This is yet another lie. I referred to Mr. Paddy Brennan sharing a Fine Gael platform and telling lies.

Chairman

I want to get an answer to Mr. Sharkey's question.
Deputy Joe Costello

I do not readily make an allegation. I made it because I have it from the best source of all, Mr. Martin McGuinness. Two years ago he said the following--

Mr. Tomás Sharkey

There was no such thing as the Lisbon treaty two years ago. Stop walking on sand.

Chairman

I have asked the member on the platform to reply. Mr. Sharkey cannot disrupt the meeting by shouting down everybody else. I have asked the member of the platform, Deputy Costello, to qualify his answer. He is doing that and we will call on Mr. Sharkey afterwards.

Mr. Tomás Sharkey

With respect to the Chairman's skill in this matter, how can he use a remark made two years ago about a treaty that did not exist?

Chairman

Shouting down a speaker does not work.

Mr. Tomás Sharkey

Your volume is louder than mine. Cé nach féidir liom seo a dhéanamh i mo theanga féin.

Chairman
I ask Mr. Sharkey to show some respect. There is no need to insult the speakers on the platform. He will get his answer and we will come back to him if necessary.

**Mr. Tomás Sharkey**

Measaim go bhfuil barr agam ar na cainteoirí anseo agus tá a fhios agat go maith é sin.

**Deputy Joe Costello**

We all know what a massive contribution the European Union made to the peace process in Northern Ireland. When Mr. John Hume received the Nobel peace prize he said the EU was the best peace process the world had ever known. I am not sure if Mr. Sharkey or Mr. Ó Murchú would agree with that but that is the reality and Martin McGuinness obviously shares that view because, on 14 April, on the establishment of an EU task force for Northern Ireland, he said:

Today's announcement goes beyond support and aid. It is about a new partnership with Europe. The report represents the next stage of that partnership and highlighted the commitment to continue to work at a high level, both politically and operationally. It should be remembered that the European project began following the mass destruction of two world wars. Its aim was to replace conflict with co-operation peace and prosperity. We have much to learn from this approach and much to offer by way of our own experience of reconstruction and conflict transformation. We want to continue this journey with our European partners.

Martin McGuinness is four square behind the Lisbon treaty.
Mr. Tomás Sharkey

No, he is not. Read the quotation again. Where did Martin McGuinness say he was behind the Lisbon treaty? He says he is behind the EU project but he did not say he was behind the Lisbon treaty. Deputy Costello knows that and knows he is misleading people with his remarks. He needs to re-address how he is going to defend his own nonsensical position.

Chairman

I will ask Mr. Sharkey a question. Has his party supported previous treaties?

Mr. Tomás Sharkey

Our party has previously opposed treaties.

Chairman

All of them?

Mr. Tomás Sharkey

Our party's position on this, the Lisbon treaty, is that Ireland can do better and this treaty is not the best for this country. The Chairman asked me to clarify my party's position.

Chairman

I asked Deputy Costello to clarify his position and now I am asking Mr. Sharkey.

Mr. Tomás Sharkey

Deputy Costello did not clarify his position. Our position is that Ireland's place is in Europe.
Chairman

What is Sinn Féin's position? Does it oppose this treaty for a particular reason or has it opposed all treaties?

Mr. Tomás Sharkey

I understand what the role of a Chairman is and I will answer his question in two sentences. Ireland's place is in Europe. The best deal for Ireland is not the Lisbon treaty.

Chairman

So what is his better proposal?

Mr. Tomás Sharkey

Our proposal is for a better treaty, one which does not have the privatisation agenda.

Deputy Joe Costello

It does not have that.

Mr. Tomás Sharkey

Is the Chairman asking me the question?

Chairman
I want Mr. Sharkey and the platform to have an opportunity to comment.

Mr. Kieran Allen

We are supposed to get 50% of the time.

Chairman

I will come to Mr. Allen shortly.

Mr. Tomás Sharkey

The Chairman's role is really questionable.

Mr. Kieran Allen

It is a farce.

Chairman

Is the treaty about privatisation or competition?

Mr. Tomás Sharkey

This treaty is about saying the Irish people will not be able to distort a market for the benefit of the people.

Chairman
So it is about competition.

Mr. Tomás Sharkey

We also feel the Lisbon treaty should be voted against and a new treaty should be renegotiated in which the Irish people will not be duty bound to increase our military capability when there is not a red cent for hospitals in our region. The Chairman knows that to be the case.

Chairman

The two guest speakers will be the last to speak and they can cover all the issues that have been raised. One other point was raised, relating to the Garda Síochána and the PULSE system. That has absolutely nothing to do with the Lisbon treaty or any other treaty for that matter. It is a total red herring and I do not know where Mr. Sharkey got his information. It is within the competence of a Government of a member state to create the circumstances for competition to thrive and to ensure prices are not held artificially high.

Mr. Tomás Sharkey

In the meantime my constituents are at the mercy of thieves and burglars tonight.

Chairman

That is what the Irish, French, Dutch and other Governments have to do and they have done so effectively. I agree with Mr. Sharkey that we should not have a deficit in availability of broadband. I was my party's spokesperson on that subject for five years so I know the subject. We should not have a deficit in communications but it is within our own competence to remedy that situation. I am not criticising my party or other colleagues on the platform and they can answer for themselves.
Deputy Seamus Kirk

We must be realistic. We have benefited very considerably from membership of the community. I am old enough to remember the pre-EEC days in Ireland. I have lived through the huge economic and political development that has taken place since we joined back in the early 1970s. The fundamental question to ask is whether we are going to roll that back. Are we going to say as much to our EU colleagues, having benefited enormously from membership since the early 1970s? We want to continue to benefit from membership of the community. Trade possibilities are opened up by our being good Europeans and it is accepted political wisdom that being good Europeans, which we have been, has been hugely beneficial. I respect Sinn Féin's position and it has the political right to oppose the treaty. At the same time we all, including Sinn Féin, have a responsibility to recognise the overwhelming benefit membership of the community has brought to us and to ensure there is continuation of that membership for the benefit of the Irish people as a whole.

Mr. Tomás Sharkey

I wish to explain our position. Nobody is suggesting any trade doors would close if we voted "No". If we vote "No" the Lisbon treaty will be parked and the EU will continue as it is. The EU will not disappear if we vote "No" next month.

Chairman

If the Irish people had voted "No" 25 or 30 years ago, where would we be now? That question must be asked and needs to be answered. We might be in a much poorer environment. I understand Mr. Sharkey's point and he does have the right to oppose. He also said he recognised the position of a Chairman. The Chairman does not interrupt but only intervenes, as we were taught in Leinster House a long time ago. Deputy Caoimhghín Ó Caoláin, my colleague in Leinster House, will be able to tell more about that. Both he and I
do it on a regular basis. We will briefly hear from Senator Déirdre de Búrca before I go to our guest speakers.

**Senator Déirdre de Búrca**

Could I make a quick suggestion to the Sinn Féin Party? I came to this meeting under the impression it was public and we would have an opportunity to allow members of the public to raise questions and so on. It appears, instead, that we have spent quite a bit of time interacting with representatives of Sinn Féin.

**Mr. Tomás Sharkey**

A short time ago--

**Senator Déirdre de Búrca**

If I can finish, the platform up here is open to Sinn Féin. It has been invited to participate in every meeting like this which we have had and it has not appeared at it. Perhaps for future meetings, if Sinn Féin could participate up here, we could exchange and interact with members of the public. The purpose of these meetings is not to set one political perspective against another but to inform the public. If Sinn Féin representatives were up here, they could do so very effectively.

**Chairman**

In the same way as Senator de Búrca has done.

**Mr. Tomás Sharkey**

I appreciate the comment but the Senator is aware that for the past three and a half months I have been e-mailing her party for information on what it has done on a promise on our local
hospital. I have not even received a response on that. I am delighted to have a meeting, face
to face, in that regard and to deal with that issue.

Chairman

I am sorry but I must interrupt again. On the question of the local hospital, I agree entirely
with Mr. Sharkey's right to raise a question on a local issue, be it related to services,
economics or whatever. There is nothing in this treaty or previous treaties that has in any
way affected the provision of services, including health services, positively, badly or
indifferently. They are entirely in the hands of our national Government.

Senator Déirdre de Búrca

I agree.

Chairman

As an elected public representative, Mr. Sharkey has an opportunity to raise that, in the
forum in which he was elected, on a regular basis. His party has elected members in Dáil
Éireann--

Mr. Tomás Sharkey

Louth County Council is unanimously against the EURATOM Treaty, as is Dundalk Town
Council.

Chairman

- - who do so on a regular basis. That does not mean Mr. Sharkey can construe everything
is a plot to deprive—

Mr. Tomás Sharkey
Louth and Dundalk councils are unanimously against the EURATOM Treaty.

Chairman

What Mr. Sharkey is suggesting is disingenuous because--

Mr. Tomás Sharkey

All parties in Louth are against the EURATOM Treaty.

Chairman

It is misinformation when Mr. Sharkey suggests the downgrading of the local hospital is a result of the Lisbon treaty or any other European treaty. It has nothing to do with it.

Mr. Tomás Sharkey

I suggested that is what the public was saying to me.

Chairman

We are now coming to a conclusion. Deputy Costello wants 30 seconds and then we will go to our guest speakers once again.

Deputy Joe Costello

I wish to make a point on the Charter of Fundamental Rights. The question raised by Mr. Allen and Sinn Féin is whether it is of great importance. If it was of no great importance, why has the British Government refused to have it legally binding, either in the mainland of Britain and next door in Northern Ireland? I would have thought it would have been
something Sinn Féin would have stood up for in that both parts of the island should be entitled to the same basic fundamental rights.

I would like to see Sinn Féin stand up for it in the same way I am fully in favour of a referendum.

Mr. Ruairí Ó Murchú

We have no problem with the charter but the question I asked earlier just related to--

Deputy Joe Costello

Chairman, I am just finishing.

Chairman

To be fair, let Deputy Costello finish his point.

Deputy Joe Costello

I will finish on this point. I am fully in favour of a referendum. The way to change our Constitution is by referendum and in bringing in a treaty, there should be a referendum. I would have liked to have seen Sinn Féin argue for a referendum in the United Kingdom so that all the people of Ireland would be able to vote on this. There has not been a single peep out of anybody in Northern Ireland on this issue.

Mr. Ruairí Ó Murchú

There are two points--

Deputy Joe Costello
How is it that Sinn Féin is so vocal in the Republic and totally silent in Northern Ireland?

**Mr. Tomás Sharkey**

That must be answered.

**Chairman**

I wish to say something.

**Mr. Tomás Sharkey**

He made a statement, it must be refuted.

**Chairman**

Mr. Sharkey has elected Dáil Deputies.

**Mr. Tomás Sharkey**

The MP for West Belfast was speaking at the National Forum on Europe this morning.

**Chairman**

I am sorry, these interjections are unacceptable. Mr. Sharkey's party has elected Members in Dáil Éireann who have the right to be on this platform, answer these questions and raise these issues. He does not have the right to disrupt. We will now go to Kieran Allen, who will wind up his submissions. We will then proceed to Gavin.

**Mr. Kieran Allen**
I started off by saying this is the most bizarre meeting I have ever attended and I finish by saying this is a farce. We have people here, all of whom are on the "Yes" side. The Chairman spent 50% of this meeting speaking. This was supposed to be a meeting where the public could speak and everybody who has come up here raised critical points. Like a group of school teachers, once we get three or four replies, the people are sent back.

What is this elite so afraid of? Why can equal time not be afforded to the "Yes" and "No" side? The Irish people are seeing through this nonsense and the opinion polls have changed despite all these tricks being played. I remind those here this is all done with public money from Irish taxpayers. Equal time has not been given to the opposing sides but despite this, the Irish people are seeing through the tricks. That is the reason the opinion polls have changed.

It is absolutely outrageous that these parties have left it until the last minute to officially call the referendum. The reason this was done is because they know at that point, the rules of balance will apply. I wish to see the referendum called as quickly as possible so we do not have this kind of a farce in future, and so the "Yes" and "No" sides get equal time.

There has been a domination of the airwaves with these sorts of tricks up to now. When there is balance and equality between the "Yes" and "No" side, the "No" side will do even better. Is this the way to conduct a debate on the Lisbon treaty?

I will deal with some of the substantial issues. The Charter of Fundamental Rights was mentioned by Deputy Costello. The obvious answer to his point is that if it is fundamental, why are the British allowed to opt out? If these rights are fundamental, are the British people not entitled to such rights? This sort of cheap demagoguery is not what actually gets it.

**Deputy Joe Costello**

Nobody in Northern Ireland has a word to say.
Deputy Kieran Allen

Considering the Charter of Fundamental Rights, the Deputy did not mention it also gives the right to business to resist strikes and lock workers out. A person has a theoretical right to strike but there is also a theoretical right to business.

There are contradictions here. Whenever we talk about privatisation, the right wing parties stay quiet and the Labour Party is shunted forward to tell us everything is okay. The Deputy is now telling us the Charter of Fundamental Rights gives Irish workers the right to be recognised. After this referendum, Michael O'Leary will have to recognise SIPTU in Ryanair, and the Progressive Democrats, who support this treaty and are funded by Michael O'Leary, believe that as well. These are just fairy stories being told to us.

The fact is the Charter of Fundamental Rights offers no new concrete right to the Irish people that is not already contained in the Irish Constitution or the UN Declaration of Human Rights. The Charter of Fundamental Rights states quite explicitly that it does not extend the field of application of Union law beyond the power of the Union or establish any new power or task for the Union, or modify the powers and tasks defined by the treaties.

I will correct another untruth that was told. I am not a supporter of Sinn Féin and I have often argued with them on many matters. Deputy Costello's quote implies that Sinn Féin in Northern Ireland supports the treaty and it seems extraordinary to make that deduction from that quote.

It is not true, as the Chairman stated, that ICTU has come out in favour of the treaty. He would have to show us a declaration from the Irish Congress of Trade Unions to that effect. Of the two largest unions, UNITE has come out to oppose the treaty. My own union, SIPTU, the largest union in the country, has not taken a position in favour of the treaty and is going through a period of consultation. To make a claim from this platform that the Irish Congress of Trade Unions has come out in favour of the treaty is untrue.
It is true that IBEC has come out in favour of the treaty. Of course it would do so as the treaty favours IBEC more than the workers of this country.

The issue of privatisation has again been brushed under the carpet. I note again that the parties in favour of privatisation stay quiet when this debate comes up. Fianna Fáil, Fine Gael and the Progressive Democrats are happy to favour privatisation, for example in Aer Lingus and Eircom, so they stay quiet in this debate and shunt the Labour Party forward to give us nice calming words.

When we consider the issue, the logic is extraordinary. If all these social aspirations are in the Lisbon treaty, what industry has been renationalised in the whole continent of Europe, bar Northern Rock? The tendency of the past 20 years has been towards privatisation, privatisation and more privatisation until the rich get into trouble and are bailed out by the State. If there are all the social aspirations he claims why has there not been more nationalisation? The truth is that there is much window dressing because the European Union is very good at this. When it comes to details one finds that privatisation is driven through by the European Union.

I wish to mention two ways in which this treaty will drive through the existing trend towards privatisation. Article 188 has already been referred to and it makes it clear that the national veto in negotiations at the World Trade Organisation will be removed. This will fast track privatisation. The main agenda of the World Trade Organisation, WTO, at the moment, as well as dealing with agriculture, is a general agreement on trade in services. This is about opening public services "to the achievement of uniformity in measures of liberalisation", to quote the Lisbon treaty.

It is untrue to say that the European Union promotes kindness, public services and so on. The European Union, on record, has used the World Trade Organisation to call for the privatisation of the water sector in the poorest countries in the world. Article 188(c) does this and states that "the Council shall also act unanimously for the negotiation and conclusion of agreements". It specifies that it shall act unanimously "in the field of trade and in social, education and health services". The important qualification point is "where these
agreements risk seriously disturbing the national organisation of such services and prejudicing the responsibility of member states to deliver them”. This means one can only bring the national veto into play if one can show that the privatisation of these services seriously risks disturbing the national organisation of, for example, the health service or education service. All other bases are beginning to be removed.

Other articles of the Lisbon treaty consolidate previous texts. Article 87 clearly says "save, as otherwise provided in the treaty, any aid granted by a member state or through state resources which distorts or threatens to distort competition by favouring certain goods shall, in so far as it affects trade between member states, be incompatible with the internal market". This is the type of article that is being used by the neo-liberals to constantly challenge, for example, subsidies to bus companies and, increasingly, subsidies to postal and electricity services. The Lisbon treaty lays the basis for privatisation through fast-tracking procedures on globalisation and by continuing restrictions on state aid to public services.

The issue of whether the Irish people wish to fund and distort the market by putting lots of public money into health and education should be a matter for the Irish people. This should not be decided by the European Court of Justice, which has taken anti-trade union positions in terms of the Laval judgment. Nor should it be decided by the unelected European Commission. This is really about taking decision making from the Irish people and giving it to groups that use the undemocratic methods we have seen exemplified tonight.

**Chairman**

I thank Mr. Allen but would like to clarify two points. It is incorrect to say that in some way the "No" lobby has been badly treated. This is a committee of the Oireachtas comprised of the various parties represented in Oireachtas Éireann, as elected by the people of this country. There is no obligation to have a particular view given 50% of time in a debate. Each committee member is entitled to his or her share of the time and it just so happens that members of the committee do not represent the "No" vote. However, the guest speaker
against the treaty is entitled to 50% of the speaking time allotted to guest speakers and he received this. The speaker from the floor has had his innings.

**Mr. Tomás Sharkey**

Thereformtreaty.ie website only offers one perspective.

**Chairman**

Mr. Sharkey has had his innings. His party has elected Members of Dáil Éireann if they want to sit on the platform. If elected Members of Dáil Éireann wish to sit on the platform they may participate and take an appropriate share of the time.

**Mr. Tomás Sharkey**

I pay forreformtreaty.ie, which only gives one side of the argument.

**Chairman**

Mr. Sharkey may otherwise have to go back to the Irish people suggesting they elect more people who share his views.

**Mr. Tomás Sharkey**

The websitereformtreaty.ie only carries a “Yes” argument.

**Chairman**

I will now call on Dr. Gavin Barrett to take his allocation of 50% of the time set aside for guest speakers.
Dr. Gavin Barrett

This is much more exciting than the debates I am used to and so many questions were raised that I am not sure how I will get to all of them.

Mr. Allen's version of the European Union is the scary version and I do not believe in it. He seems to advocate the nationalisation of everything but I do not agree that this will lead to a better life. I was once in a state where everything was nationalised and it was called the Soviet Union. When I was there in 1991 life was pretty miserable for people there.

Mr. Allen said there are no rights contained in the Charter of Fundamental Rights that are not in the Irish Constitution but that is wrong; a string of rights listed in the charter are not in the Constitution. He noted that the field of application, the power and the tasks of the charter are not extended so it makes no difference. It makes a difference because it extends rights against the European Union; it does not have to extend the application, the power and the tasks of the European Union to do that.

My view on privatisation through fast-tracking is that we in Ireland should know better than the residents of any other country that protectionism is a dead end. We had protectionism from the 1930s to the 1950s and there was nowhere but England, with its low-price food policy, for us to sell our products. The products we had in Ireland were of poor quality because our industries were protected from competition. Since the 1960s Ireland has pursued free trade and this was a big reason for Ireland joining the European Economic Community and the WTO. If Mr. Allen is seriously trying to suggest we would be better off arguing our position on our own in the WTO instead of as a bloc he is sadly mistaken.

Some great questions were raised from the floor and I will try to address some of them. It was suggested that Article 48 removes the right to a referendum and I noted that Mr. Gerry Adams raised this as his first point before the National Forum on Europe today. He was very badly advised because he is wrong; it does not remove the right to a referendum.
Mr. Ruairí Ó Murchú

It is to do with the automatic right to a referendum.

Dr. Gavin Barrett

I concede that he referred to the automatic right to a referendum but he is still wrong.

Mr. Tomás Sharkey

May I clarify that an MP from West Belfast actually spoke at the Forum on Europe today?

Chairman

No, we are winding up. Can we allow the--

Mr. Tomás Sharkey

For the benefit of Deputy Costello, can Dr. Barrett repeat that Mr. Gerry Adams actually spoke at the Forum on Europe today?

Chairman

We allowed one guest speaker to speak. Can we allow the other one speak also? That is democracy.

Mr. Tomás Sharkey

The Chairman is a guest in my town.

Chairman
Mr. Sharkey is not a guest speaker.

Mr. Tomás Sharkey

The Chairman is a guest in my town.

Chairman

Mr. Sharkey was invited to participate and got more than his prescribed time to contribute so I ask him not to take this route. He is out of order and we will proceed with the guest speaker.

Dr. Gavin Barrett

Article 48 does not remove the right to a referendum; it introduces four methods, a four lane road, for amending treaties, as opposed to the single lane road that was there previously.

The ordinary method for amending the treaties is as it was; there is still a right to a referendum. The second method involves amending title 3 of what is the EC treaty, under its new name, and it involves adherence to the same procedures that are used now, so there is no change. There are changes in the fast-track procedures for amending the treaties that involve a switch to qualified majority voting and to co-decision making. Mr. Gerry Adams has argued that because of this we will lose the automatic right to a referendum. However, in the Crotty case that was decided in 1995, the Single European Act, which introduced qualified majority voting in a huge range of issues, was examined. The Supreme Court did not hold that this entitled the Irish people to a referendum; it was the foreign policy element that this applied to.

Mr. RuairíÓ Murchú
Under existing law, a switch to qualified majority voting does not create an automatic constitutional right to a referendum. Mr. Adams was completely wrong on this matter. He did not mention the amendment procedures introduced under the Lisbon treaty. They all involve a veto by each government and can be blocked by national parliaments. The further point that must be remembered is that if we decide we want to hold a referendum on any of them, we can do so. We can make our parliamentary consent conditional on the holding of a referendum. That point, therefore, is completely wrong. I was amazed when he began his speech at the National Forum on Europe with it. The loss of a commissioner—

Mr. Ruairi Ó Murchú

The decision is made by the national parliament.

Dr. Gavin Barrett

We can discuss the matter further.

Chairman

Let us show some courtesy. I defended the rights of the speaker on the other side.

Dr. Gavin Barrett

I thank the Chairman. The loss of a commissioner was raised. That has been the position since the Nice treaty. It is true that sometimes it seems that, in practice, member states try to channel influence through particular commissioners. However, commissioners are not
supposed to take instructions from any member state. I take the Chairman's point. There might be an improvement in that practice once the Treaty of Lisbon comes into being, as there is provision for communication with the Commission. In practice, the Commission cannot afford to ignore individual member states in this matter. As it does not have a political basis for itself, it must keep member states on side. I have no doubt that will continue to be the case.

The speaker mentioned that we would lose 50% of our voting rights. We will not. That is not a very fair point. There are two aspects to voting, as I am sure people are aware. There is a reduction only with regard to one aspect, which is of very little use to us in any case.

(Interjections).

Chairman

We will continue with the reply.

Dr. Gavin Barrett

Most of the decision making is done by consensus. It is not an accurate assessment to say we will lose 50% of our voting rights under the Lisbontreaty. What is wrong with renegotiation? I saw Mary Lou McDonald's article in The Irish Times the other day and Gerry Adams’s piece on the issue today. He talked about renegotiation and had a list of stuff on which we could renegotiate, substantial provisions of the treaty. It is pie in the sky to suggest we can renegotiate. The reality--

Mr. Tomás Sharkey

That is exactly what they are offering us.

Dr. Gavin Barrett
The speaker must allow me to speak. It is pie in the sky to suggest we can renegotiate. If we start trying to say there must be one commissioner per member state, perhaps the United Kingdom will state it wants this, that or the other. Every state in the European Union will do likewise. They cannot renegotiate because the whole deal will unravel. The only thing for which we may be able to negotiate - it would mean one state negotiating with 26 member states - is an opt-out for ourselves. However, I do not see anything worth opting out of, but the speaker mentioned the European Defence Agency which is just being given a treaty basis. It is already in place. My attitude is that anyone who thinks our taxes should be used to build schools and hospitals should be in favour of this body. Anybody who wants to use our taxes to enrich arms dealers and manufacturers should be against it. Why do I say this? The best explanation I have is that every nation in the European Union has its army. Armies need weapons and armaments, as they cannot function without them. That is common sense. If every state in Europe goes to an armaments manufacturer on an individual basis, they will compete against each other and it will becomes a seller's market. Arms manufactureres will end up making pots of money, while the rest of us will end up losing it. If we co-operate with others, we will get value for money in this regard. That will mean more money for schools and hospitals.

Mr. Tomás Sharkey

More guns, tanks and helicopters.

Dr. Gavin Barrett

The speaker can laugh all he likes--

Chairman

We will park that argument and let the speaker continue. We are all opposed to arms and guns.

Mr. Tomás Sharkey
Is it a good deal to buy more of them?

Chairman

We will let the speaker continue. There have been three or four interruptions by Mr. Sharkey. We can ask him to leave but will allow him to stay.

Mr. Tomás Sharkey

I am only half a mile from home.

Chairman

If the speaker interrupts one more time--

(Interruptions).

Chairman

The speaker does not have the manners to allow the guest speaker to finish. The committee asked particularly that guest speakers be allowed to conclude.

Dr. Gavin Barrett

On the Charter of Fundamental Rights, a question was asked as to whether it had created any new rights. There is some material and I notice that Mr. Allen did not note it. I will read a couple of the articles from the charter. Article 14.1 is to the effect that everybody has the right to an education and to have access to vocational and continuous training. Article 14.2 mentions the right to free compulsory education. Article 35 mentions the right of access to preventive health care and the right to benefit from medical treatment under the conditions established by national laws and practices. Article 36 provides: "The Union recognises and
respects access to services of general economic interest as provided for in national laws and practices, in accordance with the Treaty establishing the European Community in order to promote the social and territorial cohesion of the Union". That is interesting and new material. It is significant, yet Mr. Allen did not mention it at any stage.

Mr. Barroso mentioned that the European Union was an empire, probably an unfortunate choice of words which has, of course, been jumped on by every anti-Lisbon treaty campaigner. How is the European Union different from an empire? I do not recall too many empires that were governed by the rule of law as opposed to an emperor. I do not remember too many empires that had a European Parliament in which every state within the "empire" was represented.

Mr. Ruairí Ó Murchú

One could call it that.

Dr. Gavin Barrett

I did not interrupt.

Chairman

For the last time, as we come to a conclusion, I ask that the same courtesy be offered to the speakers on one side as was shown to those on the other. That is normal practice.

Dr. Gavin Barrett

The Treaty of Lisbon will not close hospitals. I do not know where that argument came from. France has attracted more foreign direct investment since it voted "No" to the constitutional treaty. I do not think anyone will seriously argue that if we vote "No" to the Treaty of Lisbon, we will attract more foreign direct investment. That is not the view of
the IDA, IBEC or the American Chamber of Commerce. I do not know why they would all tell lies about us.

(Interruptions).

**Dr. Gavin Barrett**

The argument has been made that the European Union is supposedly more efficient. It might be doing well but that does not mean it cannot do better. It has 27 member states. When it has 35, will the existing systems work well enough? The EURATOM Treaty has been in place since 1957 and I concur with the Chairman's views on it. That is what I have to say in response to Sinn Féin.

Mr. Allen made a number of points, so many that it is difficult to reply.

**Chairman**

A great deal, unfortunately. We try to give equal time to both.

**Dr. Gavin Barrett**

The point was made that De Valera's Constitution was readable. Perhaps if De Valera was required to put stuff into his Constitution relating to such issues as competition law, agriculture and fisheries, it would not have been as readable. Mr. Allen made the point repeatedly that the treaty was a constitution. The "No" side constantly uses the word "constitution" to frighten us. It is ambiguous. A gardening club has a constitution, as does a chess club. Mr. Allen tries to tell us that this is like a state's constitution, implying that the European Union has become like a state. It is not a state. It has no police force and no army; it does not control education, health and social welfare services and does not have anything near the budget that any federal state of equivalent size has. The argument that it is a state is nonsense. It is nothing like one.
Mr. Allen made a point about vetoing treaty negotiations. How many times, since Ireland has been a member of the European Union, has it attempted to exercise the veto? The answer is once. The reality is that member states do not go around clubbing each other with vetoes in negotiations. It just does not work that way. A description of the European Union by Mr. Allen, found on his website, is that it is a "neoliberal institution". The European Union has socialists and Christian Democrats and, since the recent elections in Cyprus, as Mr. Allen will be aware, will soon have Marxists. To describe it as a neo-liberal institution is not correct.

The final point about services--

Chairman

We must conclude.

Dr. Gavin Barrett

I do not agree with Mr. Allen's point. He has said that if a voter does not know, he or she should vote "No". I say if a person does not know, the right way to vote is "Yes". If we vote that way, we will go along more or less as we are, except the European Union will be more efficient, more effective and more democratic. What Sinn Féin and their fellow campaigners ask us to do in voting "No" is to gamble on a fearful leap into the unknown. That is what they ask. If voters do not wish to do this, they should vote "Yes".

Chairman

I thank Dr. Barrett and apologise to him for the number of interruptions made. I tried to ensure equal time, one with interruptions and one without. It is very difficult to gauge but I believe the time allowed was about equal if we consider the interruptions as being made in injury time.
I thank our guest speakers and the audience for coming and participating. The questions asked were very good, although people were not willing to listen to the answers in every case. The members of all political persuasions on the platform do their best to answer questions accurately and fairly. This is the job we do as Members of the Oireachtas. If we cease to represent people we get tossed out. That is democracy and we recognise this.

I especially thank my colleagues - some of whom have travelled a good distance - for making the effort to be here at considerable inconvenience to themselves and for travelling around the country in the past few weeks. I thank the guest speakers for providing a good, broad, solid base for debate and discussion. We can walk away from here in the knowledge that if we have not heard all the arguments it is not our fault. I thank also the staff and management of the hotel for the facilities laid on and I invite everybody for coffee afterward. Those that cannot drink coffee can drink tea. I thank all the participants from the floor without exception. Our job is to try to steer the debate in a particular fashion to get some clarity at the end of the day. It does not always work but we do our best. When someone takes over my job and gets to my position he or she can do the same, of that I have no doubt.

Mr. Tomás Sharkey

What are the wages like?

Chairman

The wages do not count. I thank the staff of the Oireachtas, including the ushers, translators and the secretariat that do us proud on all occasions.
Chairman

Everybody is very welcome to this normal, statutory meeting of the Joint Committee on European Affairs which is one of a series of meetings the committee is holding. One can call them outreach meetings if one wishes. It is the committee's wish that we hold meetings throughout the country to engage with the public on the Lisbon treaty so as to generate information and enable the people to come to a conclusion on the treaty and the arguments for and against it. The committee comprises members of the various parties represented in Leinster House. The parties must have certain numerical strength to be represented on the committee. Normal Dáil procedures apply. The Chairman has the last word, as always, and the right to bring speakers to a halt or intervene in the middle of a speech. The Chairman has the last word at all times.

We have had a number of meetings in Leinster House, DCU, Galway, UCC and Dundalk last week. We are having this meeting in the centre of the country, not because we were leaving it late but because we felt we had to prepare ourselves better for it. Next week we will have a meeting in Limerick. The meetings are all part of the discussion. According to what we hear, there appears to be misinformation, disinformation and a lack of knowledge on the issues pertaining to the Lisbon treaty. The purpose of this exercise is to generate debate from which people may glean information which is of benefit to them in making up their minds. We have had the social partners and various groups before the committee and have more to meet. At the end of the meetings and before the referendum on 12 June we will compile a report which will carry conclusions based on the information we receive in the various submissions made to us in the course of our hearings, including tonight.

This is a special day. This meeting is being held on a Friday because today is Europe Day. Each year the European Union marks the anniversary of the declaration made by Mr. Robert Schuman on 9 May 1950 against the background of a potential third world war. At the time things were very difficult throughout Europe and with the arms race and everything else, there was the possibility of a third world war on the horizon. The founding fathers, Mr. Schuman, Mr. Konrad Adenauer and
Mr. Jean Monnet, decided Europe could not afford any more wars and founded the European Coal and Steel Community. We are walking in the footsteps of those great Europeans. We must remember Europe was always beset by wars. All European peoples fought themselves to a standstill on numerous occasions. The only result was that arms manufacturers did extremely well while Europeans died. We can at least say there was no conflict between the European Union member states in the last 50 years and I hope it will remain that way for a long time to come.

All the usual staff from Leinster House are present, including our secretarial, communications and lighting staff, ushers and translators. We have two tables with microphones and the usual format is that we invite our guest speakers for and against the treaty to speak first for ten to 15 minutes each. We then draw people from the floor. They will take a seat at the tables with the microphones for three minutes each, after which they will be asked to return to their seats in the audience. We will try to get people to come forward to the reserved seats in the front while preparing to speak. If I interrupt a speaker, he or she will not lose time, they will have the full three minutes.

Our two guest speakers are Mr. Matt Dempsey, editor and chief executive of the Irish Farmers’ Journal, and Dr. Andy Storey of Action from Ireland, AfrI, and UCD school of politics and international relations. As I said, this is the fifth of our series of meetings. By special arrangement or order of the House, the committee has been enabled to meet outside Leinster House, hence our presence in Athlone tonight. Each member on the platform, except our two guest speakers, has Dáil privilege. This means they can say what they like, as in a court. Nobody else has such privilege. I ask speakers on the platform who have privilege not to use the names of persons or describe anybody outside the meeting who could be identified as a result of anything they might say. I ask those who are not Members of the Oireachtas to observe the rules.

All political parties in the Dáil are entitled to sit on the platform. Sinn Féin has been invited to this and all other meetings. Libertas which opposes the treaty has been invited to all the meetings but has not taken up the invitation at any stage. It has been offered the opportunity to speak from the platform and will have another opportunity next week in Limerick, as will Sinn Féin. Members of Sinn Féin elected to the Dáil have the right to sit on and speak from the platform. Sinn Féin opposes the treaty.

We welcome our guest speakers. Dr. Andy Storey will speak first.
Dr. Andy Storey

Good evening and it is a pleasure to be in Athlone. I thank the Chairman and the committee for the introduction and I am glad a group opposed to the Lisbon treaty other than Libertas is getting to speak. There is a range of opinions, of which Libertas is not necessarily representative, on the "No" side.

I am here to represent an organisation called Action from Ireland, or AfrI, a justice, peace and human rights organisation which has been around since 1975. It organises activities such as an annual famine walk, which will take place tomorrow week in Louisburgh in County Mayo, which highlights issues of global injustice, resource access and so on, with a particular focus on issues affecting people in so-called developing countries or the global south. That is the perspective from which we come.

There is a brochure for that walk on the table by the door and there are other publications, including one more relevant to tonight, a position paper we have recently published detailing our arguments against the Lisbon treaty. Attendees should feel free to take a copy of that on their way out.

I welcome greatly the chance to engage in this debate, which is very valuable. I acknowledge there are arguments for a "Yes" vote and I look forward to hearing those. I am keen to emphasise there are at least two sides to this debate and those urging a "No" vote are not necessarily loolas or insane, to use the language of a former Taoiseach. There is a reasonable argument.

I wish to start that argument with a somewhat provocative statement, which is that in many respects, Ireland is no longer a neutral country. It is not the act of a neutral country to offer Shannon Airport as a staging post for the transit of US troops and supplies involved in the occupation of Iraq. It is not the act of a neutral Government to refuse to act upon the strong evidence of Irish airports being used for the purposes of extraordinary rendition, the kidnapping and torturing of individuals accused of terrorist involvement. It is not the action of a fully neutral Government to participate in European and NATO military structures.

Irish troops already serve at NATO headquarters in Brussels under the NATO-led Partnership for Peace initiative. They have participated in NATO-led missions, including in Afghanistan. There are
also full-time EU military staff headquartered in Brussels, with whom Irish Army officers serve, along with various other committees and networks.

There is already a great deal of militarisation occurring. As a crucial starting point, that has implications for neutrality, which I will return to in a moment.

In so far as it is possible to work out what the Lisbon treaty, quite a complex document, is saying, the question is whether the new treaty significantly affects the existing scenario of EU and Irish militarisation, and, if so, whether it makes a difference for the better or worse. There are at least four specific proposals in the treaty, or elements of the treaty, that impact upon military matters. I will speak on military matters.

The first relates to a common defence arrangement, a very controversial issue. One of the articles of the treaty states that if a member state is the victim of armed aggression on its territory, the other member states shall have towards it an obligation of aid and assistance by all means in their power in accordance with Article 51 of the United Nations Charter. There is also a solidarity clause, which expresses quite a similar commitment in many ways.

The Chairman has mentioned that this is Europe Day, commemorating a speech made by Robert Schuman, one of the founders of what would become the European Union. In its explanatory guide to the treaty, the Robert Schuman Foundation has described these clauses as "a vital step towards the development of European defence".

The Government insists that Ireland's so-called traditional concept of military neutrality is unaffected by these provisions. This raises very thorny, vexed issues of what exactly neutrality means. Not only is there no agreement on whether Ireland is actually neutral but the meaning of neutrality itself is quite unclear.

According to successive Governments, Ireland's military neutrality is characterised by non-membership of military alliances. That is a very narrow definition. In the first place, formal membership of a military alliance may not be the only measure of neutrality or its absence. For example, Ireland did not join a formal military alliance when, as I mentioned, it granted US troops transit facilities through Shannon. Even people who support that decision would not argue that Ireland has remained neutral vis-à-vis the conflict in Iraq.
The notion of what constitutes a formal military alliance is itself routinely reduced to participation, or non-participation, in a mutual defence pact. Participation in what are clearly military structures at EU level would strike most people, including those who approve or disapprove of them, as participation in some form of military alliance or at least joint military undertaking.

For many people, neutrality represents something other than this rather narrow and negative concept which the Government claims. Many people see neutrality as an opportunity for Ireland to actively engage in the affairs of the world, promoting in a fairly even-handed way the peaceful resolution of disputes, generally pursuing a foreign policy that is not militarily aggressive. That admirable stance is made more difficult when Ireland is seen to be so closely allied to the military objectives of powers such as the US in Iraq or France in Chad. I will return to the Chad issue in a moment.

Present trends, including the Lisbon treaty, would undermine the capacity for what I would term "active neutrality". Ireland is no longer neutral in many important respects and it would become less so under the Lisbon treaty. Its potential to play a positive role in the world — active neutrality — would be further eroded by the treaty. The question of common defence is the first military dimension of the treaty.

The second important innovation in the treaty is the extension of tasks that EU forces may engage in throughout the world under the treaty. At the moment, EU forces abroad in Chad or elsewhere can already engage in a very wide range of tasks and the treaty proposes that the range of tasks be extended to include, for example, military advice and assistance tasks and "supporting third countries in combating terrorism in their territories".

I will come back to the concern that external interventions by the European Union are being given a very wide legitimising framework and potential agenda for action. For example, claiming to be assisting a third country government in combating terrorism through the provision of military advice and assistance raises quite legitimate fears of autocratic rulers being facilitated to suppress opposition. That is not scaremongering and Chad provides a very concrete example of that fear.

The third military dimension of the treaty is it allowing states that wish to do their own thing in military affairs to do so under what is called permanent structured co-operation. Subsets of EU
member states may pursue their own agendas for military integration and co-operation without necessarily involving all other member states. Crucially, as the treaty puts it, this must be done within the Union framework. Those subset operations can be undertaken on the basis of a qualified majority vote within the EU Council.

Ireland may choose not to participate directly in such initiatives but by virtue of its participation in the general business of EU military co-operation, including its financing, Ireland would help lay the basis for other states to engage in such co-operation. That co-operation would rightly be perceived as an EU undertaking, even if not all EU members were directly involved.

Incidentally, the Lisbon treaty makes no reference to the requirement of a UN mandate for an EU intervention. Ireland insists its own troops would never be deployed without a UN mandate but there is nothing to prevent troops from other countries, unavoidably backed up by Irish planning and financial resources, drawing on the support of an EU infrastructure, to launch such an intervention. Subgroups could do so without a UN mandate.

There is lip-service to the UN in the treaty but there is a more concrete and real commitment to another international organisation, NATO. A protocol of the treaty declares that a more assertive EU role will contribute to the vitality of a renewed NATO. We must ask ourselves whether we wish to help renew and revitalise NATO. These subgroups and so-called permanent structured co-operation are the third dimension of the military aspect.

The fourth dimension of the treaty vis-à-vis military affairs is that Ireland is being urged, at the very least, to increase military expenditure. An Article 28A to be included, stipulates that member states shall undertake progressively to improve their military capabilities. It gives formal treaty status to what is called the European Defence Agency, which is intended to co-ordinate and promote military expenditure. As one commentator noted, that appears to be, on the face of it, an entirely unique case of obligatory military expansion being written into a constitution or EU law. It is interesting that the treaty does not say member states shall undertake progressively to improve their education services or member states shall undertake progressively to improve their health services. It says member states shall undertake progressively to improve their military capabilities. That commitment is a very significant statement of intent on the part of the EU.
These are the four elements of the treaty that seem to me to be most relevant vis-à-vis militarisation. They are brought into sharp relief by the current intervention in Chad. The EU’s military intervention there is, ostensibly, intended to protect refugees from Sudan and displaced people within Chad. Over 400 Irish soldiers will be involved. French troops stationed in Chad have, for many years, been instrumental in keeping a dictator, Idriss Deby, in power. When Deby’s regime was attacked earlier this year French troops helped defend the airport, directly fired on rebels and ferried ammunition to Government troops. A French Green Party MEP stated that at the moment France is basically supporting a dictator and has done so for some time. Deby’s regime is not only corrupt and repressive, it also helps foment conflict in Darfur and neighbouring Sudan. Organisations such as Human Rights Watch have highlighted the regime’s responsibility for human rights abuses and the near total impunity that has accompanied those violations.

Rebels in Chad, who are also guilty of human rights violations, rightly see the French as their enemy. Given the activities of French forces over the years, it is highly probable that the rebels will not distinguish between French troops shoring up an autocratic Government and those nominally serving under an EU flag. It is significant for an Oireachtas committee that Dutch members of parliament have expressed concerns about Dutch participation in the mission for precisely this reason. A German MEP described the EU mission as highly irresponsible, especially in view of the fact that intelligence will be shared between the EU force and the longer standing French contingent.

Existing French assets, including aircraft and camp facilities, are being made available to the EU operation and more than half the EU force will be French. An Irishman has overall command of the operation but his headquarters are in France and the commander of forces on the ground will be French. Gérard Prunier, a leading French expert on French African policy, said Idriss Deby is hanging on to power by the skin of his teeth but is likely to hang on only as long as Paris and Brussels continue their support under some kind of pseudo-humanitarian, face-saving dispensation.

I sincerely wish Irish forces serving in Chad well and I sincerely hope that my fears prove unfounded. I hope Irish troops do not become entangled in a civil conflict in support of a dictator. However, I think the prospect is there and we must take it into account. This matter highlights the fears of many Irish people regarding the direction of Irish and EU military developments. Ireland's very honourable record of impartial participation in UN peacekeeping, which I would include under
what I earlier termed active neutrality, could be compromised by participation in EU operations that serve as fig leaves for the promotion of the interests of the French state or other EU states.

It is here that the proposals to extend the tasks that EU forces can engage in set alarm bells ringing. "Military advice and assistance tasks" and "supporting third countries in combating terrorism" might come to constitute euphemisms for helping the likes of Idriss Deby suppress those who oppose his rule. I will grant that the Chad operation shows that worrying interventions can already be undertaken but the extension of allowable tasks could facilitate the mounting of even more disturbing interventions and could make such interventions easier in future. Given this real concern, it is unwise to undertake progressively to improve military capabilities when the ends to which those capabilities can be deployed are so obviously problematic.

That is the bulk of what I wanted to say. If I have a couple more minutes I will point out that the rest of the position paper goes into some detail around another aspect of EU policy, namely, development and trade policy. We examine the EU's record in trade negotiations with poorer countries and argue it is largely negative and has damaged the interests of those countries. This is how the Commission has used its existing powers in the area of development and trade policy, the Lisbon treaty proposes to give the Commission additional powers.

Its common commercial policy would be extended to allow it to cover trade in services, commercial aspects of intellectual property rights and foreign direct investment. If the Lisbon treaty is ratified, qualified majority voting will be applied at the level of the Council of Ministers for the conclusion of trade agreements. The Irish veto on trade and agriculture was given away in 1997 under the Amsterdam treaty. If farmers are unhappy with the deal Commissioner Peter Mandelson negotiates at the World Trade Organisation, WTO, talks there is no capacity for an Irish veto and the second speaker may wish to comment on this. This will be extended to the services sector if the Lisbon treaty is passed.

The global liberalisation agenda will be advanced under the Lisbon treaty and this is a significant concern. We highlight the fact that this treaty refers to prohibiting all restrictions on the movement of capital between member states and between member states and third countries. We point to the fact that the treaty refers to the progressive abolition of restrictions on international trade and on foreign direct investment. The treaty says that the EU's negotiating stance in international trade
negotiations must be exercised in the pursuit of the liberalisation of capital and trade in goods and services. We argue that legally ensuring this seems unlikely to advance the interests of poor countries. On those grounds alone there is an argument for rejecting the treaty.

The question I posed at the outset was whether the Lisbon treaty will change Irish participation in European and military structures for better or worse. I think it will constitute a change for the worse. We are moving closer to a collective defence arrangement, the range of tasks Irish and European forces may engage in will be extended, subgroups of EU members may use EU resources for external actions and member states are being urged to increase military spending. Such actions would be guided by an overarching commitment to trade liberalisation and other components of an external agenda prejudicial to the interests of poor countries. In short, the EU seeks to acquire enhanced military resources and options and there are strong grounds for doubting that such enhancements would be deployed in ways that would promote justice, peace, human rights and development. For these reasons there is a strong case for rejecting the treaty and voting "No" in the forthcoming referendum.

Chairman

I thank Dr. Storey and call on our second guest speaker, Mr. Matt Dempsey.

Mr. Matt Dempsey

I thank the Chairman, Deputies and Senators, committee members and the ladies and gentlemen present in the audience. I am honoured to be asked by the committee to attend this meeting and partake in the subsequent debate. I thank the committee for giving me the opportunity to express my views on this matter.

Are there any farmers in the audience?

Deputy Mary O’Rourke

There would be few.
I would like to briefly outline the direction I am coming from. After those of the Independent group and the Irish Times, the Irish Farmers’ Journal is the largest selling newspaper in the country. Its sales far exceed those of the Irish Examiner, the Sunday Business Post and so on. In many ways the Irish Farmers’ Journal encapsulates what Europe stands for. It was founded with private money in the late 1940s or early 1950s and in the mid 1960s the then owner, a farmer from County Meath who was well-off but not rich, was approached by Lord Thomson of England, who owned a string of regional papers and The Sunday Times. He sought to buy the newspaper to set up an Irish base. The owner gave the paper, without any payment, to a charitable trust and it exists under that trust arrangement to this day. The newspaper’s directors receive no fees and it has no shareholders who receive a dividend. The only objective of we who work for the newspaper is to serve the sector to the best of our ability and we continually try to improve the product.

I am not suggesting that I come from a philanthropic base but I hope my point of view aims to gauge what is in the long-term interest of the country and the agricultural sector, in the broadest sense. Underlying this must be an ethical view on what life is about and that is why I wanted to start with this subject. The preamble to the treaty refers to the cultural, religious and humanistic traditions of Europe and what they are based on. Those of us trying to prepare for life or trying to prepare our families for life must have something they can hang on to and aspire to. The European Union has been in existence from the mid-to-late 1950s until now. For those who would vote "No"— and we would have to accept, presumably, that they come from a base of belief — are we saying that the same rules that were applied for six or nine or 12 member states are adequate for 27? Nobody would be criticised more quickly than the new Taoiseach if he put 27 members around the Cabinet table, because there are not 27 sensible jobs available. There is a range of areas in which this is essentially a tidying-up exercise, which is badly needed. There is not that much of a fundamental nature. I will mention some of the specific points that have been raised in this regard, but what we are talking about is less use of the veto — although it will still exist.

Incidentally, while I am on the question of the veto, we met the French Minister for Agriculture this morning. This man is a former Commissioner, former Minister for Foreign Affairs and now Minister for Agriculture, which shows the sensible position of agriculture in the French hierarchy. However, this is a biased view. Before we began the conference, he stated clearly that at the end of
the WTO discussions either Ireland or France or both of us could veto the agreement if we wished and it would not go ahead. He said that at the moment the French are not satisfied with the agreement and it is not adequate but obviously it is the President's call as to whether the veto is used. He mentioned this without any prompting from me or any of the other press representatives that were there.

In a wider sense, do we say that we have arrived at a place in the Union and we are not going any further, despite the clear institutional handicaps to progress that exist? To use Parnell's famous phrase, are we setting a boundary to the march of a nation and shouting "Stop"? That is not the way life is. In our private and other lives we must aim for improvement. If we grow we must take on the extra responsibilities that growth entails. When we hear about the Burmese junta not letting in humanitarian aid and the European community standing by, not able to take any action because this type of facility has not been afforded to it by the electorate, we must consider that as we have some of the richest countries in the world and such ideals of which we can be proud, maybe it is time to take on some new powers.

I do not know how many of those present have been to Dubrovnik. I was there two years ago. The shells are still there and the marks from incidents of ethnic cleansing are still just up the road. I think it was this that spurred countries that have a real responsibility, given their wealth, their population, their strategic locations, their history and their sense of what is appropriate and right, to take a more developed view as to what is ethically the right thing to do in certain circumstances. That is the position we must take.

Those of my generation will remember, in the narrow agricultural sense, that one of the main features of the year was the announcement from the House of Commons of the new British prices. A small trickle of that translated into a small quota of butter and beef that could be exported to Britain. On the general run of products, we faced competition in terms of lamb and dairy products from New Zealand and beef from the Argentine. If we wanted to help our farmers we did it from our national Exchequer. That has all been forgotten; eaten bread is soon forgotten. Nevertheless, it is worth reminding ourselves that when the huge IMP plant at Leixlip, only down the western road, closed, it was replaced by the Hewlett-Packard plant and the Intel plant. They are not here because we are such nice people. If we had pursued a policy of self-sufficiency, insularity, and isolation,
would we find ourselves the welcome target of people coming to this island, for a change, for work, fairness, equity and a better way of life?

This, ultimately, is what Europe has meant to us. It has meant that our farmers have right of access to Europe and our children have a right of access across Europe for jobs. I do not know how many of those present have children working in the financial services sector. I have, as it happens. They are mobile at the drop of a hat between Frankfurt, London and Dublin. A few of them were in the house with my eldest son the other day and he explained that with the fall-out from the sub-prime crisis in Wall Street, the visas for European workers at Banque Nationale de Paris in the US were not being renewed because the jobs must go to American citizens. Are we really saying that there are hypothetical problems a long way down the line if we pass a treaty such as the Lisbon treaty? Or do we take a conscious decision, saying that we have arrived at a certain point and that we will ignore the constitutional imperatives that need to be tidied up as part of this treaty, live in our own shell and not look outside, and not assess our wider responsibilities?

Agriculture is a genuinely worldwide activity. As editor of the Irish Farmers’ Journal, I have been fortunate enough to visit quite a few countries. I remember delivering some seeds to a monastery in Nigeria. On a main road of about 110 miles, we were held up 16 times by armed thugs looking for bribes so that we might continue on our journey. Are we seriously saying we should retreat into our shell and be wary in case we go down a slippery road of providing armed help, in the form of peacekeeping facilities, to countries such as this? Are we saying we have no obligation to tackle the widespread corruption we see around us? Why has Europe been a target for membership by all of eastern Europe? Some of those present must have travelled widely in eastern Europe before the fall of communism. In these countries, half the population seemed to be paid by the state to keep an eye on the other half. Let us not forget the freedom we enjoy, the media to which we have access, the sheer unadulterated life that can be given to human beings. This is what this advancement is about.

I want to deal briefly with the question of military involvement. This strikes an emotional chord with a significant section of the Irish population. That is fine. It also strikes an emotional chord — perhaps even more so, given their history — with the Swedes. Yet the Swedes have accepted this. When they came to Dublin we quizzed them on how they coped with neutrality. Their Minister, I remember, became quite upset and irate and took a view that we were insulting the Swedish tradition of neutrality and insinuating that they were colluding with its erosion. She rebutted both
allegations forcibly and with conviction and I was certainly happy. Others of us accept the triple-lock mechanism, whereby the Government, the Houses of the Oireachtas and the UN must first sanction military action before Ireland can participate in it. What other safeguards do we want or need? Do we want an eternal safeguard against every hypothetical problem that might arise in 50, 100 or 200 years? Life is not like that. We must face the realities as we find them. The safeguards are clearly there. I am aghast that anybody can seriously suggest that, while we have a perfect right to stand aside from military involvement, we should actually insist on having, effectively, the power of veto to prevent other member states pursuing what they consider to be right as a major international bloc. Given the history of Europe and its role in the world, that is a bridge way too far.

As I see it, on the development side, we have lost our sugar industry. The ostensible reason was that it was unfair to developing countries. I believe this was wrong. The abolition of our sugar industry has put developing countries at a disadvantage. I was heartened to hear the Minister, Monsieur Bernier, say today that the problem with a large part of the present WTO deal is that it does not respect the obligation of the rich to help the developing world. We seem to have forgotten so easily that the European Union, uniquely in the world, gives free access to its markets for every product produced by the 50 poorest countries of the world, the exception being arms. That means every single product, from agricultural to industrial to services. Those of the audience who have travelled abroad cannot, in my view, but be proud to belong to a bloc that has taken its obligations of aid to the Third World so seriously and is continuing to strive to put more effective mechanisms in place.

I have gone through the treaty to the best of my ability. I am not saying that it is not limited. However, I can find hardly any point about which I have reservations, and a great deal that encourages me, not merely to vote "Yes" but also to encourage those with whom I am fortunate enough to come in contact, to vote "Yes".

Chairman

Well done. I thank the guest speakers. We have here the whole spectrum of European evolution. The concerns and aspirations of both sides have been well and truly demonstrated. This brings us to the interesting point when the committee calls on speakers from the floor to take their seats in the front row and come to the platform. Each speaker will have three minutes and can be interrupted by committee members without erosion of his or her time. We also have the right to call the speaker to a halt after three minutes.
I wish to introduce my colleagues on the platform. From my extreme right, although not ideologically, of course, are Deputy Noel Treacy, Deputy Denis Naughten, Senator Terry Leyden, and Deputy Joe Costello, all the way from Dublin, who has participated in all the debates. Some of the speakers are members of the committee, others are standing in for members who come from other areas. From my extreme left, again not ideologically, are Senator Nicky McFadden, our guest speaker, Deputy Mary O'Rourke——

**Deputy Mary O’Rourke**

From Athlone.

**Chairman**

From Athlone. The two speakers on my left are in their home base and are both very welcome. Deputy Mary O’Rourke is a member of the committee. Senator McFadden is standing in for a member.

Speakers must give their names and details of organisations if they are involved in such. Their words will become part of an Oireachtas committee report on the Lisbontreaty.

**Mr. David McKay**

I thank the committee for the opportunity to say something about the Lisbontreaty. My name is David McKay and I am from an organisation called People Before Profit that is opposed to the treaty for various reasons. One of the main reasons is related to points the first speaker made about the militarisation of Europe. I am for Europe but not for a Europe that wishes to spend more and more money on weapons of war to kill people. I am for a Europe that wishes to spend more on health and education. In the Lisbon treaty there is no aspiration, doctrine or clause that expresses desire to spend more on these. There is aspiration to spend more on weapons. I believe that will take Europe down a completely different direction, one I would oppose and would argue for others also to oppose.
The other point I wish to make relates to the broad question of democracy. I have been to some of these meetings before. Most of the speakers from the platform have said that there will be more democracy and that things will be more open. Yet I find it appalling and disgusting that, while people say the Lisbon treaty opens up democracy, Ireland is the only country that has been given a chance to practise that democracy by voting on the treaty. Votes were taken in France and in the Netherlands, and Ireland itself voted against different forms of this treaty in the past. I believe that one reason people are not being given the opportunity to vote is that the European Union actually does not want people to vote on this issue. The British people were told by Tony Blair, supposedly, that they would get a vote and then it was stopped. The leaders in two or three other countries in Europe said that an opportunity to vote would be provided but the option was taken away from the people.

It is not in the powers of the committee here, obviously, to change that situation but I do find it disgusting that while we talk here about the Lisbon treaty taking people on a whole new way forward, the people of Europe are not being given a chance to vote on this. The other fear I have is that once the Lisbon treaty is ratified — or not, depending on how Ireland votes — there will be very little opportunity to change anything. Rather than increasing democracy I see the treaty as eroding it.

Chairman

We will hear two sets of questions and then call on members to respond.

Councillor Paul Hogan

I am Paul Hogan, mayor of Athlone and a member of Sinn Féin. I welcome the opportunity to speak at this Oireachtas committee meeting on the EU. I should say at the outset that I regard myself as a proud European, proud of Europe and what it has done. However, listening to the speakers here, I noticed very little reference to the Lisbon treaty itself. Very few speakers mentioned specific articles. I have listened to the "Yes" debate on an ongoing basis since the issue has come to the fore, even in local newspapers. Very few speakers are willing to reference specific articles of the treaty and I wonder why that is the case.
People say that the Lisbon treaty will make the EU more democratic. They mention the Charter of Fundamental Rights and the citizens' initiative. The charter was the carrot for us to vote for the Treaty of Nice. Yet, after that treaty went through, on its second round, the carrot suddenly became a political objective. A person who is involved in politics every day knows exactly what happens to political objectives. They are put on the long finger.

The citizens' initiative requires 1 million votes across the member states to be brought before the Commission which is then obliged to review the proposal in question. They are not obliged in law, however, to do anything about it which means that the citizens' initiative is a very weak tool. As Mr. McKay has said, there is specific reference under Article 28(a) for increased military spending. Everyone may have views on that point but there is no specific reference to increased spending in education, health or in any other public services.

A speaker from IBEC at the National Forum for Europe on 29 April stated that a "Yes" vote for the Lisbon treaty "creates the potential for increased opportunities for Irish business, particularly in areas subject to increasing liberalisation such as health, education, transport, energy and environment". Does this mean that the treaty is paving the way for privatisation of these services? They should remain State owned public services.

Article 113 of the treaty is topical as it deals with the veto for tax harmonisation. Why are we discussing the veto? Is tax harmonisation on the agenda? The French will assume the Presidency of the European Council later this year. A Minister from the French Government, Ms Christine Lagarde, said recently in a statement that the French Government intends to press ahead with a common corporation tax base. That we are talking about vetoes at all means it is on the agenda and it is in the treaty under Article 113. We discussed companies such as Hewlett-Packard, Intel and Elan here in Athlone. If there is a common corporation tax base those businesses will not remain here. That has been pointed out by the editor of the Irish Farmers’ Journal. We discussed climate change——

Chairman

That is not what he said to be fair to him.

Mr. Paul Hogan
There seems to be an argument that climate change is addressed in the treaty. What is in the treaty is a mere six additional words on climate change. There are 24 times the number of words on space exploration than climate change. Does that show our priorities? The Government has failed to negotiate the deal we deserve with this Lisbon treaty.

We previously discussed the matter of water charges and while it is not related to the Lisbon treaty it was an EU directive under the 1992 Maastricht treaty. This brings me to my final point. What is in this treaty and what makes it more democratic? We will lose half our current voting rights at Council. Ratifying the treaty will mean for five years out of every 15, where the decisions will be made, we will be without a commissioner. That is a fact. It means that we are reduced to 0.08% of a say in Europe. Is that good for a country like this in a remote location? This is my last point——

Chairman

The speaker is in his fourth minute.

Mr. Paul Hogan

——Deputy Bertie Ahern and a French Minister were quoted as saying that 96% of the constitution which was rejected by France and the Netherlands is contained in this treaty. Mr. Giuliano Amato said what is good about the Lisbon treaty is that it is not called a constitution which means that we will not need a referendum to ratify it. This means the people will not have their say.

Chairman

I thank Mr. Hogan, who had three minutes to speak. Before I call Deputy Mary O'Rourke, I wish to state that what the French and the Dutch did is not our business. We are an independent sovereign State and it is our right to make a decision based on our involvement in the European project as an independent entity, not influenced by anybody else. For the European Parliament the proposed ratio of parliamentarians to the population in this country — this is already incorporated in the treaty — will be 300,000:1 and in Germany it will be 840,000:1, so we have not lost much.
**Deputy Mary O’Rourke**

I thank the Chairman and the committee for coming to Athlone, and I thank everybody who turned up this evening. I know the Chairman wishes us to address the comments made by speakers so I will address the points made by Mr. David McKay. He mentioned that other countries are not voting on the treaty, but we are doing so. We are concerned about our country and we are lucky that we have a Constitution to which we must adhere. Mr. Raymond Crotty took a court case in 1987, the result of which implied and made clear that if we want to make additions or changes to our constitution and it was deemed that any European decision would affect it, then the citizens would have to vote on the matter. I am proud that our country has a vote and I am not worried that the other countries do not. Everybody in this room has a vote. I therefore do not see how Mr. McKay can lay this at our door as a fault. He said the treaty represents an erosion of democracy, but it is quite the opposite. Everyone will have a vote on 12 June——

**Mr. David McKay**

The other 26 countries are not getting a vote.

**Deputy Mary O’Rourke**

I am sorry if he has not, he must not be on the register, but everyone who is will have a vote. There can be nothing more democratic than that.

**Mr. David McKay**

The other 26 countries are not getting a vote.

**Deputy Mary O’Rourke**

I am not here to fight for France and Germany——

**Chairman**
Only one speaker at a time, please.

**Deputy Mary O’Rourke**

I am here to fight for Ireland, not any other country.

I will now address the points made by Mr. Paul Hogan, who is a very good chairman of the town council and Mayor of Athlone. He mentioned the Charter of Fundamental Rights, which is associated with the treaty. The citizens’ initiative is a start and if there is matter which people feel is worth legislating for across Europe, then we can propose that law and it will be considered. I recognise the point made about there being no compulsion to consider every proposal and maybe not every law would be a good law, but it certainly would receive serious consideration. We can then move on from that as a beginning.

Mr. Hogan said that while there is increased mention of military spending there is no mention of spending on education and health. However, these are matters of subsidiarity, which is a great big word that I like to use, but what it means is that domestic parliaments will deal with initiatives, spending plans and priorities on matters which affect them. Such matters as education and health are domestic, national Government matters and it is up the Government, whatever hue it may be, to plan spending on education and health. It is not a matter for Europe.

**Mr. Paul Hogan**

Can these public services——

**Chairman**

We will come back to that point again. We will let each speaker respond. I want to be clear about this. The speaker from the platform is responding to the questions raised. We will give other speakers the opportunity to speak again but they should not interrupt.
Deputy Mary O’Rourke

I did not interrupt Mr. Hogan.

Chairman

Only the Chairman can interrupt.

Mr. Paul Hogan

Can I come back in?

Chairman

Yes.

Deputy Mary O’Rourke

Mr. Hogan must admit that we did not interrupt him when he spoke. Health and education will remain the concern of the Government. Mr. Hogan mentioned the proposed increase in military spending. However, the European project was set up to ensure that there would never again be world wars, or countries demolished or countries led into untold difficulties. Of course some countries will need to increase military spending. We are committed to having peace enforcement and that is the reason our soldiers are gone to Chad and the reason they were in the Congo and the Lebannon. These projects account for increased military spending.

Mr. Hogan mentioned climate change and regardless of whether we wanted it we have embraced the Green Party which is determined to address climate change. We believe there will be progress in this area.

Mr. Hogan referred to the diminution of representation and the Chairman provided figures to illustrate this is not the case. In Ireland we have one elected MEP for every 300,000 people,
whereas in Germany it is one for every 800,000. We are represented quite well. Nobody wants to own up to losing a commissioner. After several years we will lose one, but so will the UK, Germany and France each of which has two commissioners. The proposed changes represent a complete levelling of the pitch with regard to commissioners as each country will have the same losses and gains in the distribution of commissioners. These are the matters raised. I am proud that we have a vote here. We fight Ireland's fight.

Mr. Hogan made the point about Hewlett-Packard, Elan and other companies but we have the veto on taxation. Nobody can take that from us. We cannot stop anyone wishing to bring forward a motion or a matter regarding equality of taxation but we have the right, lámh in ard, to say "No" and that is what we will say because that is what we have been mandated to do.

There is not a witch behind every bush, so to speak, in this treaty. People have every right to say "No" to the treaty as I have every right to say "Yes" but I do not go around looking for witches behind bushes or fearing the next ogre that might emerge from Europe. I am happy and positive about being a member of a Europe committed to equality, democracy and opportunities for people including the right to travel, as Mr. Dempsey said, the right for young people to have jobs and to travel throughout Europe and have that ease of mobility my generation never had. They can go to their local institute of technology, get their qualifications, perhaps get further qualifications, get a passport and away they go. The world is their oyster.

Chairman

I thank Deputy O'Rourke. I call Deputy Joe Costello.

Deputy Joe Costello

I am delighted to be in Athlone and have an opportunity to answer some questions. Deputy O'Rourke covered a good deal of ground in her contribution. I will try to concentrate on some of the same issues but different aspects of them.

The issue of militarisation and Irish neutrality has come up in the debates on all the treaties and the argument is made on each occasion that we have reached the doomsday situation where Ireland is
no longer neutral, it is now tied into a European common defence policy, we will have a European army and woe betide us. That is not provided for in the treaty.

Ireland can only be involved in a military mission or civil action, because the Garda is involved as well, in accordance with the triple lock mechanism, which means that where there is a specific United Nations mandate or a decision of the plenary Council on which our Parliament votes. There is no other way we can be involved in a military mission. That is what happened in Chad. The United Nations wanted the European Union to put a force into Chad. Ireland agreed to be part of that force. There was a specific UN mandate for it. That is how it happened. There is no mystery or conspiracy about it. It does not make us a militarised country.

To take a step backwards from that, the European Union itself and countries in the European Union have different views on the issue of NATO and so on because most countries in Europe are members of NATO for different historical reasons. Some joined after the Second World War. Others joined at the time of the fall of the iron curtain because they were afraid of ever having to live again under a totalitarian regime. We did not. Five other members of the European Union that are members are neutral countries as well.

Nevertheless, in regard to the Common Foreign and Security Policy, the Lisbon treaty states categorically that, first, the European Union cannot get involved in any military mission unless that military mission is in accordance with the United Nations Charter.

**Dr. Andy Storey**

It is not a mandate.

**Deputy Joe Costello**

Nobody said it was a mandate. That is the Irish extra demand in it but for every other European country it is in accordance with the United Nations Charter.

Second, it must be in accordance with international law and, third, it must be in accordance with the principles of democracy. Those are the rules for the European Union. Ireland has upped the bar a
stage further with the triple lock mechanism. That must be recognised. We are not being pushed into any military activity that is not in the context of peacekeeping, conflict resolution, peace-making, humanitarian aid or what are called the Petersberg Tasks.

On the article Mr. Hogan mentioned about tax harmonisation, Article 1.13 has nothing to do with our corporate tax regime, the so-called tax harmonisation. It is about indirect taxes. It is about turnover tax, customs and excise taxes. It is not about corporate tax. In Belfast yesterday, the British Prime Minister, Mr. Gordon Brown, said that the British Government has no intention of allowing any form of tax harmonisation to be established. Ireland and Britain have the veto. That is two countries that have said they will not allow it. There is no sense in trailing those red herrings because they have nothing to do with the treaty.

On the Charter of Fundamental Rights, the difference now is that when the Nice treaty was being passed in 2002 the charter existed as a declaration. It had no legal standing. When we pass the referendum on the Lisbon reform treaty, which I hope we will, and ratify it on 12 June, the Charter of Fundamental Rights will have legal standing. It will be legally binding. It is no longer a declaration and it is very strong on workers' rights, equality, women's rights and the environment, which raises the issue of climate change. Mr. Hogan said there were only six words in regard to climate change. That is not true. They are six important words that give a legal commitment to climate change but the Charter of Fundamental Rights specifically states that all European policy and legislation must be defined in the context of the sustainability of the planet, including climate change. He should read the whole treaty and he will see that it is covered strongly.

On public services, Mr. Hogan said that what we will have in that regard is the liberalisation of public services. That is not true. Protocol 9 deals with that. There are two references to public services. One refers to general services, which are the ordinary services such as health and education. As Deputy O'Rourke said, the European Union has no competence, power or right to interfere with the way each member state conducts its education policy, provision or funding, or its health funding. It does not have any say in the matter because it was not given the power to have a say in it. These are items of subsidiarity. Each member state deals with them.

The services of general economic interest would be to do with semi-State bodies such as Bus Éireann, Iarnród Éireann, Aer Lingus and others. They are services of general economic interest that...
can be of a semi-State nature. What has happened is that instead of liberalisation we have the opposite. For the first time we have been given a legal basis whereby we can regulate those public services in the interest of the community rather than free for all liberalisation. In the past we could have given money to Aer Lingus if we wished and stopped it from being privatised but we did not do that. Currently, under the European reform treaty we can still do that. There is no interference with it but as well as that we now have a legal basis for putting forward legally binding regulations to ensure that situation is maintained. That is a strong commitment and it is the opposite to the liberalisation about which we have heard.

Chairman

Deputy Naughten wishes to speak. Following his contribution, I will return to the floor and bring in speakers who wish to contribute a second time, but I also want to encourage those who have not spoken to contribute.

Deputy Denis Naughten

Like Deputy O'Rourke, I welcome those present to my home town of Athlone. I am delighted the committee is meeting here and thank Deputy O'Rourke and her colleagues for holding one of the series of meetings in Athlone. The process in which the committee is involved is useful. I hope that as a result of it, people will have much more information on what is or is not contained in the treaty when it comes to casting their vote on 12 June.

I wish to comment on a number of issues, the first of which concerns military capabilities. We are meeting in the home town of the western command from which the majority of the 400 personnel who will serve in Chad come. We all wish them well in that task. There is provision in the treaty for progressively improving military capabilities. As Deputy Costello said, it relates to the Petersberg Tasks which include peacekeeping, conflict prevention and humanitarian tasks. Dr. Storey mentioned the issue in the context of providing assistance. However, a fundamental issue is being ignored — it is the elephant in the corner of the room. What would happen if an incident such as that which occurred in the United States with the hijacking of aeroplanes were to occur here with a place in Ireland being a target? Would we call on the Defence Forces to shoot down such an aeroplane? We do not have the capability to do this. That is the stark reality in terms of our military
capability. Switzerland, a neutral country, has put significant resources into its military capability to be able to claim neutrality in the manner in which it has.

Mr. Paul Hogan mentioned the issue of military spending, as did the previous speaker, and they made the argument in the context of education and health needs. As Deputy O'Rourke said, as these do not form part of the competencies of the European Union, it cannot be involved in them. I do not want more money to be invested in the health service, given that the budget for health spending increased by a factor of five during the past ten years. We spend €15 billion on health services and while such expenditure has increased from €3.5 billion ten years ago, standards in the health service have deteriorated. The issue is how such expenditure is being managed by the Health Service Executive. It should be our priority to have that issue addressed.

Mr. Hogan also mentioned the issue of liberalisation, claiming that it means privatisation. The European Union has introduced such regulation. The energy sector is a good example. State companies such as Bord na Móna, Bord Gáis and the ESB are very much involved. The ESB has invested significant amounts of money in the United Kingdom, Poland and other EU member states and capitalised on this investment. That State company has been successful in gaining new opportunities. The introduction of regulation does not necessarily lead to privatisation.

I wish to return to a point made about climate change. It is a serious issue that cannot be ignored at European level. As Deputy Costello said, there may be only a few words referring to it in the treaty but they are crucial. Between 1987 and 1998 the average number of climate related disasters throughout the world was 195. Between 2000 and 2006 that figure rose to 365, an 87% increase. Some 40 million people, mainly in Africa and Asia, are affected by this issue annually and no one is giving leadership. The European Union can and will give leadership and take ownership of the issue, through the treaty, and support developing countries.

Mr. Matt Dempsey was correct in what he said about the Everything But Arms agreement, but he did not point out that the 50 poorest countries in the world have preferential access to the European Union over other countries. At the World Trade Organisation talks countries such as Brazil, Argentina, New Zealand and Australia are fighting to secure the same access, which would mean that the 50 poorest countries and their economies would be decimated. This happened in the case of the sugar industry. The countries producing that commodity do not now have the preferential access
to the Union that they once enjoyed. They were the countries that supported European farmers and the retention of the status quo because it was in their interests to do so.

We need a European Union that can make decisions. It is tied up in bureaucracy and it is about time we eliminated some of it. The treaty provides a mechanism to do this.

**Chairman**

Following a brief intervention by an earlier speaker, we will hear from three more speakers on the platform. I encourage people who have not spoken to come forward and take seats in the front row in order that I can catch their eye.

I wish to quickly make a correction. I believe Dr. Storey quoted Article 49 dealing with the mutual defence clause. The article continues: “This shall not prejudice the specific character of the security and defence policy of certain Member States”. That clause was inserted by the Government to secure and protect our neutrality.

A speaker mentioned the issue of privatisation which was also mentioned by a Sinn Féin representative during last Thursday night’s meeting of the committee in Dundalk. Eircom was selected as an example of where privatisation had gone wrong and it was argued that we should vote against the treaty because of this. However, there is another issue. What about all the other European countries which have telecommunications systems that are working well? The telecommunications sectors of even some of the latecomers to the European Union from eastern Europe which were in the communist bloc are working very well. It is not as a result of the European Union that the system has not worked in the way it should. We have to perfect it. Privatisation works very well in the United States. We may not have yet perfected it to the same extent here, but it is working throughout Europe. Many more are employed in the telecommunications sector now than ten or 15 years ago. Such privatisation creates competition.

I wish to make a further point about the Commission. Reference was made to the loss of our commissioner for a period, but that is a positive development. While few would agree with me, having been a member of this committee for 26 years, I believe this is the most positive development that has occurred because it will eliminate the notion that a member state owns a commissioner. It was never intended that a member state would own a commissioner and regard
him or her as its commissioner. The Commission is supposed to act collectively in the interests of all member states of the European Union. I do not want to delay the meeting but people should know about this. The Commission represents all the people who are entitled to assert their rights. Reference was made to the petitions committee in that regard. There is such access and it was provided for for a purpose.

The concerns expressed about the agriculture sector would not have arisen if the Lisbon treaty had been passed five years ago, as there would not have been an opportunity for a single Commissioner to go on a solo run. I was a member of the Joint Committee on Foreign Affairs at the time of the debate on CAP reform. All the NGOs lobbied for CAP reform along the lines proposed. I was one of those who resolutely spoke against this on the basis that the CAP reforms proposed and ultimately being pursued by Commissioner Peter Mandelson would not be in the interests of European producers or poor farmers in Africa. Unfortunately, I was right. I did know I would be at the time but it has transpired that I was.

The next speaker who has already had three minutes to make his point seeks clarification on a particular matter. I will then invite others to speak, to be followed by three more speakers from the platform.

**Mr. David McKay**

Thank you for the opportunity to speak again. Clarification is coming from the floor to the platform. Various speakers said health and education are subsidiary. That effectively sums it up. It puts health and education lower down the list.

**Deputy Mary O’Rourke**

They were not subsidiary — the word is "subsidiarity". That is a different matter.

**Mr. David McKay**

I do not think it is. To me it is putting health and education, the welfare of the 450 million people of Europe, lower down than spending on weapons. That is what I get from the Lisbon treaty.
Deputy Joe Costello

I do not believe that.

Chairman

It is in the hands of the member states.

Deputy Mary O’Rourke

It has nothing to do with "subsidiary". It is subsidiarity.

Mr. David McKay

My interpretation of what you are saying is that the Lisbon treaty puts militarisation centrally up there.

Chairman

Just a second.

Mr. David McKay

The Chairman is interrupting me. I thought the European Union was about democracy.

Chairman

I will not stop you from speaking. I want to clarify something. Militarism is not above health, education and the rest.

Mr. David McKay

I want my opportunity to speak.
Chairman

You had three minutes and you are getting a second three minutes.

Mr. David McKay

I have not had three minutes.

Chairman

Nobody will curtail your right to speak. So-called militarism arises from something already said by other speakers. Mr. Matt Dempsey referred to somebody visiting Dubrovnik, as I did. I also visited Mostar. A few years ago a small force of Dutch UN peacekeepers protecting safe havens in Bosnia was overcome or surrendered. Whatever happened, there was no European security system that could intervene. Eight thousand people were slaughtered in a week in a safe haven. It was like shooting fish in a barrel. As a result of that, the European Union decided there should be some means whereby member states could come to each other's assistance in the event of their being vulnerable. This has been referred to by Deputy Joe Costello and others. It is important that we clarify these matters. There is no question of putting defence and security at a higher level. Previously there was no competence to do anything. Nothing could be done by the Dutch, the French, the Germans, the Italians or the Russians, who all had a history in this area. As a result, this treaty proposes peace enforcement. With the consent of the United Nations, the European Union has the right to defend. We looked at our televisions every night when all those people were being slaughtered and said it was a awful thing, but nobody did anything about it.

Mr. David McKay

Why is the European Union not doing something about the people who misdiagnosed the cancer in Irish hospitals? Why is the European Union not doing something about the thousands of people lying on hospital trollies in Ireland and possibly in other European states? These are the areas I would like to see covered in a treaty, not militarisation. Thank you.
Chairman

That is not within the competence of the European Union; it is the competence of the member states.

Deputy Mary O’Rourke

You cannot have it every way.

Chairman

We will hear a new speaker. Your name, please, and the organisation to which you belong.

Mr. Micheál Ó Faoláin

Micheál Ó Faoláin is aind dom. I am a member of Fianna Fáil and proud of it. It is a great opportunity to address an Oireachtas committee in Athlone. It is a bit daunting. Quite a number of people here hold views contrary to views expressed from the floor. In 1971 when the original referendum was held, I campaigned against it, with many of the trade unions and the Labour Party. We were desperately and horrendously wrong. Membership brought something which had not been seen since the Act of Union in 1800, namely huge amounts of funding, not only for infrastructure such as roads, sewerage, harbours, airports and so on, but also badly needed funding for the education system, particularly the regional colleges and institutes of technology. This was one of the major pillars for the take-off of the economy. The term "Celtic tiger" is beginning to be used in a disparaging way, but it certainly created many opportunities and much contentment. We have really found ourselves as a nation in the past few years. It is under threat at the moment, but perhaps that is not really what the Lisbon treaty is about.

There have been many questions about increased military funding within member states. I recall from my study of politics that it is the fundamental duty of any government to protect democracy and when democracy is under threat the government has an obligation to raise an army or defence force. Let there be no doubt that democracy is under huge threat in the modern world. We have seen
this on the edge of the European Union in places like Serbia and Dubrovnik. Real people died in that ethnic cleansing and they were very close to creating a great deal of trouble, even within the EU.

I was very much in favour of our neutrality in the past, but the world has changed. We find ourselves in a privileged position in the sense that we can help. I was particularly taken by the impassioned pleas of John O'Shea regarding intervention in Darfur. We can hypothesise and talk all we like about it, but there is a huge humanitarian disaster there and the soldiers of this town are helping in a tremendous way. If people want to use us as pawns of the French, as has been suggested, they take us, our Government, our Army and our organisations as fools. That is really insulting.

A claim was made that a mutual defence pact is part of Article 50. If that means we have to go to the aid of France if it is attacked, and the French have to come to our aid if we are attacked, I think we are getting the better part of that bargain. In this town, more jobs in connection with the military are welcome. It is the use to which the military are put that is the real question.

There are many other issues involved. I accept the point made by Deputy Joe Costello about the charter and references to climate change. While all the regulations can be made and all governments can make points about it, ultimately it comes down to the rights and obligations of individuals. If those rights and obligations are stated in the charter, those conditions of the Lisbon treaty are well worth supporting. Ultimately it is a matter of trust. The people proposing a "Yes" vote on this treaty have led us in the right direction. In this case there is cross-party leadership. It is the most significant cross-party issue in a long time. I am prepared to accept their opinion rather than read and interpret every point. I accept their assurances.

**Deputy Noel Treacy**

Thank you for having us in Athlone. I also thank Deputy O'Rourke and Deputy Naughten for hosting us. It is great to be in this town.

I have listened with great interest to what has been said. Dr. Storey referred to the worry about common defence. Over the centuries, when we needed help, where did we look? We looked to...
Europe, to the French, the Germans, the Spanish. Eight hundred years of conflict on the island of Ireland between North and South, Catholic and Protestant, Unionists and Nationalists, concluded this week with the opening of the visitors' centre at the Boyne by the outgoing Taoiseach, Deputy Bertie Ahern, and First Minister, Dr. Ian Paisley. Did we ever think to see it in our lifetime? In 1968, 1969 and 1970 when I was a student, there was a clamour to do something about the serious conflict in Northern Ireland. We had a serious conflict in Northern Ireland for 30 years from 1969. There was a clamour to do something about it. We could not do it ourselves and could not trust our great neighbours, so it seemed we would have to bring in the Europeans. However, the EU could not come in as honest brokers, peace enforcers or negotiators because there was no competence to do that within the laws of the European Union in successive treaties from the founding treaty in 1957 right up to today.

The European project was initiated in 1957 in a post-war environment after two desperate world wars in which millions had died. Visionary leaders such as Monnet, Schuman and de Gaulle got together to establish this great project for peace, progress, proper politics and prosperity for all the people in the original six countries. Ireland joined in 1973 along with Britain and Denmark. In 1994, the Union expanded to 15 members, in 2004 to 25 and now we have 27 members. How can one run the same operation with 27 members as one did in 1957 with only six? We must refine the structures to have greater competences and legal enforcement positions. We must all live under the law. We can presume to be wonderfully virtuous people but unless rules, regulations and laws are enforced, some people might not conform to the norms of humanity that apply to society at large. That is what the Lisbon treaty is all about — it is vesting power in individual citizens and it mirrors our own Constitution.

The European Charter of Fundamental Rights guarantees the right to liberty and security, respect for private and family life, protection of personal data, and the right to marry and found a family. Deputy O'Rourke already mentioned the principle of subsidiarity whereby the laws of Ireland concerning marriage are protected within the Lisbon treaty. Therefore, our marriage laws will prevail in Ireland, while UK and French laws will prevail in the United Kingdom and France, respectively. The charter also guarantees freedoms of assembly and association, expression and information, education, integrity of the person, the right to life and human dignity, prohibition of torture and inhuman or degrading treatment or punishment, and the prohibition of slavery and forced labour. The charter states: "The peoples of Europe, in creating an ever closer union among
them, are resolved to share a peaceful future based on common values”. That is what this is all about.

As Deputy Naughten pointed out, Athlone is a famous military town, historically linked with the great General Custume. Are we saying that in a modern Ireland we will have our soldiers in Chad or elsewhere without proper technology, resources or back-up facilities? Should we not arm our military, giving its members the right to defend themselves and, as Micheál Ó Faoláin so eloquently said, protect those to whom they have a responsibility? We cannot operate in a cavalry situation that pertained in the 17th century when Custume and his men were here. Things move on. As a global player in a new world, the EU must have the resources and capacity to provide operational balance in the world, along with the United States, China, Japan and the emerging powers. We need such a balance and it is critically important to have it.

I listened to Councillor Hogan and I thank everybody who has spoken. In particular, I thank our two guest speakers. Mr. Dempsey made an outstanding summation of the role of Europe and the treaty itself. I thank him sincerely. I also wish to thank Dr. Storey for his contribution. I have heard him before and his presence here has given balance to the debate. Councillor Hogan spoke about climate change and space exploration. We are a small island. We are fortunate to be an island nation and, although it has disadvantages, it also has huge advantages. As a little country we have played to those advantages over the years. People should ask themselves what we can do about climate change on our own — a very small amount.

Going back to the point about voting, 0.8% is probably what we can contribute in Europe. Our vote in Europe is 0.8%, which represents 0.8% of the population of Europe. That is absolute equality. My colleagues on the top table who have been present in the Council of Ministers and various other European fora can confirm that in all the years we have been there, since 1973, we have never been pushed, shoved, coerced or driven into any decision. Matters are negotiated and debated before a consensual conclusion is arrived at in the interests of the common good of every citizen of the European Union.

Councillor Hogan spoke about space exploration as if it was a dangerous thing. The European space exploration programme is worth €100 million per annum to Ireland. We have researchers, scientists, technologists, communications specialists, software programmers and manufacturers, all of whom are involved in the space programme as a result of our membership of the EU.
The Common Agricultural Policy, which is vital for our farmers and future food security, is protected within the treaty. If we say "No" to the treaty we will be turning our backs on the opportunities and support we have received. As an tÚasal Ó Faoiláin said, an average of €2 billion per annum has come into this country since 1973.

Since the Good Friday Agreement in 1998 we have received in excess of €1 billion for the peace programmes in Northern Ireland. In the current peace programme, which starts this year and runs for three years, we have €333 million to embed the peace process, deliver structures, engender mutual respect and understanding, and provide new systems and facilities so that we can all live in peace, harmony, progress and prosperity thanks to the great European Union. This is about the common good of each individual citizen and the goodwill of all our people working together and coming closer together.

I wish to re-endorse what Deputy O'Rourke said. Mr. McKay talked about investment in health, but these are matters for each member state. Ireland is one of 27 EU member states and that is our responsibility. We are creating a refined structure so that we can have a collaborative and supportive partnership to ensure that Europe is a better place with better institutional systems to serve citizens in a more effective, efficient, positive and practical manner in future.

Chairman

I will bring in our two Senators in just a minute but first I will call on another speaker from the floor.

Mr. John Kelly

My name is John Kelly. I wish to mention one or two small matters. I will not delay anyone. I served under the UN flag for approximately eight years, following two Israeli invasions and the Gulf War. The troops were addressed the other day by the Minister for Defence, Deputy Willie O'Dea. The UN flag I served under had a UN badge, but the troops who went abroad the other day did not have a UN badge. The badge under which they were deployed carries a higher risk. If I were a married man with a family I would think more than I did before, even though I was younger when
I went out. The risk is that bit higher going out with the badge under which they operate at the moment. The commanding officer of the Irish contingent is conducting troops on the ground, while I think he is actually in France himself, although I could be wrong about that.

**Deputy Noel Treacy**

The co-ordinating centre is in France.

**Mr. John Kelly**

It is co-ordinated from France, yes.

**Deputy Noel Treacy**

The co-ordinating centre is in Paris but his operational office is in Chad.

**Mr. John Kelly**

Yes but automatically the troops are more at risk. In the Lebanon, for example, if Irish troops were to be targeted in a certain area, they would bomb or shoot at that area, whatever the case may be. In Chad, if they wanted to get through to the French or any other nationality — I am not picking on the French in particular — they would become part and parcel of the higher risk category. No matter, however, because they are out there at the moment. I would like somebody to explain the Laval and Rüffert cases to me. I am not sure about them so maybe one of the speakers might be able to explain them to me afterwards.

The Government mentioned that the Irish Ferries case did not happen on the island, it happened off the island. There was a technicality involved. Does that mean that in future, if it is a "Yes" vote, any company that comes in from a foreign country — it does not matter what country, be it Poland, Latvia or Slovakia — can operate according to their local rules? If people from any of these countries take over a company here, does that mean that if the referendum is passed, they can hire 200 or 1,000 people from their country and pay them the national wage in that country? If that is what it means, it will drive down Irish wages. We are not saying "No" to the treaty and "No" to the
UN but we are saying "No" to the treaty in the sense that we would like to negotiate a better deal on some of the issues. In many ways, it is good and Europe was great for us at the start. However, as Mr. David McKay mentioned, it has changed direction of late.

I heard Councillor Paul Hogan mention the different articles involved. I did not hear many articles mentioned by the "Yes" side in regard to what is and what is not on the agenda.

The likes of Bus Éireann, which has been running the show in regard to school transport for years, is at great risk. There is a huge company waiting in the wings to take over. It will wipe the slate clean and will not pay monthly like Bus Éireann does. Children are transported to and from school which means parents do not have to transport them and can get on with their work. The Government is not moving on that at present and J. F. Dunne Insurances in Dublin is collecting money from bus companies to do legal work on it.

At present we are on a level playing pitch. However, there is a risk and it would be sad to see the likes of Bus Éireann and many other companies go. If there is a free for all, it will drive down wages in Ireland.

I find it hard to favour a "Yes" vote having listened to Councillor Paul Hogan and a few people. I would like if somebody would explain the Laval and Rüffert cases.

Mr. Fran Barnwell

I will comment on some of the last points raised, although I had not intended touching on them at all. I was involved in the trade union movement for 35 years in this town and at national level, particularly in the communications industry. I am looking at this issue from the point of view of employment law. I am not an expert in employment law but I refer to some of the issues raised by the last speaker. I very much welcome the fact that after much study, the Irish Congress of Trade Unions and the Labour Party, two very prominent bodies in regard to labour affairs and issues such as legislation, are quite satisfied there is nothing serious in the treaty from the point of view of any threat to the rights of workers. Deputy Joe Costello emphasised that point earlier.
On the question of the health service and education, I am amazed by the degree of opposition to the treaty on that basis. If I thought responsibility for education and health was being shifted to Europe, I would argue against this treaty. The very people opposed to the treaty want to hand over competence for them to Europe. By God, if that was the case, the treaty would certainly deserve to be thrown out.

Deputy Joe Costello

The first point Mr. John Kelly made was about the UN badge. He said he served under the UN banner which is fantastic. There is a very proud record of Irish soldiers serving abroad since 1958 or 1959. Irish soldiers first served in the Congo. The United Nations specifically asked the European Union to carry out missions for it and to set up the capability to do so. KFOR, for example, resulted from a request from the United Nations. If Ireland gets involved in Chad with the European Union, it does so under a UN mandate. The blue beret may not be worn but Ireland is there under a UN mandate. That is the key issue.

I refer to the Laval, Rüffert, Viking and Irish Ferries cases. Some of the countries concerned were new accession states in which wages would have been lower than in Ireland or Sweden where the Laval case arose. The Rüffert case arose in Germany.

The Laval people negotiated with the trade union movement in their home country, Latvia, but did not negotiate with the Swedish trade union movement. It was paying minimum Swedish rates. The Swedish trade union movement decided to place a picket the company because those rates were lower than the going rate for the job. Not only did it place a picket on the particular operation Laval had set up but it also placed pickets on all the other Laval operations in Sweden. It engaged in what is called "secondary picketing", which is illegal in Ireland. In any case, that would not have happened in Ireland.

The Laval company then appealed to the European Court of Justice for a decision on the matter. The European Court of Justice decided the Swedish trade union movement was quite entitled to engage
in industrial action and to place pickets on the company but was not entitled to place pickets on every Laval operation in Sweden. The European Court of Justice decision was on the proportionality of the action. At the same time, it upheld the minimum wage and the right to strike. However, that was seen as a partial defeat for the trade union movement.

The Rüffert case was along the same lines. These cases related to the posting of workers directive which was transposed into law by Ireland and all EU countries. It relates to the manner in which workers from other countries are employed. In some countries, the posting of workers directive was transposed into domestic legislation in a very weak fashion and it did not protect workers to the degree it might. Any solution required can be produced by the member states by tightening up the posting of workers directive.

Another big issue is that of agency workers which is subject to the temporary agency workers directive the European Union has drawn up. Workers come to Ireland from other countries as temporary workers and they are paid less than Irish workers in the same position, so there is not equal treatment. Unfortunately, what has happened is that the Irish, British and Polish Governments have opposed its adoption. Therefore, we need to put pressure on the Government to ensure workers get their entitlements.

The Irish Ferries situation was our version of these cases. It related to services directive from the European Union for which Mr. Charlie McCreevy was responsible. There was a major concern that this directive would allow a race to the bottom in terms of wages paid in low cost and low wage economies in eastern Europe in that workers in Irish Ferries would be paid at the rate they would have been paid in Poland from where they had come. There was much pressure applied and the services directive was amended to ensure that workers were paid in the host country as distinct from the country from which they came. The posting of workers directive is one that still must be stored out. I do not know whether that explains the matter.

The situation will not arise in the future in that form. When I was in Brussels a couple of weeks ago I met Commissioner Spidla, the Commissioner for Employment, Social Affairs and Equal Opportunities, who told me that if the Charter of Fundamental Rights had been in place when the Laval and Rüffert cases were going through, those cases would have been decided differently by the European Court of Justice because at the time, even though they referred to the charter, they could
only refer to it as a declaration. They could not refer to the charter as a legally binding document, which gives it that extra strength for the protection of workers.

On Bus Éireann and privatisation, the situation there is quite simple. The European Union is totally neutral about privatisation. It is up to the member state. If the member state wants to privatise, it privatises. If it does not want to privatise, it does not privatise. Europe does not impose privatisation on any country.

**Senator Terry Leyden**

I am delighted that we got an opportunity to bring the Joint Committee on European Affairs to Athlone and throughout the country to discuss this issue. I am delighted with the strong participation here tonight. It is encouraging to see such activity.

Ireland, of the 27 countries, is the only country to hold a referendum to ratify the Lisbon reform treaty and it will be held on 12 June. I am delighted that we have a Constitution that demands we hold a referendum, and that it is decided, not by the TDs and Senators of the national Parliament but by the people. Everyone has an equal vote on 12 June to ratify this Lisbon reform treaty. People must study it and ensure that it is in the best interests of their families, of their communities and of the country.

With 4.2 million people deciding on the future of 500 million people in the European Union, we have a major responsibility. Surely it is in our best interests, from a general point of view before going into the specifics of the treaty itself, that this is a major decision for us to make and Europe is certainly watching us in this regard.

What more influence would we have over the Commission or anybody else, if we voted "No" on 12 June? Our influence would be diminished. We are enhancing our position and we are retaining our unique position in the European Union. We have benefited greatly from membership of the Union since 1973.

The treaty provides for a new voting system in the Council of Ministers to make decisions more effective and a greater role for national parliaments. All legislation proposed by the European Union
will be sent to the Dáil and Seanad to be scrutinised and to decide whether that competence should be at national parliament level or European Union level. That is not the case at present and it would give a particular role to Members of the Oireachtas.

There will be a rotating system of membership of the European Commission. I was not particularly keen about this. Somebody asked at one of the meetings was I happy with everything in the Lisbon reform treaty. I am not, but I am happy with enough of it to vote "Yes" on 12 June. The rotating system of membership of the European Commission is interesting. In ten out of 15 years every country will have a commissioner. France, Britain, Germany and Italy had two commissioners at one stage; now they have one. There is one Commission with 27 commissioners at present. Under the new system in two or three years time, if this is ratified, each country will lose a commissioner for a period of five years. We will be treated the same as Germany, Britain, France, Italy, Slovenia or any other country. In fairness, what we lose, other countries will lose equally. Of course the ultimate decision is made at the Council of Prime Ministers and Presidents.

There will also be a full-time president of the European Council to co-ordinate and chair EU summit meetings appointed on a two and a half year basis. That will be decided by the Council of Ministers on the recommendation of the Commission. It sounds like a good idea to have someone as a figure head. It could yet be an Irish figurehead. We could have a good candidate coming from this country for that job.

A high representative for foreign affairs and security policy will bring greater coherence to the Union's approach to foreign policy. He or she will not be a foreign minister as such, but will have a co-ordinating role.

The Charter of Fundamental Rights is given legally binding status by the treaty. That charter is very important. Although each member state of the European Union has signed up to the Charter of Fundamental Rights, the Union itself has not done so. Recently in Strasbourg, it was agreed by the Council of Europe to enter into negotiations with the European Union so that when the ratification of the treaty comes about, the Charter of Fundamental Rights would be brought in as part and parcel of it. It is worthwhile highlighting this important issue.

The treaty does not affect our neutrality. This is being brought up time and time again to try to damage every referendum — Nice I, Nice II and now the Lisbon treaty. It is not part of
the Lisbon reform treaty. Our neutrality is laid out clearly and our participation in Chad, Kosovo or anywhere else is decided by the Oireachtas only on the basis of UN mandate. Other than that, we will not be participating in any peacekeeping operation. We are proud of our peacekeeping operations. We should be proud of them, and what Athlone has contributed in that regard through Custume Barracks. That issue does not arise.

The 12.5% corporate tax rate is retained. We would be voting against this treaty if there was any case of a lessening of that situation. The 12.5% rate is retained and we have a veto on that. We will protect that as absolutely essential for the retention of jobs in this country, particularly in multinationals who are here because of our tax regime and would be elsewhere if the tax regime was changed. We must protect that and defend it at all costs.

Nobody has mentioned abortion. It does not arise in the Lisbon reform treaty. It is not part of the treaty.

It is a good treaty. It is good for Ireland. We have benefited from Europe. It is better for us to be inside with influence looking out rather than outside with very little influence looking in. That is why I advocate a "Yes" vote on 12 June and I hope that many people will turn out and vote "Yes" as well.

**Senator Nicky McFadden**

I am sorry that Councillor Paul Hogan had to go. I thank him for his contribution.

I am delighted that the Joint Committee on European Affairs has chosen to be in Athlone on 9 May, the day on which in 1950 the French Foreign Minister, Mr. Robert Schuman, stated:

*Europe will not be made all at once, or according to a single plan. It will be built through concrete achievements which first create ade facto solidarity.*

Mr. Schuman was correct. There have been many concrete achievements for us in Ireland. One or two matters came to mind while Mr. John Kelly was stating that we did well out of Europe. I thought about the bridge across the River Shannon that brings Roscommon and Westmeath close together and the amount of money it cost. I thought about the CE schemes in place which are really good for our communities. I believe that we have benefited considerably from Europe.
Earlier we discussed service industries. The areas of energy, banking and telecommunications have all been transformed because of our membership of the EU. Sadly, the Celtic tiger is a distant memory and we are going through uncertain times for the first time in 15 years. It is imperative that we pass this treaty so that we have the confidence of being part of a greater Europe.

The other grave concern is that within a generation — approximately 70 years — China will probably be the most powerful country in the world, with America and Russia holding their own. Europe will only account for 7% of the world's population at that stage. We must, therefore, have this international clout. It is imperative that the treaty is not rejected.

We are responsible for our own domestic policies in the areas of health and education. It is wrong to state the European Union can affect these policies. It is the responsibility of the Government to get the health service in order.

Chairman

I am about to bring in our guest speakers again because they have the right of reply. However, I wish to respond on the points raised in respect of Chad. It is correct to state the Defence Forces' undertaking in Chad is different from any in which they have been previously involved. However, they are highly regarded throughout Europe and by the United Nations. That is why the Dáil spent a great deal of time discussing the deployment of Irish troops to Chad. The debate on the matter was lengthy and the Minister returned to the Dáil on several occasions to answer questions regarding the safety of our troops and concerns about logistics, armaments, support, communications and supplies and transport. The issue of supply and transport is near and dear to the hearts of all military people. I was going to suggest that if a situation similar to that in Bosnia arose and Irish troops were asked to provide assistance, the Defence Forces would, of their own volition, be more than willing to participate. They have their own views regarding what happened in the past.

On the concept of the treaty, it was suggested at one of our previous meetings that a better deal could be obtained. Perhaps we might not obtain such a deal and the one which has already been reached is the best that can be achieved. We are at the centre of Europe — we are the driving force — and entitled to dictate, in so far as is possible, what happens in the 27-member European Union. It was suggested in certain quarters that we should use the analogy of the Good Friday Agreement.
The latter is a treaty which encompasses all of the diverse and contradictory views on this island. It is true that there are many contradictions, otherwise there would be no need for a treaty. If the view of only one side is reflected, it is not a treaty. In the same way, the European reform treaty encompasses the views of 27 member states. The latter have their concerns about matters such as tax harmonisation, for example, and their aspirations which are all wound into the fabric of the treaty which was drafted in this way because the governments of the member states requested that it be so in order that the rights of individual states would be protected.

My final point relates to consensus politics, a matter to which Deputy Costello and one of the speakers from the floor referred. Consensus politics is an important concept. Members of Fine Gael, Fianna Fáil and the Labour Party are on this platform, all of whom have attended our meetings in the past five or six weeks at considerable inconvenience to themselves. It can honestly be said they would not have done so unless they had a deep belief this important matter needs to be dealt with and that they want to make a contribution in respect of it. I do not agree with the concept of consensus politics. If, however, an issue arises which is of fundamental importance to the well-being of the people, in such circumstances I would be glad to encourage consensus politics. That is why the three major political parties are represented on the platform. Sinn Féin's Oireachtas representatives and MEPs are also entitled to sit on the platform and have done so at previous meetings.

**Deputy Mary O’Rourke**

Mr. John Kelly referred to Bus Éireann. I was in charge of Bus Éireann for five years and he and I know one another very well. I am glad to see him here. The only people who can get rid of Bus Éireann are those who are members of the Government. They will not being doing so and neither would any Government of any hue. The European Union has nothing to do with Bus Éireann which is an Irish State company. There is nobody waiting or willing to wipe it out. Mr. Kelly referred to children being brought to school. Some 55% of the Bus Éireann fleet which is devoted to bringing children to school is in the hands of private operators which are subcontracted by Bus Éireann. What Mr. Kelly fears is not going to happen. Bus Éireann and the private operators will be okay.
Chairman

Well done. Excellent stuff.

Deputy Denis Naughten

In 1999 the Oireachtas Joint Committee on Education and Science produced a report on school transport. The Minister of State at the Department of Foreign Affairs, Deputy Michael Kitt, served as Chairman on that committee and I drafted the report on its behalf. It was agreed by the members of that all-party committee that the school transport system should not be privatised. A strong argument was made by private operators that it should be. However, the committee took the alternative view because privatisation had been tried on a previous occasion in County Laois and had proved a disaster. The report to which I refer is available on the website of the Houses of the Oireachtas.

Mr. Matt Dempsey

The attention that has been shown by the audience and the Oireachtas Members demonstrates the importance of this issue and people's interest in it. We in the media may have fallen down to date in not providing enough easily absorbed information. Ironically, my colleague on the other side and I may not have quoted enough articles on the treaty, per se. We are probably slow to do so. Apart from the preamble, Article 4 clearly states the existing competences such as those relating to health and education rest with the existing member states. The article also states it will be as close as possible to the citizen. Article 12 gives an additional role to national parliaments. Article 15 states the European Council — this involves the Heads of Government — shall act by consensus. Article 17 gives an equal footing to every member state — this is astonishing, particularly when one considers the position of countries as large as Germany and Britain — at the European Commission. I do not mean to be in any way disparaging towards Sinn Féin but I allow myself a wry smile when I hear it call for the maintenance of a low tax regime for big business. That appears to fly in the face of everything I understand Sinn Féin to stand for. Article 113 is very clear: it only deals with indirect tax because corporate tax is specifically excluded. The articles can easily be referred to and if people are of the view that the media should cover them on an individual basis, the Irish Farmers’ Journal and its subsidiary publications will certainly do so.
Having listened to the various opinions put forward at this meeting, any fair-minded person would be obliged to come to the conclusion that we have not heard one valid reason or even suggestion the treaty should be rejected. We have a duty to ensure a bloc of 27 countries works as well as possible and that it recognises its responsibilities across a range of areas while also bearing in mind that it must earn its living in the real world. This is not an easy matter with which to deal. What has been achieved by the European Union so far shows that humanity can be combined with efficiency and economic growth. We lack the raw, uncontrolled capitalism of the United States but at the same time we also lack the deadening hand of the total socialistic involvement which so crippled eastern Europe. It is in order to search out that middle way, which shows respect for individual rights and efficiency, while also implementing long range measures to ensure our security, well-being and economic growth, that is the reason this further building block is being put in place. I commend the treaty to anyone whose mind is not fully made up.

**Dr. Andy Storey**

The Charter of Fundamental Rights which was referred to a great deal only protects fundamental rights in so far as they do not restrict other rights in the treaty, including crucially the freedom to provide services across national borders — the internal market. That is the significance of the European Court of Justice rulings in the Laval and other cases. The right of a Latvian company in the Laval case to provide services in Sweden overrode the collective union agreements negotiated in the state. That gives an indication of the liberalising trend and it was right to pinpoint it.

Deputy Costello has argued that the health and education sectors are protected by the treaty. If they are, why is the veto being removed in trade negotiations? If the Commission did not want to open up these services to competition, why is it seeking to remove the veto? It makes no sense. It can only be interpreted as part of an overall liberalising agenda, which is not guaranteed to produce privatisation but will provide openings for privatisation.

I agree what the French and Dutch did is their own business but the contempt with which their rejection of the constitution was treated is a good signal of the way in which and the arrogance with which this project is proceeding. Rejecting the treaty would not just be a statement on the part of the Irish electorate, it would be a statement of solidarity with the disenfranchised populations of France
and Holland. Unlike Deputy O'Rourke, I am concerned about the welfare of people outside Ireland, including those in France and the Netherlands but also further afield. That is where our concerns are coming from. How will the treaty impact on people outside the European Union?

Reference was made to African countries having duty free access to everything in the European market but arms. That is true but in practice it produces few gains for them. Economic partnership agreements which the European Union has been negotiating with developing countries and the general agreement on trade and services are much more significant, as both have sought to reduce trade barriers on the part of poor countries with damaging impacts on specific developing countries. The proof of the pudding in many ways is in the eating in what the European Union does on the trade side. Everybody claims to be trying to protect the interests of the poor.

We should look at what they do, not at what they claim to do. The same principle applies in the military area. Many references were made to the Balkans, including to people dying there. Up to 2,000 people died at the hands of NATO forces in the bombing of Serbia and Kosovo in 1999 which was unanimously endorsed by the European Union. Amnesty International conclusively established that NATO had committed war crimes during the prosecution of that campaign, including the dropping of cluster bombs. Unexploded cluster bombs killed 50 people in the years after the conflict up to the end of the last century.

As Mr. Dempsey said, rich countries have ideals and responsibilities and that they should adopt ethical positions. That is not at issue but the question concerns what they do, not what they should do or what they say they do. In practice, they claimed to engage in peacekeeping but they dropped unexploded cluster munitions that killed children in Kosovo. They claim to protect democracy but they invaded Iraq and killed hundreds of thousands of people. They claim to combat terrorism but they bombed wedding parties in Afghanistan. Again, NATO forces were responsible for this. They cause humanitarian catastrophes by the blockade of Gaza and the refusal to negotiate with Hamas, a position endorsed by the European Union.

In recent years the French Government has backed a genocidal dictator in Rwanda and a dictator in Chad. That is what they do in practice. The question concerns what they do, not what they say they do. This is what they do with their existing military powers. Is it wise to give them additional military powers in that context? It also concerns what they do with their existing trade and
development powers. Is it wise to give them such additional powers? I am wary of giving them such powers. Contrary to what Mr. Dempsey said, we should not retreat into our own shell but, first, should practice the hippocratic principle to do no harm. We have been doing harm at Irish and European level with our trade and military policies. The usage of Shannon Airport by US troops has created the spectre of a terrorist attack on Ireland, a hypothetical scenario referred to by a previous speaker.

The major scenario is not hypothetical and I refer again to Chad. I absolutely respect the history of UN service. The Chad mission was debated in the Dáil but I fear the House got it wrong. The UN mandate is in place but it is not, as Deputy Costello suggested, that the United Nations objectively reviewed the situation and approached the European Union to commit a mission to Chad. The French Government pushed for multilateral support of its existing unilateral support of the Chadian Government. It was looking for a fig leaf to prop up what was becoming an increasingly unsupportable and reprehensible policy. Sadly, we have ended up buying into it. It is a dangerous situation in which troops of the western command, including from this town, are involved. It is real and dangerous stuff. It is happening right now and has nothing to do with protecting democracy or peace. We should not take it on trust, as somebody said. We should explore it and examine the agendas behind it, not what people claim it is.

In terms of the way the meeting has proceeded, with all due respect, shouting down and shouting over speakers from the audience is not a useful way of conducting what is supposed to be a consultative exercise. There is a cosy, patronising, smug and clubby atmosphere on the platform. It was stated not one valid reason or suggestion had been made for voting "No". Many valid reasons and suggestions have been made for voting "No". One can choose to reject them but one should not pretend to ignore them. There are valid reasons for voting "No" and I hope as many as possible will do so on 12 June.

Chairman

I reject absolutely any suggestion there was an attempt to shout anybody down. Each speaker was invited to speak for three minutes and some were given a second and third opportunity. They went way over three minutes on both counts. It is disingenuous to make that suggestion. We have gone out of our way to allow people who have a view opposed to the majority of speakers on the
platform to contribute, notwithstanding the fact that the people elected the representatives on the platform, with the exception of our two guest speakers.

**Deputy Mary O’Rourke**

Dr. Storey should join the club.

**Dr. Andy Storey**

I do not want to be a member of any club——

**Deputy Mary O’Rourke**

He should run for election.

**Chairman**

As Dr. Storey will be aware working for an NGO, a great deal of discussion takes place nowadays as to when and where a country should intervene to prevent killing. Rwanda is a case in point. A total of 800,000 people were killed.

**Dr. Andy Storey**

I worked in Rwanda in 1995. I know the situation better than any of the committee members.

**Chairman**

I am aware of that. No attempt was made at that point to intervene.
Dr. Andy Storey

Yes, there was. The French Government intervened on behalf of the genocidal Government of Rwanda. That is a fact.

Chairman

It failed to intervene in a way to stop it.

Dr. Andy Storey

It did not fail to intervene. The French intervened to support a genocidal regime.

Chairman

Dr. Storey did not tell us how the conflict could have been resolved.

Dr. Andy Storey

I know how it could have been stopped when we made threats.

Chairman

We will not go there. I thank Dr. Storey for attending and giving us his views. Likewise, I thank Mr. Dempsey for attending. Both guests travelled at enormous personal inconvenience to give their views. We do not always agree with the views we hear but that is not our job. Our job is to produce a report based on the information brought to our attention, having regard to the discussions that have taken place. I also thank the committee members who have consistently attended the meetings. I thank the staff from Leinster House, including the recording staff, translator, ushers and committee secretariat.
Every directive that comes from Europe is discussed by either the Oireachtas Joint Committee on European Affairs or the Oireachtas Joint Committee on European Scrutiny, more thoroughly than ever before. This happens because we now have the resources. Therefore, anything that may happen will have been or is about to be discussed. Last week a gentleman attending the meeting mentioned some change that had been made and said that Brussels forced it upon the Irish people. It did not. I was a member of the committee at the time and the issue was discussed at length. It was also discussed at length in the Dáil and by every county council throughout the country. The decision arrived at did not please everybody, but that is the way it happens.

I thank the audience for attending tonight. I thank in particular those who raised questions and came to the platform to voice their concerns. We hope that as a result some of their concerns have been addressed. We vote on 12 June and hope the outcome will be conclusive and positive for the Irish people. Our next meeting is on Tuesday, 13 May 2008 at 2 p.m. and our next regional public meeting will take place in the Millennium Theatre, Limerick Institute of Technology at 8 p.m. on Thursday, 15 May 2008.

**Chairman**

I welcome the delegation from the Irish Alliance for Europe. We have had many submissions over the past three months or so from various people on this subject and it continues to become more interesting as time passes.
We are joined by Mr. Brendan Kiely, director, but Ms Rosaleen Martin is not here. We are also joined by Ms Karen White, head of research, Mr. Gregg O'Neill and Ms Sinéad Fennell. All of the delegates are very welcome.

Before we start I bring to the attention of witnesses that members of the committee have absolute privilege but this same privilege does not apply to witnesses appearing before the committee. Witnesses cannot slag off their neighbours because witnesses do not enjoy privilege. Members of the committee should not comment on a person outside the House or an official either by name or in such a way as to make him or her identifiable.

We have met various social partners and groups including the Irish Business and Employers Confederation, the Irish Congress of Trade Unions, the Irish Farmers Association, the Irish Creamery Milk Suppliers Association, the Irish Countrywomen's Association and the Union of Students in Ireland.

We have met various groups as part of our outreach meetings around the country. We have already held five of six such meetings that were proposed and we hoped to hold one or two more but that may not be possible because of time constraints. In the course of those meetings there has been a fairly healthy exchange of views with the general public, on both the pro and anti sides. Members of the committee have excelled themselves as have members of the public. As a result of our deliberations, the committee will produce a report before referendum day. It will contain findings, conclusions and recommendations. This is as things should be because we are members of a committee of the Houses of the Oireachtas and this is what we do.

**Mr. Brendan Kiely**

I thank the Chairman and will make a statement on behalf of the delegation from the Irish Alliance for Europe. We will welcome questions afterwards. I thank the Chairman and the committee for the invitation to speak today and particularly thank the secretariat and the clerk for organising this. It is a great honour to be invited to address a plenary session of this committee in Leinster House.

I do not propose to spend a long time extolling the benefits and details of the Lisbon treaty, of which there are many, but I will touch on a number of issues. This treaty is about making the European Union more efficient and effective so it can deal with the challenges of the 21st century. That is the message we are successfully communicating to the Irish people.
Since Ireland joined the EU 35 years ago, it is clear we have come a long way. As a nation we have benefitted from the peace and prosperity the EU has brought. As a country, we have helped to reshape the EU to meet the challenges that face us. As a people we must now decide if we are ready to take the next step to achieve a European Union that will work harder for us as a country. Of the many issues that we will face in the future, climate change will be the major challenge. Scientists now estimate that by 2030, the damage done by climate change will be irreversible. It is the single biggest threat to the future of our children, but we cannot leave it for them to deal with. We must create the tools to fix the problem now.

The Lisbon treaty makes combatting climate change one of the fundamental objectives of the EU, equal in importance to the goals of peace and prosperity in Europe and the free movement of people, goods and services. It backs this objective, extending the Union's areas of action to include energy, transport and the environment. It introduces a whole new energy chapter which requires the Union to move towards sustainable development and renewable energy as well as to step up the fight against pollution. The environmental movement has always said that we need a binding legal requirement to fight climate change that is not subject to the whims of politicians, with the greatest respect to those present. This treaty creates this imperative to deal with the problem and the means with which to do it. Ironically, many of those opposed to the treaty have been calling for this for some time.

In the past ten years, 500,000 women and children were trafficked into the EU. In the past 12 months, €50 billion worth of drugs were imported into Europe by criminal gangs who for years have profited from human misery, the destruction of our communities and the undermining of our social fabric. Europe needs to be capable of dealing with these problems. The Lisbon treaty extends co-operation into areas of border controls, police administration and crime prevention, equipping the Union with the potential to deal with among other things, the scourges of drugs, sex trafficking and cross-border crime. We know that this can work. Using a provision introduced in the Amsterdam treaty, last year police forces working through Europol and Eurojust arrested a paedophile in Spain, seized his computer and, using information on the hard drive, broke up one of the largest child sex offender rings in Europe, making over 500 arrests across the EU. How many children are now safe because of actions that could not have happened without the Amsterdam treaty?

Ireland has the best of both worlds in this area of the treaty. We can opt into any policy initiative we want while at the same time preserving our right to protect our unique legal system. When we talk
to people about the treaty, these are the things that we should be talking about — things that affect real everyday lives, saving the planet, securing our prosperity, protecting children and stopping crime. This is what the Lisbon treaty is about — real changes on real issues that affect real people.

How does the treaty do this? The Lisbon treaty proposes a series of technical changes to the EU’s institutions that, taken together, will make the EU more effective and efficient so that it can work better. The new permanent president of the Council will lead to greater co-ordination and continuity among the governments of member states. The new high representative will be a stronger and louder voice for the EU on the world stage. The new voting system at the Council of Ministers will make it easier for the Council to make decisions that can benefit all the people of Europe. The changes to the make-up of the European Commission will allow it to act with greater efficiency and more effectively. Taken together, the vast number of institutional reforms are intended to deliver an EU that can cope with the challenges that face us today and will confront us tomorrow.

I would like to turn my attention to some of the lies that the "No" side has peddled over the past number of months. These are some of the lies we are likely to hear in the coming weeks. We are told by Libertas and Sinn Féin, who seem to have a new concern for our low corporate tax rate, that under Article 113 of the treaty, the European Court of Justice will be empowered to overrule our low tax rates because they are a "distortion of competition". This is manifestly false. The full text of the new Article 113 reads:

The Council shall, acting unanimously in accordance with a special legislative procedure and after consulting the European Parliament and the economic and social committee, adopt provisions for the harmonisation of legislation concerning turnover taxes, excise duties and other forms of indirect taxation to the extent that such harmonisation is necessary to ensure the establishment and the functioning of the internal market and to avoid distortion of competition.

This has been misrepresented at hundred of meetings around the country in the past six months. It is clear that this article requires all the member states to agree to any actions under it, thereby confirming the Irish veto in this area. More importantly it clearly refers to indirect taxation such as VAT and excise and has nothing to do with corporate taxes whatsoever. As taxation is a power reserved to the member states, the European Court of Justice could have no role to rule on a country’s tax rates in any area. This is the article that was used to establish the Common Market. We have already largely harmonised these areas of customs duties when the Single European Act came into force in the early 1990s. Would IBEC, the IDA and the 30 other business organisations that we have signed up to the Irish Alliance for Europe — companies such as Microsoft and others —
support the alliance and be in favour of the treaty if there was any threat to our tax rate? I do not think so.

We have been told by Cóir, Érín go Bragh and Libertas, depending on which part of the country they are in, that Ireland will be required to introduce abortion under the provisions of the Charter of Fundamental Rights and that it would be considered a "service" under the EU's services directive. Both of these claims are completely untrue. Let me be absolutely clear, there is nothing in this treaty or in European law generally that will impact on the right of the people to decide this issue for themselves. A protocol was attached to the Maastricht treaty in 1992 that specifically protects Article 40.3.3° of Bunreacht na hÉireann, the article that protects the right to life of the unborn. There will be no change in this country's stance on abortion. That is a fact. It is shameful that the "No" side has stooped to abusing such a highly emotive issue in order to try to scare people into voting "No". Chairman, the incorporation of the Charter of Fundamental Rights into the Lisbon treaty expands the rights of Irish citizens and puts them at the centre of the EU's legal processes.

We are again hearing the old chestnut that the end of neutrality is nigh. We have been told this about every European treaty in every referendum since we joined in 1973. The Lisbon treaty will apparently mean the end of our neutrality. We will be forced to increase military spending and to fight other states' wars. None of these claims is any more true than it was about the other treaties, Nice, Amsterdam, Maastricht or the Single European Act. Article 28 specifically states that a common defence will only come into force "in accordance with [each states'] respective constitutional requirements", which in Ireland means a referendum. Irish neutrality is particularly protected in the treaty's provisions that recognise it cannot "prejudice the specific character of the security and defence policy of certain Member States" and, of course, our veto over any European military action is maintained. No Irish troops can be deployed abroad unless both the Government and the Oireachtas agree and there is a UN mandate. That is a triple lock. There is no mechanism in the treaty to force Ireland to increase military spending. It simply talks about improving our military capabilities in term of our commitments to peacekeeping. We have a long and proud tradition of peacekeeping. It has been stated consistently throughout the debate that military spending should not be increased.

I believe it is a national imperative and not a European imperative that our men and women engaged in peacekeeping duties on the front-line in Chad are protected. There are more than 30 different types of engine oil being used in different vehicles. That creates significant problems for the logistics. We must ensure that the French troops in Chad are using the same radios as the Irish
troops so that we do not have what the Americans call "friendly fire". This is no different from the same commitment that has been in successive programmes for Government.

The genesis of the Irish Alliance for Europe is from the alliance for Europe that was set up to fight for the ratification of the Nice treaty after its defeat in the first referendum. It was felt then and it is felt now that putting the case for Ireland in Europe should not be left just to the political parties. Civic society must step up to the plate. Europe is important for Ireland and so wide-ranging is its impact on every sector of society that we have come together to put the case for this treaty in a way that transcends politics. The Irish Alliance for Europe is an organisation that spans every section of Irish society. We represent a coming together of organisations of people from every walk of life, business people, farmers, trade unionists, students, academics and environmentalists to name but a few. We seek to offer a view of the treaty from people who have spent their entire working lives seeing the benefits of Ireland's engagement with Europe. These are experts and lay people who passionately believe in this treaty and will bring their passion, knowledge and experience to the "Yes" campaign. We have already launched our nationwide poster campaign, with the slogan we believe encapsulates what the treaty is about: "Let's Make Europe Work Better". We will provide a series of spokespeople for local and national media and we will run a bus tour of the country. The committee members are welcome to join us on that. We have strong regional campaigns in Munster and in the west.

However, we cannot win this campaign by ourselves. We welcome the fact that in the past week and a half the three main political parties have joined us in launching large-scale campaigns to secure a "Yes" vote and, in particular, the strong emphasis that our new Taoiseach, Deputy Brian Cowen, has placed on making the positive case for the treaty since his election last week. This is probably responsible for the recent upswing in support for the treaty in the opinion polls. However, it is equally true that when one looks at the full spectrum of polls since January, the only conclusion one can honestly draw is that the result of the referendum is still up for grabs by both sides. Victory is far from certain.

The only way the treaty will be passed is if we engage with the public on the substance of the issues on a one-to-one basis. The alliance does not have the resources to knock on every door in the country, but the political parties do. There is strong evidence that the more people know about the treaty, the basic facts as well as the more complicated arguments, the more they are likely to support it. If that engagement is not done on a substantial level, the chances of this treaty being passed will be significantly reduced. We welcome the fact that every house has received a copy of the
Department of Foreign Affairs guide and will receive the guide to the treaty from the Referendum Commission that was launched today. Both of these will help to close the knowledge gap in the public mind which, until now, has allowed the "No" side to perpetuate myths and lies about the content of the treaty and the impact it will have on Europe and Ireland.

We should not be afraid of the details of the treaty in the debate that will be held in the next four weeks. The answers to all the questions of the Irish people can be found among its pages. We owe the people a vigorous campaign, a great debate and, above all, the truth. On 12 June, the citizens will decide whether we are to continue to be at the centre of Europe. It is up to all of us to help ensure they make the correct and informed choice.

**Chairman**

A number of members of the committee wish to speak. I call Deputy Billy Timmins first.

**Deputy Billy Timmins**

I apologise in advance because I must leave the meeting early. I welcome Mr. Kiely and the other representatives of the Irish Alliance for Europe. I have heard Mr. Kiely's contributions to the Forum on Europe and they are always telling and timely. I congratulate him on those and on his submission today. I wish to raise one issue with Mr. Kiely. I detected a certain amount of frustration in his voice when he was discussing the myths and lies from the "No" side. Does he find it difficult or frustrating trying to get his message across through the media? If I, for example, rang the media and said Deputy Mary O'Rourke was putting down a no confidence motion in the new Taoiseach, I would immediately be challenged and quizzed about it.

**Deputy Mary O'Rourke**

The Deputy definitely would.

**Deputy Billy Timmins**

It would not be accepted as fait accompli.
Deputy Timmy Dooley

Let alone how Deputy O'Rourke might quiz Deputy Timmins.

Deputy Billy Timmins

Yes. It is not my intention to attack the media because they are an easy target, but the only way we can get our message across is through the media. In fact, much of the material appearing each day in the media, some of it from reputed commentators, is clearly inaccurate, whether by design or otherwise. However, it goes unchallenged. When the "Yes" campaign seeks to challenge the material, there is a certain amount of coverage. I read an article by Mr. Bruce Arnold in the Irish Independent that was completely inaccurate. He referred to a section of the referendum Bill which has actually been in the Constitution since 1973. Any international treaty signed by Ireland supersedes what is in the Constitution under another provision of the Constitution, yet he portrayed that as something new in the Constitution. Clearly, it is not, as it has been in the Constitution for the past 35 years.

He also mentioned the tax issue, on which the Referendum Commission has already adjudicated. Mr. Kiely referred to that in his speech in the context of the totality of Article 113. Mr. Arnold's reference went unchallenged. I wrote a letter to my local newspaper to point out that there were some shortcomings and that perhaps it should seek an independent adjudicator, but it was hardly going to prosecute one of its own. There is a responsibility on the media when dealing with something that is factually incorrect. We will all have different opinions and there is no difficulty with people arguing on the basis of certain political philosophies or otherwise but matters of fact can be easily ascertained and that should be done.

I have often wondered how some of these inaccuracies can appear time after time but as I drove to the Dáil today I found a possible solution. I saw a poster featuring three monkeys. Perhaps these are behind the "No" campaign and now that they have chosen to show their faces, we might have a name for them.

Deputy Mary O’Rourke

What are the monkeys about?
Deputy Billy Timmins

There were three monkeys on a poster with the words: "Hear no evil", "See no evil" and "Vote No". I am aware the monkey is an intelligent animal but I doubt that it has the ability to ascertain whether the Lisbon treaty——

Deputy Mary O’Rourke

He is not on the register.

Deputy Billy Timmins

There are many monkeys on the register, approximately 39% of it.

Deputy Timmy Dooley

The Deputy should get the figures right.

Deputy Billy Timmins

I wish to make a serious point about that poster. The poster epitomises the approach of some of the "No" side — put three monkeys on a poster. It tells me far more about some of the people who are campaigning for a "No" vote and some of the literature I have seen than anything about the Lisbon treaty. They should have the courage to come forward. Let us put a name on these three monkeys.

Senator John Hanafin

I commend Mr. Kiely on his report. The committee receives many reports but I found his the most readable. It is concise, properly formatted and deals with the questions that are currently being asked. It is well done.
Deputy Timmy Dooley

I join my colleagues in complimenting Mr. Kiely and his colleagues not only for the presentation today but for their ongoing, selfless approach to the campaign for the future evolution of Europe. They are selfless in terms of attending meetings throughout the country and keeping people informed from a civil society perspective. As Senator Hanafin said, their documentation is factual and accurate and devoid of euro-speak. It is worthy of further distribution, and I hope the media will distribute the arguments it puts forward.

I was canvassing for the treaty at the weekend. At two houses I was surprised to be told that if the Lisbon treaty is passed, it would be possible to put a cap on the size of families, as has happened in China. Apparently, this emanated from a radio programme and was said by one of what others refer to as the "loolahs" who have decided to oppose this treaty. Again, they used a media organisation to peddle a falsehood. I did my best to try to explain this to the people concerned, but I would welcome Mr. Kiely's views on dealing with this and putting the case against it. It is most bizarre and an example of scraping the bottom of the barrel. The abortion debate is one issue, and it is clearly not part of the treaty. However, to suggest that Europe would become like China, with a cap imposed on the size of families, is an appalling proposition. I am taking this opportunity to drive a coach and four through it. Perhaps Mr. Kiely would also deal with it.

Mr. Kiely dealt adequately with the abortion issue. He might also deal with the argument peddled by a former Member of the Dáil and leader of the Socialist Party that health and education could ultimately be privatised. I understand there is no indication that competences in health and education will ever be passed to Europe and certainly this will not happen as a result of the Lisbon treaty. This morning, a person from a county to the west of the midlands recommended a "No" vote on the basis of a local issue.

Deputy Mary O’Rourke

Roscommon.

Deputy Timmy Dooley
How important is it that people desist from getting involved in local political issues or that we identify the significant damage that a "No" vote would inflict on our capacity to pay for the services being advocated? Our health and social welfare services are predicated on a strong economy and our economy is strong by virtue of our membership of the European Union. If we vote "No", is it not the case that we will be in a more difficult position economically and, therefore, less able to fund the expansion of services we recognise as needed?

**Deputy Joe Costello**

I, too, welcome the Alliance for Europe. Mr. Kiely spoke at our meeting in DCU and contributed to the National Forum on Europe. It is welcome that civil society is involved in this campaign, even though we do not like to hear references to the whims of politicians or political parties. I advise Mr. Kiely that politicians do not have whims.

**Deputy Mary O’Rourke**

Nor do we have unlimited resources.

**Deputy Joe Costello**

We have to take life more seriously than that. I welcome the major contribution Mr. Kiely made over several months in terms of providing accurate and objective information. Who is represented in the alliance?

A great deal of inaccurate information has been disseminated but we have failed to persuade the media to analyse what has been said. The assertions being made in literature, at public meetings and in the media are not being questioned. In a normal campaign, the respective claims made by opposing forces are questioned for accuracy. In this referendum, anybody on the "No" side can make an assertion which is accepted as gospel. The media have not being playing their role adequately and, unless they do, inaccurate and misleading assertions will continue to be accepted in the absence of scrutiny.

We referred last week to the appearance in churches of literature opposing the Lisbon treaty.
Deputy Mary O’Rourke

Alive, alive-o.

Deputy Joe Costello

Alive has some connection in that it is published by a religious order, the Dominicans in Tallaght, although I am not sure of the extent to which it has that order's imprimatur. The literature is entirely politicised and one-sided. It is not religious. As I remarked at our last meeting, I picked up copies of Libertas literature in the Pro-Cathedral. Church leaders need to examine the literature being distributed within churches. The danger arises that ordinary church-goers will accept without question that the information is accurate and has the support of the church leadership.

The media, and RTE in particular, are providing imbalanced coverage. The Labour Party launched its campaign on Sunday, subsequent to which Sinn Féin spokesperson, Ms Mary Lou McDonald, MEP, was interviewed and countered every argument put by the Labour Party. Yesterday Fianna Fáil launched its campaign and, again, Ms McDonald was allowed to make her criticisms. That is not balance, it is imbalance. A party with four Deputies is allowed to speak every time coverage is given to parties representing 180 Members. Surely it is time RTE considered the way in which it provides balanced coverage.

As a civil society group, the Irish Alliance for Europe has a role in approaching church and media organisations to argue that balance does not mean a disproportionate attempt to do the right thing and get the wrong result. That issue needs to be addressed now because we are entering the phase of intensive campaigning.

Deputy Mary O’Rourke

I welcome the Irish Alliance for Europe. I have known Mr. Kiely for several years and was not surprised when a member spoke about his strongly constructed arguments, given that he received
his third level education in Athlone, the seat of learning. I thank the alliance for the posters I noticed at intervals along my journey to Dublin today. They are very effective and worthwhile.

I do not know what to make of the opponents to the Lisbon treaty because it seems they are following several lines of retreat. They started by being logical but because that has not sufficed, they are entering a desperate phase of their campaign and are throwing out all sorts of canards in the hope that somebody will swallow them. Claims about abortion and the cap on family sizes are frequently made. In Athlone last Saturday and Sunday, I heard them being made on four occasions and people are credulous enough to believe them. As a woman, I am disgusted that the abortion issue is being raised again. We have sweated over that issue and we do not intend to have it raised at this stage. It is ridiculous. Equally, try speaking about a cap on family sizes to a lusty young man.

**Chairman**

Or a young woman.

**Deputy Mary O’Rourke**

I do not think that would wash. Opponents are stooping to that kind of technique to appeal to credulous people. Last night I attended a funeral in Athlone, where I noted that Alive magazine has launched an attack on Fianna Fáil, those present will be glad to know, although it is accompanied by a photograph of Deputy O’Keeffe of Fine Gael. It mentions that Fianna Fáil is against Alive, although it is not. It is very silly. A high-level source has told it that our committee is out to get it. I will shut up about it now.

I wonder about the church's attitude. Last week I received a telephone call from the office of the Taoiseach asking me whether I was into prayer. I said I was not really. It seemed the Taoiseach had agreed to attend a prayer meeting in Clonmacnoise but had since found he could not go and wanted me to go instead. When the boss asks one to go, even if it is to prayer, one goes. Away I went to Clonmacnoise, where there were about 1,000 people on a hillside. It was a beautiful day and one could do a lot worse with oneself on a Sunday. They prayed for the success of the Lisbon treaty. It was a charismatic meeting, which included representatives of all churches, and there was singing. They prayed for success in the referendum and that the Taoiseach and the Opposition would be infused by the Holy Spirit. Mr. Gargan should not look so pained; I am just telling the committee
that at least some churches are in favour of the treaty. I dropped a note to the Taoiseach saying he would be glad to know the outfit he sent me to meet was in favour of the treaty. However, the traditional churches claim they are not, or have decided to keep their counsel. I do not know how we will get around this.

Today I saw a poster about 1916. Do those present know what the people of 1916 fought for? The poster stated we should vote "No" in order that we would not lose the legacy of 1916. We may laugh at such posters and we do. However, there are credulous people who might think that if they vote "Yes", the efforts made by the brave people who fought in 1916 will be for naught. Equally, it has been stated women's rights and family life will suffer if we vote for the treaty. The "No" campaign is now entering a phase in which it will throw out anything to see what happens. There is no intellectual questioning of this strategy. Nobody is saying, "What are you at?" I was struck by how Mary Lou McDonald, MEP, to whom I wish no harm, had been trotted out to attempt to discredit the Labour Party campaign in three sentences. She was also brought out after the launch of the Fianna Fáil campaign to denigrate it, again, in three soundbites. She might get tired of being trotted out in this fashion, although I do not think so. I do not know how we can deal with this plan of attack. It is ephemeral and hard to know what to do about it, yet we must tackle this issue, or else the "No" campaign will continue to become more desperate and ridiculous. However, I know that to the members of the campaign it is not ridiculous.

I suppose we will hear no more of Mr. Ulick McEvaddy who was hauled out for a photograph. I have stated several times on local radio that it is hard to imagine him being mixed up with Sinn Féin and Mr. Joe Higgins. I hope he has retreated. I do not know, but I assume he has. It would be unusual for a good guy who attended Garbally College, as Deputy Treacy will know——

**Deputy Noel Treacy**

Yes; he spent four years there.

**Deputy Mary O’Rourke**

——to go on with that nonsense.
I would like to hear the comments of the Irish Alliance for Europe on this issue. We should not be here giving out about the other side but talking positively. However, we must mention aspects of the "No" campaign, as I am afraid there are credulous people who are willing to swallow the latest red herring, no matter how indigestible. I do not know how we will tackle it, although we must do so.

By the way, I must ask the Chairman whether we advertise our meetings around the country. Nobody in Athlone knew the committee was meeting there last week. It did get a good crowd, but that was fortuitous. Did the committee place notices in the local newspapers?

**Chairman**

We did.

**Deputy Mary O’Rourke**

There was nothing in the local newspaper.

**Chairman**

That week there was not, but there was beforehand. Actually, I am now being informed there were also advertisements placed that week.

**Deputy Mary O’Rourke**

No; there was nothing about it pre-meeting.

**Chairman**

We paid for the advertisements.

**Deputy Mary O’Rourke**

The committee had better get its money back, as they were not carried in the newspaper.
**Chairman**

Absolutely. We must find out what happened. We cannot have that. I agree with the points made by the Deputy.

**Deputy Chris Andrews**

I compliment Mr. Kiely and his team who have conducted an enthusiastic, effective and energetic campaign. I also compliment Deputy Quinn on his advocacy on behalf of the Lisbon treaty. He has been a great ambassador for the alliance. On a lighter note, the posters are very effective and have certainly made an impression. That is positive.

There is some concern in the small business sector about the treaty. The Irish Alliance for Europe might reassure it that this is a good treaty and that it is in the interests of the sector and those of all of us to support it.

A number of people spoke about getting the message across. The best way to do this is door-to-door. We do this all year round. Deputy Dooley mentioned that he had been out canvassing. When one asks people who have entrusted one with their support less than 12 months ago to vote "Yes", they are willing to do so. It almost closes the deal. They are very open-minded about it, as recent polls have shown. When one goes up to them and they recognise one's face, they have a link between the treaty and the person who represents them on other day-to-day issues, which is helpful. This is an effective way of obtaining support. It is what we must do as public representatives.

I have some concerns about RTE's coverage of the campaign. This is obviously anecdotal and based on my own perception, but the coverage given to the "No" campaign, as alluded to by Deputy O'Rourke, is considerably greater than that given to the "Yes" campaign. I would be interested to see whether, if the Irish Alliance for Europe has contacted RTE in this regard, any response was received. How does one contact RTE and how can one measure the coverage given to the "No" campaign as opposed to the "Yes" campaign? It appears RTE is currently erring on the "No" side and I would be interested to see how the committee could consider contacting RTE about this.

Again, I ask the alliance to reassure small businesses which are an important part of the community that this is a good treaty for them. I congratulate the alliance on its campaign so far.
Deputy Noel Treacy

I warmly welcome the Irish Alliance for Europe and heartily and publicly congratulate Mr. Kiely and all his colleagues, whom I regard as young Irish Europeans. They are leaders with a commitment who have gone the extra mile to ensure the modern nation remains at the forefront of the European project. This is critically important. We salute the members of the alliance for the huge effort they are making and their professional approach. In the last month they have kept the profile of the project and the referendum in the public eye and tried to bring balance to the debate.

I endorse the comments of my colleagues, particularly Deputies Timmins and O'Rourke. Coming up to Dublin today I noticed the red "No" poster referred to. It is outrageous and a disgrace that the 1916 Proclamation is being desecrated by the people concerned and utilised to purvey a negative view without any identification of those responsible or those who printed the document. As people involved in politics, none of us can produce documentation without identifying ourselves, those on whose behalf we are acting, and the printer. That is the law of the land. The people concerned have such posters up all over the country. It is outrageous that this should prevail.

We launched our campaign yesterday in Galway on behalf of the Fianna Fáil Party, led by our MEP, Seán Ó Neachtain, with all of our Ministers, Ministers of State, Deputies, Senators and councillors present. However, many representatives of the media did not turn up. I later listened to a media report featuring a person who had not been present at the launch. The person being interviewed put a negative spin on the treaty. One is sometimes invited onto a radio programme to discuss a particular topic only to find that a sleeper, whom one has not been told about in advance, is also on the programme. Four or five minutes into the interview the sleeper is woken up and asked to comment on what one has said. Politicians are able to deal with such situations but it is not balanced, fair or equitable reporting. As legislators, we must ensure the law is observed, with regard to posterling, for example. Facts are being distorted and a negative mindset is being embedded in the population. Innocent, decent but gullible people will respond to some of these stupid negative posters and statements. As Deputy Costello said, when a national political party such as the Labour Party, Fianna Fáil or Fine Gael launches a campaign, it is entitled to put its message across. A small party with a minimal mandate and a recent visitor to constitutional politics should not be able to negate the consensual conclusion arrived at by political parties which have served the country for many years. That is very unfair.
I admire the sponsoring organisations and bodies which have assisted the Irish Alliance for Europe in putting its structure together to assist the people at this vital time in this very important project. We commend the alliance for this. We must take the message to the people. The alliance is bringing a bright, warm, youthful and enthusiastic message to the electorate on behalf of the young generation of Irish Europeans. It is up to political parties to do their duty. I am confident that our combined efforts will ensure the people will maintain the Irish nation at the heart of the European Union, which is critically important to future generations. I salute the members of the alliance and thank them for their work.

Deputy Lucinda Creighton

I also welcome the delegation. I am sorry I missed the presentation but will read it. It is important that the Irish Alliance for Europe is being given an opportunity to address the committee. It was at my suggestion that the invitation was issued. We have heard a series of speakers from the "No" side and it is important, in the interests of equity and balance, that the alliance give its side of the story. The alliance played a crucial role in securing a "Yes" vote in 2002. I know Mr. Brendan Kiely was involved in that campaign. Many involved in the current campaign were also involved in 2002 when we saw an impressive mobilisation, particularly of young people. I remember wearing the yellow t-shirts and campaigning with the alliance, as well as canvassing with Fine Gael.

Success in the referendum will depend entirely on voter turnout. We must inspire and enthuse people to get out and vote. If they do, the majority will vote "Yes". That is what both the research and history tell us. This is the task, particularly for civil society groups such as the alliance.

I have concerns regarding the role of church leaders in the referendum campaign. It is interesting that the Pope has expressed his full support for the Lisbon treaty. Nevertheless, we are subjected to propaganda in churches and, in particular, newspapers and magazines which deliberately mislead and misinform and do not portray the views of the church. I am a Catholic and would not regard myself as a mad liberal. I share the concerns of many of the people who write for these magazines. However, the facts speak for themselves. We have a huge task in communicating them. There are widespread misconceptions about issues such as abortion, stem cell research and euthanasia. The task will not be easy but we have four weeks in which to complete it. I hope the alliance will have an opportunity to play its part in the campaign, whether by mobilising church leaders of various
religious leanings or prevailing on the Catholic church establishment to get out and make strong statements on the treaty. If the alliance achieved this, it would be very helpful. Members have referred to "No" posters. I saw some of them as I drove through Deputy O'Rourke's constituency on Friday evening last on my way to speak at a meeting in Longford. I noticed, on the roundabouts in Edgeworthstown, the propaganda from unnamed and unknown sources. I also saw the poster referring to 1916. We may talk about sovereignty, nationalism and republicanism, but before we joined the European Union, there was no sovereignty in Ireland. We were completely dependent — economically, socially and every other way — on the United Kingdom. We have all heard the expression, "If England sneezes, Ireland catches a cold". We really came into our own as an independent sovereign nation when we joined the European Union. It was then that we gave ourselves the opportunity to become truly independent and participate and compete in the global market. As a result, we are now a confident, wealthy and successful nation. That point needs to be made very strongly.

I share some members' views on the media and media bias. I was very depressed last weekend and decided that the Lisbon treaty campaign had been lost. Every newspaper seemed to contain a tiny reference to the "Yes" campaign and huge articles about the "No" campaign. Who are these people and what mandate do they have? At least, some of the Sinn Féin people have a mandate. The rest do not represent anyone and their funding is particularly dubious. It is interesting that the Irish Alliance for Europe which is supported by a vast spectrum of individuals and organisations is struggling for funding to pay for its posters. I know of its difficulties. On the other hand, organisations with a maximum of four members can pay for 48 sheet billboards. We are told they are launching a pitchfork campaign targeting farmers next week.

Deputy Mary O’Rourke

Who are?

Deputy Lucinda Creighton

The Libertas campaign. How are they paying for it? No one is asking this question. Where are the media questioning the people concerned and demanding to know where their money is coming
from? The Libertas website names one member, the director, Mr. Declan Ganly, and three staff members who are paid by him. How are they funding their campaign?

**Deputy Mary O’Rourke**

The McEvaddys, perhaps. They are very well off.

**Deputy Lucinda Creighton**

That is a question the media should be asking. It is bizarre that an organisation with such widespread support as the Irish Alliance for Europe is struggling for funding while these organisations seem to have no problem in that regard. I look forward to the report of the Standards in Public Office Commission after this campaign. It is a pity it will not be seen until afterwards.

I commend The Irish Times for its balanced coverage. It has shown a sincere interest in promoting a proper balanced debate. It is publishing spurious arguments from the “No” side but if that is all that is forthcoming from that side, they must be covered.

I am disappointed with RTE and have said so on several occasions. It would be a great service if the alliance could take RTE to task. I agree with Deputy Costello in that regard. RTE stayed for only ten minutes at the Fine Gael campaign launch last week. We had Dr. Garret FitzGerald, a former Taoiseach; Mr. Peter Sutherland, a former Attorney General and EU Commissioner, and Deputy Enda Kenny, Leader of the Opposition. The item appeared on the "Six One" news at 6.50 p.m. That is not acceptable. It is not balanced coverage. The coverage of the Labour Party launch was also distorted. It was overshadowed in the print media by the "No" campaign and the coverage on RTE, the national broadcaster, was appalling. This matter needs to be addressed. The alliance would do the campaign some service by addressing this issue.

Those of us on the "Yes" side have a duty to ensure anyone speaking on our behalf is informed. I am grateful the delegation has provided briefings on the treaty for politicians, a welcome service. There is a need for spokespersons to know their facts on the treaty. Last weekend, there were cases of senior Ministers simply not knowing their facts on the treaty and being unable to refute spurious arguments. I appeal to Fianna Fáil to ensure its Ministers know what they are talking about on the treaty. Otherwise, we will lose this campaign because of spurious arguments gaining strength.
I thank the alliance for its work and wish it the best. I am looking forward to the launch of its women's campaign which Deputy O'Rourke and I shall be attending. I also hope the youth vote will be targeted as it swung the second Nice treaty referendum.

**Chairman**

There are some aspects of this campaign that are different from previous campaigns. There is a large amount of not so much misinformation or disinformation but mischievous information in circulation. It is accepted as truth, is peddled around and becomes more frightening.

What further concerns me is intelligent people coming up with spurious arguments against the treaty. For example, an accountant informed me that the treaty would force abortion on the Irish people. Where did he get that information? No matter how one reads the treaty, there is no way anyone could glean that from it. Another person asked if I knew about the European army. I do not know where he was for the past 15 years but when everyone watched the Bosnian war on their television sets, they bemoaned the lack of action from any quarter. A mechanism has to be put in place whereby the EU can defend itself and ensure it is not as vulnerable as it was in the past.

Sinn Féin is calling for a better deal from the treaty. At some of our public deliberations, members of the party spoke from the platform and the floor. In some instances they were not too anxious to allow other people to speak. Around Christmas in a television interview, Ruairí Ó Brádaigh, president of Republican Sinn Féin, claimed the Good Friday Agreement was not a great deal and it could have been better. This argument about better deals amuses me. The Good Friday Agreement was a very good deal and much better than the deal in operation for the previous 30 years. I am concerned about this notion being peddled that there is somehow, somewhere a panacea and by voting "No" we will get a better deal. What better deal, from whom and who will negotiate it?

The argument about a self-amending treaty is constantly raised and the notion that this will be the last time the Irish people will be able to vote in a referendum on a treaty. Another argument asks why we cannot be like the French and the Dutch who voted "No". I thought we were an independent sovereign State which makes up its own minds without influence or coercion.

Last night I heard the Chinese conspiracy about the treaty. According to it, the EU Commission President, Mr. Barroso, discussed future trade deals with the Chinese Government. I would have presumed that is normal practice between trading partners.
There is an argument that our sovereignty will disappear with this treaty. The "No" poster using the 1916 Proclamation is sick. It does nothing for anyone. It is cynical, sneering and shows disrespect for those involved in the 1916 Rising. The poster was not attributed to any party or group so I do not know who produced it or paid for it.

The media is concerned about giving equal time to the "Yes" and "No" side. There is no obligation to do so. That is a misreading of the McKenna judgment. Ten members of this committee who sit at the public deliberations are on the "Yes" side. However, the "No" side expects ten members opposed to the treaty to also be accommodated at the meeting. There is no obligation to do this as the committee reflects the membership of the Dáil. One cannot go off on a tangent and promote the notions of a minority group which claims it is right because some judgment stated 50:50 coverage must be given in referendums. It is a crazy and dangerous notion. It would be a grand thought to have such an arrangement during political elections.

When intelligent people, with reasonably high positions in society, claim they do not understand a document and it is unreadable, they should try reading the Good Friday Agreement for all its contradictions. The Bible and the Koran also contain contradictions. While not being alarmist, I am concerned there is some major power bloc or group funding the "No" side.

Mr. Brendan Kiely

It is important we focus on the positive messages. The alliance will launch its Galway campaign on Friday. So far, we have noted there is a hunger among the electorate for accurate information.

The constant focussing on what the "No" side is claiming is a key issue. We must focus on the message that the treaty will make the EU more efficient, effective, help it deal with the challenges of the 21st century and end the years of navel-gazing when it comes to EU institutional reform. The "Yes" side is not shaping the agenda. The "No" side is controlling the debate. Those who control the debate, win referenda. We need to go on the offensive with a positive message.

Most of the people working in our office are giving their time for free. As well as working many hours every day, they have been subjected to my rants on the media. I agree with Deputy Timmins that the media coverage is inordinately frustrating. For example, when we launched the business pillar of our campaign we had the support of the equivalent of eight Ulick McEvaddys. Mr. Martin Naughton of the Glen Dimplex group gave only the sixth interview in his career at the launch which was attended by the chief executive officers of Microsoft and the C&C group. We got a short piece
on the six o'clock news after I made a call when we were not on the "News at One". We were bumped for the nine o'clock news. At three o'clock that afternoon the "No" side put out a press release. It was top of the news from 3 p.m. onwards, while our press releases were completed ignored. I could cite many more examples. Having said that there are others who have been good. Newstalk 106 has been excellent and has been covering this issue for the past seven months. I have beaten a path to it as do all our speakers. There are some bodies that are dealing with the issue but there are others who are not.

I sent a request to RTE and spoke to the head of programming yesterday. I have requested a meeting with the referendum steering committee, with the head of news, Mr. Mulhall and with Mr. Finnegan. I am still waiting for a date for that meeting. I request the joint committee to put its examples in writing to the board of RTE because we do not believe that we have been getting fair coverage. That is a fact.

In regard to posters that have no names or addresses, all our posters are in compliance with the law and all of the funding we are securing is within the guidelines and rules set down by the Standards in Public Office Commission. This is an issue that the joint committee should take up after the referendum. The Standards in Public Office Commission is not an investigative body. Somebody has to lodge a complaint and provide evidence to back it up. Nothing will be done. We are operating within the rules but many on the "No" side are not doing so. When we see posters without a name and address, who do we call? Are they in breach of the Litter Act? They are certainly in breach of the electoral Act. I ask the joint committee to take up this issue and the breach of the law with county councils. It is not up to us to take down these posters and we would not engage in such activities. We know how much it costs to put up these posters.

Of the myths being peddled, my favourite is that our children will be microchipped. There are stickers on lampposts all over the city with a picture of a child crying and there is a microchip and a barcode on this child's arm. I raised this on Newstalk 106 two weeks ago and not only was I laughed at by the "No" side but was accused of hanging the posters myself. I disabused them of that in very swift terms. A cap on children is another example of the type of nonsense we are dealing with. We must point to the treaty and challenge those facts. I impress upon the committee that there is nothing better than having Deputies, Senators and councillors out knocking on doors and explaining the issues. The politicians have been there before and they have the trust of the people.

We had some communications from the churches earlier in the campaign. There is nothing more powerful than a call from the local T.D. to the parish priest. I know of one parish priest who banned
the magazineAlive from his church for two years. We have had reports also of priests calling for a “No” vote from the pulpit, which I thought was from an Ireland we had left behind. I certainly believe in the separation of church and State.

Mr. McEvaddy has not gone away. Our spokesperson Mr. Pat Cox is debating against him in the IIEA this evening. There are two messages. When Mr. McEvaddy came out against the Lisbon treaty, it made the top of the six o'clock and nine o'clock news. We launched eight or nine Mr. McEvaddys. There is a clear duplicity in Mr. McEvaddy's argument. He states that he cannot read the treaty and yet at the same time he can quote articles as to why we should all vote "No".

Deputy Mary O'Rourke

American influence?

Mr. Brendan Kiely

There was a question on the economic position. It is my personal belief that it is absolutely imperative for our economic position and for jobs that we get a "Yes" vote. So many people have asked what will happen if there is a "No" vote. I do not know the answer, but I know that our ability to punch above our weight in Europe will be affected. Rather than focusing on that as the primary message, we are focusing on the positive messages of what the treaty brings. I have been told there is no emotion in this treaty, but this treaty will affect people's lives.

I thank the Chairman and members of the joint committee for affording us this time. I thank the delegates who accompanied me today.

Chairman

I thank Mr. Kiely for appearing and let me reassure him that we will continue to conduct our meetings. From the beginning we invited Libertas to appear before the joint committee and to our regional meetings. We invited Mr. Ganley and Mr. McEvaddy but our invitations were declined. I beg your pardon, we have not yet invited Mr. McEvaddy, but we will ask him as and from now. I thought he was included in the other invitation.
The joint committee is not fearsome. The committee will ask questions so that when Libertas and others come before us, they can expect to be asked questions. We have extended an opportunity to Sinn Féin as of right, to participate on the platform in each case but it has declined to so. Ms Mary Lou McDonald, MEP, has attended a number of committee meetings in Leinster House, but Sinn Féin representatives have spoken from the audience at regional meetings.

We congratulate the Irish Alliance for Europe for taking the initiative. Its positive approach to the Lisbon treaty which is of national importance, and of major significance to the young, old and middle aged, is to be welcomed and supported.

Chairman

Good evening. The Joint Committee on European Affairs is now in public session. I extend a very warm welcome to you all. This is the sixth in a series of meetings undertaken by the committee to generate discussion and debate on the Lisbon treaty. We hold weekly meetings of this committee in the Oireachtas. As a means of generating debate and providing information on the Lisbon treaty, we decided to extend our meetings outside Leinster House. We have had meetings in DCU, Dundalk, Galway, UCC and Athlone. We are here tonight in Limerick. We did not deliberately put Limerick last, but that is how the arrangements were made, and they had to be made quickly.

This is a formal committee meeting. It is recorded and the proceedings will be used in the compilation of a report to be published in and around 28 May. We hope to address the issues about which the public have expressed concern. We will make findings and recommendations and we hope the report will be beneficial to the public. Everybody should express an opinion by voting, especially in a referendum, so we will be calling for a good turn out.

I must mention that Members of the Oireachtas have absolute privilege, but Members must also bear in mind that they cannot denigrate somebody, either personally or by way of identification of a person in a manner which would bring the privilege into disrepute. Guest speakers or members of the public do not have such privilege. In order to generate good debate, the committee has provided for members of the public to come forward after the guest speakers have made their presentations,
each of which will last for ten to 15 minutes, and one of which will be for the treaty and one of which will be against it. The members of the public will take their place on the front seats, approach the microphones laid out and ask questions.

Each speaker from the floor will have about three minutes. The Chair has the right to intervene. As Frank Prendergast will testify, the Chair never interrupts; the Chair intervenes. That will not in any way erode the three minutes granted to each speaker from the floor, but we may intervene in order to clarify something.

These public meetings are one way of bringing the Parliament to the people by allowing citizens throughout the regions an opportunity to raise questions with Members of the Oireachtas and guest speakers. The joint committee comprises 17 members from both Houses of the Oireachtas. Not all members travel to each location but all Oireachtas Members have a right to attend committee meetings at all times, as have Members of the European Parliament. All Oireachtas Members in the region in question are invited to the meeting, as are the MEPs for the area, and they all, regardless of whether they are members of the committee, have the right to sit on the platform.

Sinn Féin Members, who are opposing the Lisbon treaty, have been invited to each committee meeting, as have representatives of the various groups and bodies which have set out their stall on one side or the other in the course of the debate. We have had meetings to discuss the Lisbon treaty with representatives of the social partners, Irish Countrywomen's Association, Irish Farmers Association, Irish Creamery Milk Suppliers Association, Irish Congress of Trade Unions, Irish Business and Employers Confederation and the Union of Students in Ireland. There has been a good debate. We have invited all groups which expressed an interest in the debate to attend meetings of the committee but not all of them have accepted that invitation. Libertas was invited at the outset and that offer was renewed in the past week. Its representatives will be welcome if they wish to participate in the debate.

We will try to ensure the meeting is as orderly as possible. I advise speakers and the audience that the proceedings are recorded. In attendance this evening are IT staff, transcribing staff, ushers and committee secretariat staff from Dáil Éireann. The same format will apply for this meeting as is the case when the committee meets in formal session in Leinster House. I thank the Millennium Theatre staff for facilitating this meeting. We are grateful for their help in organising this event.
The guest speakers will make their presentations, after which the meeting will be open to the floor. The guest speakers, both for and against, will conclude the debate. The Chairman always has the last word but the committee tries to keep me as quiet as possible. I ask speakers to remain at arm's length from the microphone to prevent any interference with the quality of the sound recording. We do not encourage cross-questioning or cross-talk in the course of the debate because it is not possible to ensure an accurate recording of such interventions and to attribute them accurately. However, we generally meet all requirements.

I welcome our two excellent guest speakers. Professor John Maguire is emeritus professor of sociology at University College Cork and patron of the People's Movement. Professor Nick Rees is vice president of research at the National College of Ireland. Neither guest has expressed a preference to be the first to speak. Professor Rees has won the coin toss and, therefore, will speak first. I will introduce the Oireachtas Members as the occasion arises once the guest speakers have made their presentations. Professor Rees has ten to 15 minutes to make his opening contribution.

**Professor Nick Rees**

I thank the Chairman, the joint committee and members of the audience. I am delighted to speak at this meeting in the Limerick Institute of Technology in the mid-west. The audience is small but part of our objective during the campaign must be to raise awareness of the treaty from whichever perspective we view it. I will speak in favour of the treaty. I am a Europeanist and am very much interested in European affairs.

The European Union is at a critical stage in its development. The Lisbon treaty provides much needed institutional reform to enable the future functioning of the Union of 27 member states. The challenge for Ireland and for us as voters is to ensure we support the Union at this important moment in time. The EU has faced significant challenges in recent years, including its enlargement from 15 to 27 member states, promoting economic growth and prosperity and dealing with recent economic downturns. It has also faced the challenge of promoting social and economic cohesion in a Community that has grown tremendously and in which the range of regions is immense, from the
poor to the very rich, from large cities to rural areas. In addition, the EU has increasingly sought to play a larger role on the international stage.

In order to cope with these demands, the EU must reform its institutional structures, implement improved governance arrangements and ensure a certain level of competence in policy areas. The revisions proposed in the Lisbon treaty provide the basis for that. They will allow the EU to function in a much more efficient and effective manner, provide greater democratic legitimacy and facilitate a greater role for the Union on the international stage. I propose to address three broad questions. The first is why we need a revised treaty. The second is what is in the treaty in terms of provisions relating to governance and competencies. The third is why we should vote in favour of it.

In terms of why we need a treaty, it is worthwhile to reflect that the Lisbon treaty, which was agreed in December last year, contains little that is particularly new. Rather, it has been evolving since the Treaty of Nice, which Irish voters ratified in a referendum. We are now dealing with some of the leftovers from that treaty. It is important that we address these issues so that the European Union can move on effectively as a Community of 27 member states. It is also important to bear in mind that in the last three or four years, Irish representatives have been involved in the negotiations that have led to this treaty, following the rejection of the original constitutional treaty proposal by French and Dutch voters. We have had an opportunity to shape what we see today. It is not something particularly new. What is being presented to us is something of a compromise.

That said, we should not be surprised at the degree of confusion surrounding the proposal. Such treaties are often difficult to address because they are not easily amenable to public understanding. It is our job as citizens to learn about the Lisbon treaty. There is a wealth of information available. I refer the audience to the Government website, www.reformtreaty.ie, the book published by the Institute of International and European Affairs, the Government’s White Paper and the information pamphlets distributed to households. Nobody should be in the position of knowing nothing about the treaty when it comes to the referendum on 12 June.

On the second question, I will deal with what is in the treaty in terms of the key institutional issues. Broadly speaking, the objective of institutional reform is to ensure that we have a Union which can better govern itself. In other words, the 27 member states of the EU must be able to work together effectively and efficiently. It is very much in Ireland’s interest that these reforms are carried out. Many of the proposed reforms, particularly those aimed at national Parliaments, will ensure it is a more democratic Union. That is a significant improvement. The idea of having a President of the European Council is extremely important to ensure that there is continuity. It is important to have a
high representative, which we have had in the past, whose powers will now stretch across the Council and the European Commission, of which he or she will be vice president. The changes proposed around matters like qualified majority voting will ensure the more effective functioning of the Union so that it can take decisions. It does not extend very much the competence of the Union into new areas. There are some new extensions about which I will speak in a moment. Obviously, the size of the Commission has been a controversial issue for Ireland, along with the perception that we will not always have a Commissioner. However, I would argue that all states, be they large or small, have conceded this. In that sense, Ireland has done quite well to ensure in its negotiations that it will still have a Commissioner in ten of every 15 years. After all, we should bear in mind that the Commissioner is not Ireland's Commissioner; he or she is a Commissioner who is meant to serve the Community's broader interest.

So these are some of the institutional changes being proposed. Again, we could get into a great deal of the detail and perhaps some of it will arise in the questioning. I would argue that these changes will allow the European Union of 27 to function much better. Without those changes, it will not stop or grind to a halt but it will be more difficult to do things. Imagine a table around which 27 member states sit and where one must get unanimous agreement possibly on issues that may not always be of major concern. In areas like security, defence and corporate tax, it will not move to qualified majority voting. Let us be clear about that.

I have touched on the institutional changes very briefly. In terms of the policy competencies of the European Union, does this erode national sovereignty? I would argue that it does not. When we look at the competencies proposed in terms of policy areas, we can see that not all of public health is involved. It only concerns matters like disease prevention. Again, we are very aware of pandemics that can flow across borders and the risks involved. Energy security, an issue that touches all of us today, is a major concern on which we need to develop European policies. We are aware of natural and man-made disasters outside Ireland and Europe after what happened in China but imagine those disasters happening in a European context where we would need to provide a response and would certainly want to do so as we have done in the past in Ireland. Areas like sport and space policy are new areas for development.

Other areas in which we are not seeing changes are taxation and defence, just to reinforce that. I am sure we can come back and talk about that in some of the questions. In a way, the policy changes in the treaty are quite minor. They are not major and do not dramatically extend the European Union's power and influence over national policy into new areas.
These are the types of changes that are being proposed in the treaty. I will not go into any more detail given the time factor. What I want to say is why people should vote in favour of the treaty. One can look at narrower national economic interests and see more money coming down the road. We are used to this in Ireland and have done very well economically since becoming members of the European Union. Think of our roads, buildings, universities, colleges and the gains we have received from that, which have been very significant over the years. We also put a great deal back into Europe and the intention is that we would continue to do so. As one of 27 members, one of the advantages of the Union is that there are many smaller states with whom we can work. We have seen that in certain areas already and one would expect that. Even around the WTO, it is very important to be able to work with other states. If we do not like a policy, we have the ability to block it, which is quite significant.

Ireland has gained economically and politically from being a part of the European Union. It has allowed us to play a much larger role on the world stage than we would otherwise warrant as a small power. The European Union has increased in democratic legitimacy through the treaty. In that way, Irish representatives will have a chance to vote, participate in the European Parliament and Council meetings and bring issues back again into the Oireachtas. We have seen a significant change since the early 2000 to 2001 period. European matters are very much a part of our national debates in our own Chambers, which is very important.

So it is important to bear in mind that we need institutional change. Generally speaking, we have been fairly pro-European over the years. We would want to see Europe on the world stage playing a more significant role and supporting areas where, for example, there might be natural disasters, providing relief, being involved in peacekeeping operations, to which we contribute, and ensuring that our own economic interests are represented by a larger block of states. It is very important for a small state to ensure that it has partners and allies in negotiations and the European Union has enabled us to do that.

The European Union needs to be given the capability to play this role. Therefore, this is really the reason I would support the Lisbon treaty.

**Chairman**

I thank Professor Rees. I should have said that he was vice president for research and graduate studies at the National College of Ireland and a former founding dean of the graduate school at the University of Limerick. A political scientist by background, Professor Rees was educated at
universities in Great Britain and the US. He was Jean Monnet chair of European institutions and external affairs and the director of the Centre for European Studies at the University of Limerick. He is an expert on EU affairs with a particular interest in EU regional policy, external relations and UN peacekeeping activities. He has published widely in learned journals and books and presented papers at major international conferences. He is currently completing a co-authored book with colleagues at the University of Limerick on Europeanisation, Ireland and new partners for governance.

Our next speaker is Professor John Maguire, who is emeritus professor of sociology at University College Cork. He is from Dublin and arrived down here among the people. He studied at University College Dublin and Oxford. He will celebrate 30 years of residence in Cork this September, having been appointed professor of sociology in 1978 and taken early retirement in 1997. Has that poor man not travelled around the world? He wrote Maastricht and Neutrality with Joe Noonan in 1992 and published Defending Peace: Ireland’s Role in a Changing Europe in 2002. He was spokesperson for Action from Ireland, AfrI, in the second referendum on the Nice treaty. He is also patron of the People’s Movement.

**Professor John Maguire**

It is a great pleasure to be here and a tremendous honour for a citizen of Ireland to be involved in solemn proceedings like this. I thank the Chairman and committee for the invitation. The Lisbon treaty is pretty long although it is not impossible to read. However, I am certainly reminded of Woody Allen who said that he took up speed reading and as a result, was able to read War and Peace in 15 minutes. He said “It’s about Russia”. I can tell the committee with no fear of contradiction that the Lisbon treaty is about Europe. There may be some discussion about how it is about Europe but I think we can be sure about that.

I apologise for rushing over points but time is short. I would like to present the Chairman and committee with a copy of my book, Defending Peace: Ireland’s Role in a Changing Europe, and on behalf of AfrI, hand over its publication, “The Lisbon Treaty, the European Military Project and Europe’s role in the world: Implications for Irish Voters”. The committee already has PANA’s document, from which I will draw. The PANA document can be downloaded now from www.pana.ie, while AfrI hopes to have its document up this coming week at www.afri.ie.

This is a solemn occasion and I will underline why it is particularly solemn. It is because we are faced with a referendum. The occasion, ultimately, is solemn certainly not because I am here and
not even because the committee is here but because the public is here. Article 6 of the Irish Constitution states:

All powers of government, legislative, executive and judicial, derive, under God, from the people, whose right it is to designate the rulers of the State and, in final appeal, to decide all questions of national policy, according to the requirements of the common good.

This is what we are doing here. We are engaged in a referendum. The people, the members and I are sovereign because we are citizens. It is not an election. It is for the people and me as citizens to judge whether what we are getting in this debate are the ideas and arguments that are of the essence or whether we are having persons and parties. It is the ideas and arguments that ultimately matter. It is for the people to judge whether, for example, the change in recent years whereby the Referendum Commission has stopped giving the arguments of each side and puts forward what it deems to be a balanced judgment is an improvement. Are these bodies, all of which act in the people's name, doing a good job? It is for the people to judge whether there has been an adequate debate.

It is for us all, as citizens, to judge whether our representatives are doing a good job when we are told, as is often the case, that there is no alternative to the Lisbon treaty, particularly when there is. It is outlined in the alternative report of a group of eight members of the Convention on Europe, which includes the statement: "The draft EU constitution was never drafted through normal democratic methods". Something seems to be wrong. It is bizarre that one of the eight signatories to the alternative report was the Minister for the Environment, Heritage and Local Government, Deputy Gormley, who is responsible for organising the referendum. There is an alternative; namely, a Europe of the democracies. I can show this three-page document to people after the meeting and if I do not have time to support my statements, my e-mail address is johnmaguirecork@eircom.net. I would be interested in speaking to anyone or any group represented.

In 1972 I voted "No" and campaigned against entering the EEC. I was not campaigning for a narrow Nationalist or isolationist Ireland. At the time I stated I would happily join any larger entity were it a larger democracy. I was worried that our joining the EEC would amount to an abdication by the political establishment of its responsibility to create an Irish and wider democracy. Unlike some, I accepted that the vote went the other way - that was democracy - and I got on with life. In 1986, without having become a euro-anorak or the like, I became worried when the late Raymond Crotty had to go to the High Court and the Supreme Court to insist on the recognition of the consequence of Article 6, namely, that the citizens are sovereign. We do not have referenda because he won a legal lotto. Rather, it is because he won an argument in the Supreme Court.
I was particularly worried by the issues beginning to emerge in a shadowy way but we were all accused of being paranoid. It is interesting that Professor Rees in his provocative comments stated the changes being planned were not large. The changes are never large, but we only discover what we have landed ourselves in afterwards. Many significant changes have been made in the area of so-called defence, which has a great deal to do with warfare, and security. I am speeding over the points, but I can give references to the treaty if people wish.

The European Union has a developing military structure. This is not just my opinion, but that of the European Parliament. In a resolution passed in November 2006 it stated: "The EU is on the way to developing into a Defence and Security Union". Not only has the Union a developing structure, it has battle groups, one of which comprises Ireland and two NATO countries. These groups are designed to carry out certain tasks that are open-ended in a strange way. I do not know whether the Oireachtas would be prepared to consider legislation that stated the penalties for speeding should include X, Y and Z. Certain tasks are included and we are not told what is excluded, but Article 43 refers to the waging of war; that is, "peace-making". The European Defence Agency was the European armaments agency. We were told that arms policy had nothing to do with the Nice referendum or Ireland. However, Ireland became a member of the European Defence Agency in 2004 without a vote of the Government. The Lisbon treaty gives it formal status and commits us to increased spending on what is politely called "defence".

Ireland is committed to compatibility with NATO in the European defence strategy. There will be a discussion of the clause relating to the special character of certain countries, an alleged reference to Ireland's policy of not being a member of military alliances. Article 42 of the Lisbon treaty, as found on page 54 of the version found on the Department of Foreign Affairs website, commits us to compatibility with NATO. This matters because the changes in the European Union were crafted under the attentive eye and hand of a former NATO Secretary General, Javier Solana, who will morally be the high representative under the treaty. During the process Ireland went along with some of the actions that many believed were precluded by the Constitution. For example, the intervention in Kosovo, which is often lauded as a great humanitarian action, was declared illegal by the Secretary General of the United Nations. Ireland endorsed it in an EU statement which falsely claimed that all other means had been tried. Many experts, as quoted in my book, Defending Peace: Ireland’s Role in a Changing Europe, have stated the intervention permitted rather than prevented the slaughter of Kosovars. Prior to the intervention, UN observers had been removed from Kosovo in order that bombing could occur. Other means had not been tried.
I apologise for moving so quickly, but one must do so. Why is it that in this carefully devised NATO-compatible policy, against the adoption of which we have never raised our voices, the United Nations is respected, referred to and mentioned in Articles 3 and 42 and Protocol 10, whereas the only place it is recognised as the supreme body in this area and to which we have a fundamental legal obligation is in a declaration? The Government White Paper states declarations have no legal force. Why have we not raised our voices? We are always told to become involved. I want to be involved and to have a Government which raises its voice against NATO, an aggressive, nuclear-armed pre-emptive alliance.

What are the implications of the mutual defence clauses which include Article 24? They are technical, but deserve serious discussion. What is the "specific character" of our defence policy? Ireland has never been mentioned in the treaties in this respect. We do not want to know what is occurring, any more than we want to notice that the peace process is leading to investment in Raytheon, the producer of mechanised Hellfire missiles, in Derry, the landing of troops at Shannon Airport for an illegal war, Shannon Airport's involvement in appalling renditions or the Government's failure to know whether it has been so involved.

These are some of my concerns, but I am also concerned by the overall nature of the European Union's democracy. It does not live up to its claim in Article 3 to function on the basis of representative democracy. It has often been stated that, if the Union applied to join itself, it would be refused. After the treaty, that will still be the case. I am concerned by the entrenchment of neo-liberal ideology, particularly under the aegis of the European Court of Justice, given, for example, the Laval judgment of December 2007. I am concerned by Articles 206 and 207 which commit the Union to engaging in a certain style of negotiations with other countries which AfrI argues could be unfair to many poorer countries. I am not a terribly worried man, I am a passionate European. I want an Ireland that raises its voice and tells others what we have learned in a very bitter history, particularly over the past 100 years, that wants to know what is happening and is prepared to say that we should have a Europe of reflection, an engaged Europe and one that realises its enormous material, cultural and political wealth, befitting it to ease back, lower the pressure and open its heart and mind to the world rather than enshrining NATO as the core of its new defence concept.

Chairman

I thank Professor Maguire. We have had an interesting introduction from both sides, covering the changes to the EU structures, as explained by Professor Nick Rees, the changes in the strength of
the Commission and changes in representation in the Commission, changes in parliamentary structures and the degree to which parliamentary accountability is dealt with in the course of the treaty. We have also had a number of other points from Professor Nick Rees and discussion on the battlegroups, a deepening of military structures, rapid response forces, Article 42, the UN and the alternatives, the nuclear alliance, Shannon Airport and the Laval judgment.

We are approaching the audience participation section of the meeting. Those wishing to participate should approach the front seats. We will call on members of the committee to respond and will take the questions of a number of speakers together.

Mr. Leo Tolstoy would have been proud of the performance of Professor Maguire.

Professor John Maguire

Thank you.

Chairman

Does any member of the committee wish to participate while awaiting audience participation?

Deputy Noel Treacy

Is cúis mor áthais d'uilig bheith anseo i gcathar stairiúil Luimnigh um thráthnóna. Táimid an-bhuioch gur tháinig daoine anseo um thráthnóna chun páirt a ghlacadh sa díospóireacht an-tábhachtach seo faoi chonradh Liospóin.

Chairman and colleagues, it is a great pleasure to be in the Limerick Institute of Technology and it is a particular pleasure for Oireachtas Members to be present alongside our colleagues, Deputies Jan O'Sullivan and Kieran O'Donnell. We thank them for hosting us and having us in the treaty city. This is an important debate. I listened to both guest speakers and thank them for their contributions.
I endorse everything Professor Rees said and will respond to the issues raised by Professor Maguire.

He referred to democracy and alluded to a fear he has about the democratic operation of the EU. If we think back to the start of the past century and move through that century, we see that Europe was involved in two serious world wars. After World War 2, the great leaders and visionaries of the European operation, in the heart of mainland Europe, Monnet, de Gaulle, Schuman and others, came together to ensure that never again would Europe be in such conflict. They created the European Coal and Steel community to ensure that we could do business together. That was a commercial trading operation, ultimately moving into a political operation, becoming the European Economic Community. The six founding fathers started a European project in 1957 that has been one of the greatest projects for democracy, peace and prosperity that the world has known.

Ireland was fortunate, along with our big neighbour the United Kingdom and Denmark, to join in 1973 after a referendum. The Irish people voted by more than 80% in favour of joining. Almost 1.2 million people from a small population at the time voted in favour. The referendum contained a caveat that future treaties would not be binding without a referendum of the people, fulfilling the constitutional article to which Professor Maguire referred, that the people are the sovereign powers of the nation and, under God, they decide the mandate for operation.

That sustains democracy and, when one looks back to mainland Europe, Spain and Portugal were not democracies. Rather, they are young countries like Ireland and are part of the democratic operation. As the EU has expanded from six to nine, to 15, to 25 and now to 27 member states, all the countries in eastern Europe, that were repressed under Communist regimes and where citizens had no rights, wanted to join the democracy of the EU. We must recognise that, within the treaty we are voting on, the Charter of Fundamental Rights is a major statement about the power of the people vested in the people. The charter refers to human dignity, the right to life, the right to integrity of the person, the prohibition on torture and inhumane and degrading treatment, a prohibition on slavery and enforced labour, the right to marry, to found a family and guaranteeing that the laws of marriage shall be the domestic laws prevailing in each member state. That is democracy at its best, which is what the EU and this treaty are all about.

Professor Maguire referred to a worry about militarisation of the EU. Nothing could be further from the truth. We have serious responsibilities as citizens of sovereign states of the EU to all of our
citizens. We can think of Ireland and how the former Taoiseach, Deputy Bertie Ahern, and the
Northern Ireland First Minister, Dr. Paisley, opened the Boyne visitor centre two weeks ago,
bringing an end to 800 years of conflict. We can consider my student days in the 1960s and early
1970s when serious atrocities were committed in Northern Ireland. As young, enthusiastic students
and mature citizens we yearned for a third party to intervene and bring sanity to the conflict. We
looked to the EU but it had no legal right to intervene and make a contribution. This treaty gives us
that right in the future.

Let us consider Bosnia Herzegovina and Kosovo, which are one and a half hours from here, and the
major genocide that took place. Europe, Ireland and the world stood idly by because no one could
intervene. There was no legal right for the EU to intervene but this treaty gives us that right in the
future. Within our competence and capacity, we can come to the aid of other people in Europe. We
are not mandated to do so; we may do so but do not have to do so. The position of Ireland is
perfectly clear, and we cannot move on any aspect of military activity under the triple lock, except
under the protocol we inserted for the second Nice referendum whereby, unless there is a request
from the UN taken from a decision of the Security Council and a decision of our sovereign
Government and unless a majority of Dáil Éireann votes in favour of moving troops into a
peacekeeping situation.

Since Christmas, the Dáil has debated Chad and whether it was wise to send Lieutenant General
Nash. We voted it through as a result of the request from the UN and the decision of the
Government. We made a decision on the contingent that would go after another debate and, under
the triple lock mechanism, we voted that through. Only at that point could we activate operations.
As citizens and as a sovereign Government, we have a responsibility to our people and our army.
We cannot just send our troops into a situation in any part of the world, be it at the request of the
UN or as part of European battle groups to bring peace to a particular part of Europe. The word
"battle group" may worry people but we can substitute the words battalion or platoon for it. These
are soldiers working together for peace. We have a serious responsibility to ensure that when we
send our soldiers into an area, they have the same facilities, technology and resources as any other
army, not just in Europe, but elsewhere in the world. We would be shirking our obligations to the
Army if we did not discharge that responsibility. That is why, as the economy has grown, we have
invested more money in the Defence Forces, and in research and innovation and technological
development to assist them. We are part of the European Defence Agency in order that we can
remain up to speed with the best technological solutions and supports for the Army.
There is no need to worry about democracy in or the militarisation of the European Union. It is a peace project which is the best in the world. The treaty on which we are voting has been negotiated by 205 elected parliamentarians across Europe, only eight of whom dissented from the final agreement. When one arrives at consensus for 27 member states, with only eight dissenting voices, one can be sure democracy has been well served.

**Chairman**

I thank Deputy Treacy. I now call our first two participants from the audience. I ask them to give their names and those of any organisations they may represent.

**Mr. Philip Norden**

I am representing myself. In his introduction the Chairman encouraged the people to turn out in numbers for the referendum. The point in having a good turnout is that the rest of Europe has not been invited to hold a referendum. Only the Irish people have been given the option to vote. Even if everyone here was to vote, 4 million out of 500 million would be a very poor turnout. The rest of the European peoples are not being given a democratic vote. If the members of the committee intend to prepare a report for the Parliament, this point should be noted. The rest of the European peoples are going to be ignored. There have been campaigns in Britain, France and other European countries to have a vote but the people are not being given that option.

I cannot see how any Deputy who is committed to the right to vote, from which they gain their power and money, can sit there, with a clear conscience, knowing that this is the only country in Europe in which the people will be given a vote. Furthermore, the European constitution was rejected in two countries, France and the Netherlands. The peoples of those countries were given a vote and the constitution was rejected. Following this, the document was changed slightly. However, approximately 95% of what was included in the constitution is now contained in the Lisbon treaty. How can one then say we are improving democracy? If all of the committee members are committed to democracy, how can they sit there and say the treaty is great? They all appear to be advocating a "Yes" vote and should disclose whether they are for or against the treaty. I simply cannot see how anyone can be committed to democracy while ignoring the rest of Europe. That is a very important point that should be recorded and reported.
I hope there is a good turnout for the referendum. For ordinary people, the way the European Union is heading and has been for some time, with not just one large leap but a series of jumps, was not anticipated. It is not what they want the Union to be. We are all in favour of free trade, free travel and the rest but we are heading towards what could be regarded as a federal style of government, with the Union as the federal head and the member states as provinces. In that instance, there would be no opportunity to vote for the heads. Ireland would become a small province on the western side of Europe. We would not have a democratic vote to elect the top people. We can vote for our local and national Parliaments but we would not have a democratic vote at the higher level. That would be handed over to the politicians. I am, therefore, against the transfer of power from a democratic Ireland to a federal structure, with the Union at the top.

On the issue of taxation, there is provision for indirect taxes to be changed. The clear example for Ireland would be water charges in schools. When that system was introduced, the Government just put its hand up and said it was European law and that it could do nothing about it and that it was correct. We cannot do anything about it now because our power has been taken away. That will continue over time in a gradual erosion of our democratic power. We are transferring it to this new body which is being set up, for the first time, as a legal entity. We will all become citizens of the European Union rather than just of our own nation. For the first time we will hold dual citizenship. Direct taxes can also be changed through the self-amending clause. If the Taoiseach agrees at EU ministerial level to change the system of direct taxation, it can be done. If the Taoiseach decides to vote with the rest of the European Union at that level, they can then choose to apply the majority voting rules to the direct taxation provisions. Of course, the Taoiseach would have to come back and face the people but it is still a possibility.

Chairman

I thank Mr. Norden. We will come back to him later if we have time. We will hear the next speaker and then look for a response from the platform.

Mr. Denis Riordan

I am not representing any organisation.

It is stated on pages 2 and 3 of the Lisbon treaty that the President of Ireland designates our plenipotentiaries. Where in the Constitution or under Irish law is the President authorised to appoint
plenipotentiaries to negotiate treaties that are repugnant to the Constitution which the President is sworn to uphold?

We have already surrendered much of our sovereignty. With the introduction of the euro, we could no longer adjust our interest rates or monetary policy. We have conceded sovereignty in several areas and will make further concessions with the granting of additional competencies to the European Union; for example, in respect of customs, the establishment of competition rules for the functioning of the internal market, monetary policy and common commercial policy. We must note that these are exclusive competencies being given to the Union. This represents a further erosion of our sovereignty.

Article 5 of the Constitution states Ireland is a sovereign, independent, democratic state. As long as that provision remains, we cannot secede sovereignty to an external body, notwithstanding the fact that the people are voting in a referendum in which they will be saying the State "may" rather than "shall" adopt the treaty. Under Article 29, the Government is empowered to negotiate on the international scene. Under Article 28, it is required to abide by the Constitution. Notwithstanding the fact that the people could say the Government "may" adopt the treaty, it is not constitutionally entitled to sign it. This is based on Article 5 of the Constitution, notwithstanding what Professor Rees said about Article 6.

Under the existing treaties, the European Union has the power to make laws that have primacy over Irish law and are binding on this State, yet Article 15.2.1° of the Constitution states: "The sole and exclusive power of making laws for the State is hereby vested in the Oireachtas: no other legislative authority has power to make laws for the State." The European Union claims it now has the power to make law for this State notwithstanding that clear constitutional provision. As long as these provisions are contained in our Constitution, we have no power to adopt European laws.

Article 48(7) of the treaty states:

Where the Treaty on the Functioning of the European Union or Title V of this Treaty provides for the Council to act by unanimity in a given area or case, the European Council may adopt a decision authorising the Council to act by a qualified majority in that area or in that case. This subparagraph shall not apply to decisions with military implications or those in the area of defence.

Again, although parts of the treaty may provide for unanimous decisions, this clause provides that the Council may adopt a decision authorising it to act by a qualified majority. National parliaments are to be consulted but they will not be able to stop the EU from making a particular legislative act. Provision is made for a popular petition requiring millions of signatures. What is the likelihood of someone like me being able to obtain the number of signatures required or cover the costs involved?
Chairman

With the benefit of modern technology, it is believed that it would be very easy to get 1 million signatures. In fact, it may be too easy to get them.

Mr. Denis Riordan

The treaty does not set out how those signatures will be verified. Presumably, if I turn up at the Commission with 2 million signatures, I have to be able to verify they are correct and accurate and that I have not signed 2 million names by myself. Modern technology is not an answer.

Chairman

The provision is there. A series of questions have been raised which members will want to answer. National parliaments have significantly greater power under the Lisbon treaty than they ever had before. Some would even say they have too much power, depending on the attitude of a particular parliament. In the Oireachtas, 33 Members are now participating in European affairs. They have the right to discuss matters with a Minister before he or she attends Council meetings and can vet all regulations and directives emanating from Brussels. If they do not agree with a proposal, the appropriate Minister can be advised accordingly and the Parliament has the right to refuse its approval.

Deputy Joe Costello

I thank the contributors for asking these very pertinent questions. We hope the turnout will be good because it is a referendum, which is the way we conduct our business. It is true that the rest of Europe will not have the opportunity of voting in a referendum. This is a sovereign country and we conduct our business in our own fashion. It is up to the other 26 countries to conduct their business in a manner pertinent to their constitutional requirements. When the German Chancellor, Angela Merkel, visited Ireland, she explained that the idea of a referendum was alien to the German constitution. A referendum is not possible within the legal ambit of Germany's constitution. I am
glad we approve all treaties by referendum. That is the way it has been for the past five treaties and we will do the same in every future treaty, regardless of the claims made by certain "No" organisations that this is in some way a self-amending treaty.

The constitutional treaty was rejected in France and the Netherlands. However, it was approved by 18 countries including several which approved it by referendum. As the former Taoiseach, Deputy Bertie Ahern, noted, the substance of the constitutional treaty is contained in the Lisbon treaty. I am happy with that substance, which to my mind is substantial. Some have claimed that the treaty does not contain much but it certainly contains a lot from my perspective as a member of the Labour Party. It states categorically the values and principles of the European Union. The Charter of Fundamental Rights sets out the rights and freedoms of men, women, children and workers. Similarly, the relationship between member states and the rest of the world is set out in the context of democratic principles and international law. The solid principles on which the EU is founded are reflected in this treaty.

The social clause is a new provision, however. In 1973, we joined the common market of the European Economic Community, following by which we ratified the Single European Act in 1986. The emphasis was on an economic community, a common market and the eurozone. This is the first treaty with a strong emphasis on the social model. We are to have a social market as well as a common market. A new social clause is inserted into the treaty which specifically provides that every law introduced subsequent to the ratification of this treaty must be considered for its impact on employment, social inclusion and the community. For the first time, all new legislation coming from Europe must be defined in this way. That is socially proofing all legislation from it. To top it up we have the Charter of Fundamental Rights, also a very strong body of law and the basis on which cases will be decided in the European Court of Justice. There are new challenges in the eradication of poverty on a global scale, to which there is a firm legal commitment, as well as to the sustainability of the planet. These are very important issues dealt with in the treaty. Therefore, it is substantial.

The treaty will not make us a small province or federal state of the European Union, or remove our democratic vote; the opposite is the case. The European Union has come from being a combination of six countries to 27. To do this one needs to make the institutions more efficient, transparent and accountable. That has been done; therefore, the treaty will not change the institutions other than to
make them more transparent and accountable. The European Parliament, which comprises directly elected Members, will have more powers. When the European Union was established, there was no parliament. Only in 1979 were the first Members of the European Parliament elected. With this treaty the Parliament will have approximately 95% of co-decision making powers. Its directly elected Members will have many more powers. For the first time they will be responsible for putting together and implementing the budget.

Somebody said this was a province of the European Union. For the first time national parliaments will have a key role in the framing of all European Union law. In the past the European Commission drafted legislation and sent it to the European Parliament and the Council of Ministers. The Council of Ministers came back with it and national parliaments had no say in the matter. Under this treaty, every piece of legislation, as it is being drafted, must be sent directly to each of the national parliaments which have to come back and tell the European Commission, the Council and the Parliament what they think, which areas they want amended and whether it infringes on subsidiarity and proportionality. There is a new power; therefore, it is opposite to the argument that the treaty takes away the democratic vote. It gives more powers to national parliaments.

As I do not want to go on unduly, I will finish with a point on the taxation system. I thought we had put to bed the issue of direct taxation, the idea that our taxes could be changed and that if the Taoiseach went to the European Union, he could change the system. That is the meaning of our veto. There are a couple of red-line areas that are subject to the veto, one of which is taxation. Ireland was the first country to put together this system of corporation tax which we use to attract direct foreign investment. We have said to the European Union time and again that this is an area in which we will retain a veto. This is provided for in the treaty and was included in the previous treaties. There is no way the Taoiseach will go to the European Union and say we are removing that veto. This is one of the arguments made by Libertas and Mr. Ulick McEvaddy - that we would lose the veto or that it has already been removed. Recently the Referendum Commission categorically stated there was no impact on our corporation tax rate. The section referred to, section 48, referred only to indirect taxation, not direct taxation. It is important to be clear on what is in included in the treaty as distinct from what people who have not seen or read the treaty might say is contained in it. The content of the treaty is good.

Chairman
I thank the Deputy. Before Deputy Michael McGrath comes in, I want to mention the first question on why we are deciding for the rest of Europe. As Deputy Costello said, we are not deciding for it but for Ireland, a sovereign state. The word "sovereign" is important because we are deemed to be masters of our own destiny, we are our own bosses. Comparisons are often made with the Scottish and Welsh assemblies. They are not sovereign parliaments but assemblies and do not carry the same weight as, nor should they be compared with, a sovereign parliament.

The idea that the Lisbon treaty is self-amending has been mooted on a number of occasions. It is not a self-amending treaty. In the event of there being changes to those proposed during the course of this referendum, under the Constitution, there will have to be another referendum.

My last point is important. Each EU member state has its own options for ratifying the treaty. Some countries such as Ireland held a referendum. The French and Dutch held referenda and lost but the general agreement is that they lost due to disaffection with domestic politics. The wisdom of holding a referendum in that instance is an issue on which one must make up one's own mind. We know the story. That is why we have consensus politics in this country on the issue. All Dáil parties in favour of the treaty are represented on the platform. Those opposed to it are also entitled to be represented on the platform but chose not to attend any of our meetings. That is their choice. Our next speaker is Deputy Michael McGrath from Cork.

**Deputy Michael McGrath**

I thank our two speakers, Professors Rees and Maguire. I got to know Professor Maguire some years ago when I had the privilege of being lectured by him in sociology as part of my UCC commerce course. He was an outstanding lecturer.

I would like to address some of the points raised by the two members of the public. It is important we answer the questions posed. The Chairman and Deputy Costello have dealt with Mr. Norden's point on the other 26 member states not having a democratic vote among the people. The important point is that it is not for us, as a sovereign country, to dictate to other autonomous nations how they should conduct their affairs and make decisions affecting their constitutions and systems of government. They have chosen the representative democracy road of the elected representatives through their national parliaments making the decision to ratify the Lisbon treaty. That is an equally valid--
Mr. Philip Norden

The point is that the treaty was rejected in the referendum.

Chairman

I mentioned at the beginning that if speakers wished to return to the platform, they may do so, but the speaker was in possession of the floor.

Deputy Michael McGrath

The approach we are adopting in Ireland, putting the treaty to the people, is better because of the constitutional provisions as interpreted by the Supreme Court in the Crotty case to which Professor Maguire referred. That is a preferable road but it is not up to us to dictate to other sovereign countries how they should conduct their affairs.

Mr. Norden referred a lot to democracy and claimed what we were doing was undemocratic. Some 160 of the 165 voting Deputies in the Dáil, the exception being the Ceann Comhairle, are in favour of the treaty. Mr. Norden asked us to put our cards on the table and I am happy to do so. I am a member of Fianna Fáil and will support the treaty in the referendum on 12 June. We are all elected by the people and have adopted a position on the treaty. Not one person who voted for me 12 months ago has come to me since and said they disagree with my position and want me to change my mind. The people ultimately will make their decision on 12 June.

On the move towards federalism, I have consistently heard that argument in debates on past referenda. Many of the opponents of Lisbon went against every single European treaty and Professor Maguire had the honesty to acknowledge that he opposed our membership of the EEC back in 1973. Many people have consistently opposed European integration and what some of us regard as the European project.

This treaty will not introduce a federal state. It is independent and sovereign states working collectively on issues of mutual concern. Certain competencies are being transferred to the European Union, which is a good thing. Working collectively, we are much better equipped to deal
with challenges that do not respect borders. They transcend international barriers and Ireland, working on its own, will not have the same impact as 27 states working collectively.

The issue of direct taxes has been dealt with. It is a fantasy to think a Taoiseach would go to Brussels or Strasbourg and sign away our right to a veto on the retention of our low corporate tax base. That will not happen.

Mr. Philip Norden

It can happen. That is the point.

Deputy Michael McGrath

Many things can happen but that will not. We should deal with reality.

Mr. Denis Riordan made a number of points about laws coming from Europe and signing away our sovereignty. The concept of shared sovereignty has emerged since 1973 and it has been an overwhelmingly positive experience because of the issues mentioned, such as global warming, energy supply, environmental legislation and employment rights. These are issues where Europe has been to the fore in delivering change and has forced our hand to act in many instances. That is positive. Europe has been among the leaders in the world with many of those issues. I wish to deal specifically with a few of the issues raised very briefly as they were important. Mr. Riordan suggested that Article 48.7 provides that the European Council can decide to change from unanimity to qualified majority voting decisions in certain areas. He did not go on to point out that two paragraphs below that, it is indicated that national parliaments can veto that within six months. It is quite clear that any initiative taken by the European Council on the basis of the first or second subparagraph - the one referred to by Mr. Riordan - must be notified to the national parliament, and if the parliament makes known its opposition within six months of the date of such notification, the decision referred to will not be adopted.

Professor Maguire dedicated much of his time to the area of common foreign and security policy, particularly the common security and defence policy. He put forward the notion we will be forced to participate in missions we do not wish to participate in. Article 28A(c)(4) makes it quite clear that any decision relating to a mission, again, will be taken with unanimity.
The argument has been put out for many years that Irish men and women will be forced to participate in a European army that will be sent to the four corners of the globe to take on wars and battles in which we do not wish to be involved. That will not happen. It is clear that any decision adopted must be done unanimously through the European Council. As Deputy Treacy articulately outlined, our constitutional provisions and the triple lock mechanism are relevant. The Referendum Commission has given its independent analysis of our neutrality being maintained.

Professor Maguire also referred to NATO and indicated that somehow we would be bound by NATO missions and would have to participate in them. Article 28A(c)(7) makes it quite clear that commitments and co-operation in this area of common foreign and security policy will be consistent with commitments under the North Atlantic Treaty Organisation for those states who are members of it. These are the important words as we are not members of NATO. We do not intend to become a member so that section is not relevant to Ireland.

It is important to specifically address those points. I would gladly take any further questions.

Chairman

I thank the Deputy. We will now take two more questions from the floor before bringing in some more of our speakers from the platform who have not yet spoken.

Mr. Frank Prendergast

Go mbeannaí Dia dhaoibh, a Chathaoirligh agus a chairde, agus fáilte go Luimneach don chéad uair.

I am Frank Prendergast from the Labour Party in Limerick. I am a passionate European.

Some of us are old enough to remember the downfall of Nazism, communism and apartheid within our own lifetimes, three of the most awful tyrannies in human history. Arising from the first of those, we had a vision of two French Catholic statesmen and civil servants, Robert Schuman and Jean Monnet, who decided the French and the Prussians should not fight any more. They put forward the vision of a Europe that would be united politically and economically among its people and would influence world affairs in so far as it could. It would put an end to all wars among its people. It is now 63 years since an international war took place in Europe and we are never likely to see one like it again. Instead we have seen what I believe is the greatest single human political development in history. It is the coming together of 27 nations and historic peoples consisting of
500 million citizens. They are not brought together by tyrant, emperor, king or monarch but through voluntary support of that vision.

Ireland has benefited enormously and exponentially since its entry in 1973. At the time I was a trade union official and have been 40 years in that business. I voted against my party - the Labour Party - and against the Irish Congress of Trade Unions. I said it on John O'Donoghue's programme, "Seven Days", which came from Ennis. I went against all my own people because I felt that Ireland's place was in the mainstream of European history.

Events have borne that out. We have an enormous contribution to make, politically, philosophically and culturally, to the welfare of Europe. I saw last night that our farmers alone have received €14 billion from Europe since entry. Legislation has also benefited the trade union movement and industrial relations as well as bringing about equality and protection for women. Every trade unionist in this country in favour of jobs should vote "Yes".

The Union is based on a Catholic sociological principle of one of the encyclicals of subsidiarity, which is surely the essence and kernel of all democracy if protected. I enter a caveat, despite supporting the concept, that there is no reference to God in the constitution. Every European nation acknowledges the existence of God and our background is Christian. Even Muslims and those of other religions acknowledge God. I was very disappointed that, apparently, none of our people raised that question when the issue was being discussed.

It is an inversion of democracy, in France of all places where Rousseau propounded the concept coming up to 1789 that democracy should prevail, that the French liberal view of Combes in 1903 blocked the reference to God on this occasion. I regret that and I am sorry that people are almost afraid to mention God in the world in which we live. I am not passionate but I feel very strongly that it should have been included. People and groups, including farmers and those connected to hospitals, have reservations about voting "Yes" to this. I am chairman of the Shannon Airport marketing consultative committee and I feel we were viciously betrayed by the Government on the issue of Aer Lingus using the airport. However, this is not the time for settling such scores - they relate to politics and this treaty is about statesmanship. An Irish seanfhocal says "muna mbíonn ach gabhar agat, bi i lár an aonaigh leis"- even if one only has a goat, one should be in the middle of the marketplace. To paraphrase Churchill on another occasion: Ireland, some goat, some fate.

We must rely on the vision of Robert Browning, the great English romantic poet: "A man's reach must exceed his grasp, else what's a heaven for?" The vision must always be finer than the view and on this occasion vision should prevail. As a member of the Labour Party and an Irishman, I hope
Deputy Bertie Ahern is successful if he is a contender for a major position in Europe. For all our sakes I wish him well. I wish the committee every success in its endeavours.

**Mr. Patrick Mannix**

My name is Patrick Mannix and I am a student of history and politics at the University of Limerick. It is my privilege to speak this evening before the Chairman, Members of the Oireachtas and the guest speakers. As a young person, I am delighted to voice my opinion on this matter. We speak of democracy. It is great that young people can have their voices heard on this matter, which is of great importance. It is good to see the committee move outside Dublin to discuss this in Limerick, which is, in a way, the original treaty city.

My question is open to all members of the panel. Will Ireland's neutrality further ebb away if we vote "Yes" to this treaty? I wish to discuss the triple lock system and hear the opinions of members of the panel on it. Will this system be enough to maintain Ireland's neutrality? Deputy Treacy mentioned that there is no need to worry regarding military aspects of the treaty but this causes me to worry. The Government said categorically that no US troops were using Shannon Airport but there were. So who should we believe? What are the opinions of members of the panel on this?

**Chairman**

I thank Mr. Mannix and call on Senator John Hanafin, from Dublin and Tipperary.

**Senator John Hanafin**

I am from Tipperary and working in Dublin. I thank Mr. Frank Prendergast and feel he has done a great service tonight. He accurately put in historical context the growth of Europe, the reasons behind the European project and the wonderful experiment that it is. He was clear and fearless when he said it is one of the greatest political achievements and I share his view. I would love to have seen a reference to God in the constitution and I believe man is never stronger than when he is humble before God - I share Mr. Prendergast's view on this matter. The Irish Government made a request in this regard. It makes reference to a Christian ethos but, notwithstanding that, I would have liked a more specific reference. This will not stop me voting "Yes". Mr. Prendergast's
contribution gave historical and social context and I thank him for it because it was beneficial to young people. As a student of history, I felt Mr. Prendergast got this exactly right.

Regarding the triple lock, it exists because Ireland is a neutral country. There must be a UN mandate, an EU mandate and a mandate from the Irish Government. I notice that the "No" campaign has thrown many shadows and whenever a light is shone on these shadows they disappear. One of these shadows suggests that we are co-ordinating our military in terms of materials and equipment. We are, rightly, sending troops to Chad to assist the people of Darfur. What if French troops use a different kind of petrol in their engines to us or if they use a certain type of wireless that means we cannot communicate with them? Of course we need to co-ordinate.

It is unfortunate that late in the second millennium there was a genocide in Europe, in the Balkans, when we thought such things would not happen again. This is something that could and should have been avoided. Before Ireland joined the EU it sent peacekeepers to the Congo and Cyprus. We have a proud tradition in this regard and at the moment 10% of our military capability is used in peacekeeping roles.

As chairman of an anti-drugs group, I have an interest in justice and co-operation and I am conscious that there is not a co-ordinated effort across Europe to track and tackle drug lords. Limerick, like other cities, has difficulties in this regard, but many of the people who supply it with drugs live on what is known as the costa del crime. As a State, we usually hit back at such people in Ireland by using the Criminal Assets Bureau to take their money and by using our laws to put them in prison. Without co-ordinating, how can we do this if a person lives offshore? If the Criminal Assets Bureau goes to Spain to find out the assets held by a criminal, the representatives of the Criminal Assets Bureau will be arrested, not the criminals. It is easy to hop off to Spain nowadays so we need integrated and co-ordinated justice. Given the triple lock, our military alliance and the social and historical context we have received, it is imperative that we vote "Yes" to this treaty.

Chairman

I thank the Senator and call on Deputy Noel Treacy. I will call on local colleagues at the end.

Deputy Noel Treacy

I endorse what Senator Hanafin said regarding Mr. Frank Prendergast, our former colleague. I do not think any man could have expressed things better than him in his own city. As a politician who
served with him in the national Parliament, I believe Mr. Prendergast is one of the finest politicians of his generation. We thank him for his leadership, comradeship and vision over the years, not only as a citizen but as an outstanding trade unionist and politician in the past.

Mr. Mannix suggested that words uttered by me may not mean the same as those words uttered by another person. I wish to state that our neutrality is strong today and will be stronger than ever. As Deputy Costello mentioned earlier, we will pool a certain amount of sovereignty to create European sovereignty. As Irish citizens and members of the EU we have dual citizenship and sovereignty. We are not giving away the sovereignty of this island but are giving a small percentage of it, at particular times, in the interest of the common good, which is critically important. Our neutrality is protected, as we have said, by the triple lock. It was enshrined in the second Nice treaty and is included in the Lisbon reform treaty. This cannot become law, in Ireland or Europe, until it is copperfastened in this treaty, so it is critically important that we vote "Yes" on that basis.

I congratulate Mr. Mannix on his contribution, which we deeply value, and wish him well in his studies and his future career. He spoke of US troops using Shannon Airport. Ireland is an island and a sovereign nation and one of the first things we did after gaining independence in 1922 was join the International Civil Aviation Organisation. We could not stand alone as a little nation without mobility and opportunity for our people to do business and to leave our shores and for others to come to our shores. For far too long we exported our best and our brightest to build economies around the world. With the assistance of the European Union we have been able to harness the intellectual capacity of our own people, build up a new economy, double our population, drive opportunity and give comfort to the parents of the modern nation that the children they raise will have an opportunity to work on this island. Membership of the ICAO confers a responsibility on us to provide services to aeroplanes that arrive from other sovereign nations. We can refuse them, of course, but they will go on to the UK or Germany and get the services they require there. The business that Shannon has got from the United States has been phenomenal. If we refused to provide these services, it would be similar to a situation in which we, as a sovereign Republic of 26 counties, said to somebody in Cavan, Monaghan, Louth, Sligo, Leitrim or Donegal that it is okay for him or her to cross the Border into Northern Ireland but he or she cannot buy petrol there and must buy it in the South. Common sense must prevail and business must go on. Services must be provided.
We are not involved in any military operation but we respect the right of others, as sovereign nations, to decide their business. We should consider the Unites States and its contribution to our country. A total of 42% of Americans are proud to claim Irish heritage. That is 42% of the population of the most powerful country in the world. In this country, 150,000 jobs have been provided as a result of foreign direct investment from the US. In the sector which supplies services and products to these companies, another 150,000 jobs have been created as a result of the original 150,000. With 2.2 million employed, the USA has provided 300,000 of those jobs. They were giving us those jobs long before we reached our current capacity. That partnership has resulted in international recognition for us, a small country, and global respect as a result of being able to match the biggest and the best and punch above our weight because we are a member of the EU. We are a sovereign, neutral nation and we will remain so.

Chairman

I will bring in two more speakers from the floor and then Deputies O'Sullivan and Breen will respond.

Mr. Patrick Kennedy

My name is Patrick Kennedy. I wish to draw the Chairman's attention to the sign that states that no applause is allowed, but we will move past that, as the Chairman is chairing the meeting and not me.

I wish to respond to the comments made by Deputy Treacy. He will also agree, I think, that human rights are an important issue. I do not want to digress from the issue of the Lisbon treaty, which is what we should be discussing, but it is a fact that rendition flights have taken place and unfortunately they may have gone through Shannon. I respect the US and I am in admiration of its success and that of Irish-Americans. I mean no disrespect to the Deputy but I emphasise the fact that we uphold and should continue to uphold the Geneva Conventions on human rights and other international human rights agreements. I will return to the issue of the treaty but I wish to point out that it is not acceptable that Ireland, as a peace-loving nation that has contributed on an unimaginable scale to this world and its history - I am a graduate in history and politics at the University of Limerick, as was the person who spoke before me - should refuse to say or do anything about Camp Delta, Camp X-ray or whatever else the American Government would like to
dress it up as. It does a great disservice to Irish-Americans not to say anything about this and to refuse to inspect, as a sovereign nation with a sovereign police force, flights coming through Shannon. I apologise for going off on a tangent and I do not mean any disrespect to the Deputy.

Chairman

Mr. Kennedy is using up his valuable time.

Mr. Patrick Kennedy

I understand that. I want to engage with Professor Maguire, who unfortunately has not had much of a chance to speak, as many of the previous speakers have been against the treaty. I am in favour of the treaty, probably to the relief of many members of the committee. Would Professor Maguire consider that the ongoing negotiations that preceded this and other treaties not just at Commission level but also at Parliament level are evidence of greater democracy in the European Union and its frameworks? This is an ongoing process. As I remember from my own studies on the European Union at UL, it is important, for example, that the Council is now going to meet in public. While that seems only a small matter, it is always good to be able to see representatives in public. I hope this will not be a rare occurrence and that what is happening now, especially in the area of foreign affairs, will be done for the benefit of the Irish people. We are pooling our sovereignty overall--

Chairman

If Mr. Kennedy could keep a greater distance from the microphone we would be able to hear him better, as the recording is distorted.

Mr. Patrick Kennedy

I beg your pardon. We are pooling our sovereignty and discussing issues as many nations, but when we consider European issues we must, while understanding sovereign and territorial issues among our people, consider a borderless EU as a European community. I am sure Professor Maguire would like to address this issue.
Based on the comments of many of the speakers who preceded me, except for the person immediately before me, who spoke so eloquently, a lot of people seem to be alienating those who oppose the treaty. They are being portrayed as being against this or against that. It seems those campaigning for a "Yes" vote have not engaged sufficiently. Ultimately, there seems to be a lack of understanding of how the EU works, how its bodies function and how it was created. If that was not the case, a gentleman who spoke previously would not have asked about the President appointing plenipotentiaries. While some members may snigger at that question, it is an important question that has previously been clarified through European legislation. I do not think enough people have a sufficient understanding of the EU and how it functions. This is unfortunately reflected in the ongoing debate on the Lisbon treaty and will also be reflected in the vote itself.

Mr. Ciarán O'Driscoll

My name is Ciarán O'Driscoll and I am also a student of history and politics at UL. I have one simple question for the panel. I come from the town of Castletownbere in west Cork, which is a close-knit fishing community. What are the specific references to fishing policy in the Lisbon treaty? Will it safeguard the fishing industry, which has been one of the hidden failures of Ireland's participation in the EU?

Chairman

I thank Mr. Kennedy and Mr. O'Driscoll for those questions. I call Deputy Jan O'Sullivan, who is of course in her native corner of the country.

Deputy Jan O'Sullivan

I join in welcoming the committee to the treaty city. I am not a member of the committee but am here as a Member of the Oireachtas, as Members are entitled to attend all committee meetings. My two colleagues from the Labour Party, Deputy Joe Costello and my predecessor in this seat in Limerick, Mr. Frank Prendergast, have eloquently expressed the reasons I am also in favour of the treaty. I refer in particular to the emphasis placed by Mr. Prendergast on the origins of the EU - the tyranny that existed in Europe in the earlier part of the last century, the conflict among European countries and the importance, which is really revolutionary, of overriding all of that in an agreement
which has now resulted in 27 countries becoming members of the EU. It is important to put the treaty in this context because values are important in all of this.

In addition, the main reason I am strongly in favour of the treaty is the point made by Deputy Costello, namely, that in essence it rebalances the Union, whose emphasis has largely been on a market, in favour of social cohesion and the rights of individuals, groups and communities. In a sense, it makes for a more rounded Europe, which I welcome.

I will not detain those present as I am not a member of the committee. However, I would like to address the issue raised by Mr. Kennedy about extraordinary rendition flights. Those present may be under the impression that we at this table are all of the same view. I am not of the same view as Deputy Treacy, although I respect him very much, with regard to rendition flights. We should inspect these aeroplanes. I have protested at Shannon Airport on a number of occasions with regard to its use for military flights, about which I hold a different view. We do not agree on all issues but I do not believe our neutrality will be affected by the Lisbon treaty. The text states clearly that there are other neutral states in Europe besides Ireland and that there are states in Europe which are members of NATO. The treaty respects this and does not change the position. I do not believe the treaty threatens our neutrality in any way because there is the triple lock mechanism and because we retain our sovereignty in foreign and military policy issues.

I thank everybody for coming to Limerick, particularly the other members of the committee.

Chairman

I thank Deputy O'Sullivan and call Deputy Breen who is also a fraternal delegate as he comes from County Clare.

Deputy Pat Breen

I apologise for my late arrival. I was detained on Dáil business and did not leave Dublin until 5.15 p.m. It took me almost four hours to reach here because of the volume of traffic coming out of Dublin.

I was sorry to miss the beginning of the meeting but will make a point in regard to what Deputy O'Sullivan said about rendition flights. I am a member of the Council of Europe. As the audience will know, the Swiss lawyer and former judge, Mr. Dick Marty, carried out a full and
comprehensive report on rendition flights. I spoke to him at length on many occasions in Strasbourg about the Irish position. He made it clear that he did not see Ireland as playing a major role in rendition. He said he did not believe any prisoners were transferred through Ireland. He mentioned that some flights travelled on a westbound journey but not with prisoners on board. That was his view after producing a comprehensive report on extraordinary rendition.

The other point we must remember regarding what Deputy Treacy said is that Shannon Airport has been used for military flights by 35 countries for over 50 years. It is not simply the Americans who use it, although we are very quick to talk about them. We should make it clear that although there is a war in Iraq and that, in consequence, troops have moved through Shannon Airport, our understanding is that most of the flights were commercial, with troops on board. We should not mix up this issue with the Lisbon treaty. There has been misinformation. It is only in the past few weeks, since the four main political parties have launched their campaigns, that the debate has begun to take shape and people are now starting to ask questions. As I travelled to Limerick tonight, I could see the posters put up by all sides, the "No" and the "Yes" campaigns. We are in for a lively three weeks of campaigning on the treaty.

There is no doubt that 90% of what was contained in the constitution is included in the treaty. The structure of the European Union has been in place since 1993 and the Treaty of Maastricht which was later amended by the treaties of Amsterdam and Nice. Mr. Peter Sutherland has said this is one of the most minor treaties to be put before the people. It is complex but concerning policy, it is minor.

Some of the previous speakers brought up the point that Ireland was alone in holding a referendum. Approximately ten countries have ratified the Lisbon treaty so far, one being Poland, one of the Soviet bloc countries, that entered the European Union in 2004. The Polish Parliament, representing all its political parties, ratified the treaty on figures of 80% in favour as opposed to 20% against. The French and the Dutch defeated the constitutional treaty. However, about two months ago France ratified the Lisbon treaty at the Chateau of Versailles and the parties which strongly opposed the constitutional treaty did not vote on this occasion. They abstained. The same can be said of Denmark which has a very open society. The treaty will be ratified by the Danish Parliament. If they had grievances, bearing in mind that they have opted of treaties before, they would have objected by virtue of being such an open society.
I am delighted to be here. I was not here for the questions posed at the start of the meeting but will take up Mr. Prendergast's point about God. It is true God is not mentioned in the constitution but for the first time the treaty provides for an open, regular and transparent dialogue with the churches.

Other speakers have made the point that people do not understand how the European institutions work. The European Union has worked well, particularly for Ireland. We have done very well out of our membership of the Union. We have a total of 960 foreign companies employing almost 1 million workers. We enjoy free health cover when we travel from country to country. Irish is now an official language of the European Union. Average wages have increased from being 60% of the EU average in 1973 to 138% today. We have built almost 500 kilometres of motorway with Structural Funds. I would say, however, after my journey from Dublin tonight that we need some more. That will happen in the near future. We can see for ourselves the amount of money coming from the European Union for these projects.

Another matter that is topical - I do not know if it has been mentioned - is the using of a veto at the WTO talks. These are two separate issues and should not be linked together. Ireland will have a veto in respect of any agreement that Commissioner Mandelson makes at the WTO talks because it has to be referred to the Council.

The misinformation will be dealt with in the next three weeks as the main four political parties get their campaigns under way. It would be suicidal if we in Fine Gael, Fianna Fáil, the Labour Party and the Green Party were to send wrong information to the people who put us in these privileged positions. I look forward to the rest of the campaign in which Fine Gael is looking for a "Yes" vote. Ours is very much a pro-European Union party, affiliated to the largest political grouping in the European Union, the European People's Party. All eyes in Europe will be on Ireland in the next four weeks.

Chairman

The meeting is coming to an end. The audience has been a very good one, with plenty of participation from the floor. We will take four more speakers.

Mr. Edward Horgan
I am international secretary of the Peace and Neutrality Alliance, PANA, and also a former United Nations peacekeeper. I am an expert on UN reform and international peace and it is in that capacity that I speak.

I wish to raise two issues - trust and the rule of law. Before the first Treaty of Nice, Fianna Fáil made solemn promises that it would not take Ireland into Partnership for Peace. As soon as it became a party of Government, it took Ireland into it under the guise that it was a humanitarian organisation, which it clearly was not; rather, it is an organisation which is part of NATO which has been involved in some alleged humanitarian missions, including Kosovo, a war which was waged with UN approval. Now we have NATO troops, including seven Irish Army officers, in Afghanistan, again involved in the spurious so-called Petersberg Tasks.

We talk of common foreign and security policy and Ireland's role in it. When the Iraq war began in March 2003, European Union states, particularly Britain, Spain and Italy, in contravention of the UN Charter and of European Union rules, engaged in the war in Iraq with the United States. Ireland allowed and invited US troops through Shannon Airport without a UN mandate.

The Fianna Fáil Government and the Taoiseach, a month before the war started, again made a solemn promise that Ireland would not allow US troops through Shannon Airport without a UN mandate. Within a month that was ignored and the Dáil voted to allow US troops through Shannon Airport. So much for their triple lock. There was no UN mandate and the triple lock was smashed with a sledgehammer and thrown out the door as we participated in a war in Iraq that has so far cost in the region of 1 million lives. Of course, these lives are not important. They are only Iraqis and there are jobs at stake. As Deputy Noel Treacy might imply, therefore, are jobs at Shannon Airport and in the mid-west more important than the lives of 1 million Iraqi people, possibly 250,000 of whom were little children?

On the issue of neutrality, subsequent to 20 March 2003, the Taoiseach and Ministers, and members of the committee on the podium, have stated frequently that Ireland is a neutral state and its neutrality is not affected by the Lisbon treaty. The High Court ruled - Mr. Justice Kearns in April 2003 - that Ireland was not a neutral state, that one cannot be a neutral state and allow a significant number of armed troops on their way to war through one's territory. That is the Hague Convention. It is very specific. It is international law. We are in gross breach of international law and it is
fraudulent for an Irish Government, Ministers and TDs to claim still that we are a neutral country. We do not have to be a neutral state. We have the right not to be a neutral state, but it is fraudulent to claim that we are when the High Court has ruled in Horgan v. Ireland that we are, in fact, not a neutral state.

We are told that EU battle groups are not an EU army in spite of all the indications to the contrary. Now we have more than 400 Irish troops serving within an EU battle group in Chad and the Central African Republic. We are told that this has a UN mandate and Government approval and that under Petersberg Tasks, it is peacekeeping. It is no such thing.

As an expert on the United Nations, an expert on peacekeeping and a student of history and politics, I can tell the committee that what is happening in Chad and the Central African Republic is a cynical operation by the French in neocolonialism. Chad is ruled by former General Idrissa Deby, who is a military dictator representing a tiny minority of the Chadian people. Likewise, the Central African Republic is a French-supported dictatorship. The French Army helped to prevent the overthrow of Chad by rebels last year. In the meantime, there is now a danger of a war between Sudan and Chad, and Irish troops, together with the French, are very much in danger of becoming directly involved as participants in a war and in preventing the possibly justified overthrow of General Idrissa Deby. They are not peacekeeping in Chad. They are contributing to the problems in Chad.

They are not protecting the people of Darfur. Ireland should be promoting the ending of the genocide of Darfur by the United Nations. It is doing just the opposite. By helping the continuation of the refugee camps in Chad, they are perpetuating the genocide which is ongoing as we speak. Tens of thousands of women have been raped in Darfur and up to 300,000 people have been killed, yet we are doing nothing about that. We are using the mission in Chad as a fig leaf.

One must remember that the French participated, directly or indirectly, in the Rwandan genocide in Operation Turquoise in which in 1994 they helped the Government of Rwanda to escape from Rwanda into the Congo where they then precipitated another war in the Congo causing the deaths of up to 4 million or 5 million people. This is the sort of rubbish in which we are getting involved and we are calling it peacekeeping. It is not peacekeeping. It is post-colonialism, neocolonialism.
Chairman

I thank Mr. Horgan.

Mr. Edward Horgan

I am not quite finished.

Chairman

You have gone way over your three minutes.

Mr. Edward Horgan

It is hugely important that these things--

Chairman

You have also referred to a number of issues that have already been replied to by other speakers. There are three more speakers I want to call, in fairness to them. You have covered a good number of issues, many of which do not relate to the treaty at all.

Mr. Edward Horgan

They are directly related to the treaty--

Chairman

They are not.

Mr. Edward Horgan
and I am calling on people to vote against the treaty on the issues of humanity. How do we justify helping to kill 200,000 children?

Chairman

All right. We will reply to that. We will come back to that in just a moment. I call our next speaker.

Mr. Séamus Ryan

My name is Séamus Ryan and I am unaffiliated. Dia dhiobh, a Chathaoirligh, a Sheanadóiri, a Theachtaí Dalá agus a dhaoine uaisle. I welcome the committee to Limerick. It is marvellous that the members have come this far down the country. In fairness, most of them might have been coming down the country in any case. There might only be one or two members of the committee who would be from Dublin.

I disagree with Mr. Frank Prendergast. He might consider me caught by the devil's greatest trick into believing that he does not actually exist. I disagree with the belief that God should be included in the Constitution. I do not believe He should be. God, as defined by us in Europe, is primarily from a Judeo-Christian tradition. Europe has moved on, certainly since the time of Monnet and his associates, who set up and moved for the European Coal and Steel Community. We are now a multicultural, multi-religious group.

I have two questions. The first is for Professor John Maguire. With the triple lock system and our membership of the Nordic battle group, how is it that the "No" campaign, fractured though it is, puts forward the idea that we are moving towards a military position for Irish troops and the Irish military?

Second, there have been rumblings recently about the private provision of public services as mandated by European directives in the future. I would just like my concerns assuaged in that regard.

Chairman

I thank Mr. Ryan and call the next speaker.

Mr. Tommy Canavan
My name is Tommy Canavan. I am a graduate of law and European studies in the University of Limerick and I am not affiliated to any group in particular. I have a question and a brief comment. I am wary that the comment may be misconstrued and therefore I should state at the outset that just as Professor John Maguire alluded to this solemn occasion, I, too, am privileged to be here on such an occasion. I would support any exercise of democracy. It should be exercised in the strongest way possible.

This leads me to my question, which is frequently asked. One sees it on the briefing material. Why are we having a referendum in Ireland? Immediately, when one observes that Ireland is the only country in the European Union that is having a referendum, it raises questions on why we are the only ones and what are the other countries doing. I would like the members of the committee to elaborate on that.

My comment is, I suppose, structural and possibly ideological in nature. I would like the committee to elaborate on the stipulations in Bunreacht na hÉireann as to when, why and how we conduct our referenda on European affairs. As the committee members may have guessed at this point, I am a supporter of the Lisbontreaty. I will be voting "Yes" on the date in June. I am conscious of the fact that, possibly not for this particular treaty but certainly at some occasions in the future, we may have referenda when they are possibly a disproportionate response to the issues with which we are faced at European level. Immediately, once sentences like that are uttered, what comes to mind are the questions of democracy and letting the people have their say.

In the event, hypothetically, that we did not have a referendum, would that be undemocratic? I do not believe it would be. Democracy is well served in this country. Obviously, when one compares it with countries around the world, we elect our representative to represent us on a local level and, by proxy, on a national level, and they go on to represent us in Europe. When it comes to certain issues, I believe they take those in the interests of the country, as they are elected to do. Because of that, I suppose in many ways it is a question of substance and it is a matter of opinion whether the substance of the treaty is more important than regular decisions taken at European Council level. Does it require a referendum? That is a proportionate question and in some ways a matter of opinion.

I wish to make another point in terms of the widening and deepening of this debate and the widening and deepening of the European Union. A connected point is what would be the negative effect of a "No" vote. What is the problem with presenting decisions of this country with a referendum? Recent media articles suggest that people are ill-informed. When they are ill-informed
or uninformed, they will vote "No". In my opinion that is extremely dangerous. If something is put before the people and they are asked them to vote on it, without being informed, possibly by virtue of the fact that they have not engaged or because the representatives did not engage them, either way they will vote "No". If they vote as a result of a misunderstanding, it is a very dangerous situation. The alternative, as is the case in most other European countries, if not all, is that the elected representatives make the decision. In other words, those people who are voted in, have the time and are employed to read the material can make the judgment for the people.

In a hypothetical situation, if people were to reject some other treaty in the future on the basis that they did not understand it, then at a critical juncture of the EU it might be denied as an institution the opportunity to reinforce its own institutions and make itself stronger. I believe that to be the deepening argument rather than the widening and the accumulation of more countries.

Will the committee elaborate on why we have the referendum? Will it contrast with other countries which, I proffer the argument, have faith in their elected representatives to make the decisions for them without having to go to the people, albeit a very important and rational exercise which we will do in the children's rights referendum? Obviously, it is very important. I am not denying the fact that a referendum is a good way to go but it must be, I believe, a proportionate response to the decisions faced at a European Council or European level.

**Chairman**

I thank Mr. Canavan. I have some other written questions that I will read to the committee because some people were too shy to come to the platform. I never associated Limerick people with shyness. Thomas Kirby says re the proposed new Presidency of the Council of Ministers, the next time Ireland is involved in this process it will be co-presiding with two other small countries. We may advance some small country goals in this grouping but we would not be able to moderate the plans advanced during the Presidency of a large country. There are several answers to that question which, I am sure, he will get from our guest speakers. I know the answers but I will not intrude on their territory.

John O'Reilly and Marian Conlon ask how Professor Maguire would vote if the 1972 referendum were being held now.

Miriam from the HSE asks whether the child protection laws will be enforced. That is a good question, the answer to which is readily available. She also asks how it will change from the current
method, whether trafficking in children will be stopped and how sex offenders will be monitored and prosecuted.

Thomas Kirby asks what procedures exist for resolving a situation where there is a dispute as to whether an area of policy may be referred for qualified majority voting or retained as a matter to be decided by unanimity. Could it be finally decided by the European Court or by the Heads of State? We know the answer to that already.

We are coming to the end. I will have a few words to say at the very end but I will call on our two guest speakers in whichever order they wish to speak, unless there is any other member of the platform group who wishes to speak. Does Deputy Costello wish to say something on the Laval issue?

**Deputy Joe Costello**

I wish to speak briefly on a couple of issues. Mr. Frank Prendergast wants to have a look at the reference to the churches even though God is not mentioned. There is a reference in a couple of articles but particularly in Article 16C where the recognition is given to all churches and where open dialogue with the churches will be maintained on policy items.

Mr. Ciarán O'Driscoll, from Castletownbere, asked about the fisheries policy. The fisheries policy is contained in Article 32. It is a competence of the European Union. There is no change whatsoever in that respect. In regard to public services, for the first time ever there is provision for a legal basis for the regulation and protection of public services. That is contained in Article 14 and is also covered in a protocol and emphasised again in Article 36 of the Charter of Fundamental Rights.

Mr. Tommy Canavan asked the position in regard to Bunreacht na hÉireann and the constitutional requirement. That is an interesting question. The decision is made by the Attorney General. When a treaty is put together, as in the case of this treaty, the Government must refer its contents to the Attorney General who makes a decision as to whether its requires a constitutional referendum in accordance with the Crotty case. In this case, obviously, the Government decided it did.

I will not open the case on what Mr. Edward Horgan said, except to say that I fundamentally disagree with him in his interpretation of the whole area of neutrality and militarisation. That was one of only two areas on which the Referendum Commission decided to speak and pronounce
specifically. The commission categorically stated that Irish neutrality is not at stake nor is it under threat in this treaty.

**Mr. Edward Horgan**

That is because Irish neutrality does not exist any more.

**Chairman**

One speaker only.

**Deputy Joe Costello**

One cannot have it both ways. Either it exists or it does not exist. If it does not exist, the treaty has no impact on it. If Mr. Horgan had referred to the treaty in his presentation, which he did not, he would have seen that Articles 27 and 28 of the treaty state clearly that the United Nations can only engage in missions and any tasks of a civil or a military nature if they are in accordance with the United Nations Charter, international law and democracy. It lists the particular missions in which it can engage abroad. Ireland goes beyond that by saying it would not just be in accordance with the charter but we would want also a specific mandate from the United Nations.

**Mr. Edward Horgan**

The--

**Chairman**

We stated the rules at the beginning. Mr. Horgan had his say. The reply is being given.

**Deputy Joe Costello**

The mandate has to be given by the Security Council or by a plenary sitting of the United Nations. That has been given in respect of Chad, Lebanon and all the missions in which Ireland has been engaged. The Government approves of it and then Parliament approves it. That is the triple lock.

There is no question of us engaging in a common defence policy because we have already written it
into the Constitution and we are writing it into the Constitution again. I do not know where these allegations are coming from but they are certainly not founded in this treaty.

**Mr. Edward Horgan**

A million dead in Iraq.

**Deputy Joe Costello**

By the way, Iraq has nothing to do with this treaty. Shannon and the rendition flights have nothing to do with it.

**Deputy Noel Treacy**

I want to endorse what Deputy Costello said, particularly in response to Mr. Horgan's comments. I pay tribute to Mr. Horgan for attending and expressing his strongly held views and for the service he has given internationally in the military world. I do not claim to be an expert but I am a student of politics and history and a member of the UN reform committee and would have some knowledge of the position. He made a statement that the triple lock mechanism has been smashed, so to speak, as a result of the American troops going through Shannon. The triple lock mechanism refers to the military affairs of the island of Ireland, its sovereign republic and its army and defence forces. It does not refer to the United States, Switzerland or any other body. That is clear and it is important we understand that.

The Petersberg Tasks were voted through by the people of Europe, the people of Ireland and the Treaty of Amsterdam. They were accepted as responsible, positive and necessary protections for military affairs at that time. That point is important also.

In response to the question from Miriam of the Health Service Executive, the Criminal Law (Human Trafficking) Bill has been published by the Government, will be debated by Oireachtas Éireann and will be passed in due course.

I agree with Mr. Frank Prendergast and Senator Hanafin and I respect the point made earlier about the reference to God. We did our utmost to have a reference to God included in this treaty but we
did not get our way on that. The first statement in the treaty is very clear: "Drawing inspiration from the cultural, religious and humanist inheritance of Europe, from which have developed the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law". Those are the opening words of the treaty taking into account religious and humanist heritage aspects, traditions and value systems. We got that included as a result of a major effort but we were unable to get the reference to God included. We respect everyone's right to have their own interpretation of God and to support their God. We are all here before the spiritual life that is ahead of us. We hope to be adjudicated on and, hopefully, get a passage into the next world. We have to trust in that.

I thank Mr. O'Riordan for his contributions. He questioned the right of the President of Ireland to be party to a document and referred to our people as plenipotentiaries. Our Constitution is clear. The Oireachtas is made up of the President's establishment, that is, the President and his or her staff, the Members of Dáil Éireann and Seanad Éireann and the Members of the European Parliament. The President is separate from all of those as Head of State and Chief of Staff of the Defence Forces of the country. The Legislature is made up of the men and women elected by the people of Ireland to the two Houses of Parliament and the European Parliament who pass the laws on behalf of the people. The Executive is the Government elected by Parliament. The President gives all those people their commissions, as he or she does to the judges, the Army generals, the Comptroller and Auditor General and others. We, as humble servants of the people, under the President as Head of State and the Government of Ireland as servants of the nation, both nationally and internationally, take our power through the Constitution from the President. Our people - they can be described as plenipotentiaries, representatives or delegates - go to Europe to work not just for Ireland but in the interests of the common good of the people of Europe. Our Constitution is very clear on our roles and our separate position.

The final point concerns Mr. Philip Norden's original statement pertaining to water charges on schools. I do not want that red herring to distort the debate under any circumstances. I hope Mr. Norden is still present. We negotiated that issue in Europe on behalf of Ireland. Out of 27 member states we were the only country to negotiate an exemption from domestic water charges for every private house on the island of Ireland. We got an exemption for 50,000 gallons per house in Ireland. Included in that was a 50,000 gallons exemption for all other operations but beyond that the charges must be paid. Regrettably, because we got the exemption on domestic houses, we could not get one
on any other area and on that basis schools, churches, halls, factories, offices and everyone else must pay for water.

We must accept that in a modern world with constant growth in population and a major change in the environment as a result of climate change and rampant pollution, we all face a challenge in society. We must pay for the services that are critical to sustain the quality of water that is vital for our people. Regrettably, school water charges must be paid in the same way that schools must pay for electricity, fuel and telephone services. That is what we did in Europe. No other country got that deal. It was a tremendous deal for our people but the balance in that regard was that schools would have to pay their water charges. Sin í an fhreagra agus, le chúnamh Dé, rachaimid ar aghaidh le chéile agus reathamar le chéile chun an reifreann seo a reachtáil ar son muintir na tíre.

Chairman

Senator John Hanafin wishes to make a brief contribution.

Senator John Hanafin

I thank the Chairman for allowing me to speak again. I want to amend something I said inadvertently earlier. I mentioned that there was a reference to Christian heritage in the treaty. In fact, that was a proposal. As was stated by previous speakers, it is the special contribution of the churches that was included. Most of us would be of the view that we would have wished to have a reference to God in the constitution but everyone is entitled to their own view.

The second aspect was the question of trafficking, in particular child trafficking. The best way of dealing with the question of people trafficking, drugs and international criminality, including obscene material over the Internet, is on an international basis and at a European level now that we are dealing with the Lisbon treaty. Many of us here will have been to either Spain or the United States this year but not many of us will have visited parts of Ireland such as Letterkenny. The world has become much smaller and in that context the Government has made a declaration stating our intention to participate in measures on criminal matters, especially police co-operation, to the maximum extent possible. That is something to be welcomed. It will make life more difficult for the criminals and that is as it should be in the world in which we live today.
It must be remembered, however, and this is an important point in the context of what has been said tonight, that this treaty does not claim to deal with issues such as fluoridation of water. It is very specific and people who come in here and make valid points about some issue that has nothing to do with the Lisbon treaty have not served the treaty or the debate on it well. I would like to see an end to the war in Iraq but the Lisbon treaty is a separate issue.

Chairman

I wish to clarify the questions I read out earlier. Unfortunately, I mistakenly attributed to Patricia Conlon from the University of Limerick the question to Professor John Maguire from John O'Reilly. That was wrong. Ms Conlon's is a separate question. Her first question asks what the EU role will be in regard to climate change, Article 191.1, and energy, Article 194, etc. if the Lisbon treaty enters into force. That is a good question. She also asks the implications of Article 48.5 in the aftermath of the Lisbon treaty. Her third question, on the role of national parliaments in the aftermath of the Lisbon treaty, asks how subsidiarity and proportionality will be judged in terms of the protocols. Our expert speakers will have much fun in dealing with those questions.

Deputy Michael McGrath

I wish to return briefly to one or two points. In one of the written questions Thomas Kirby asked about the impact of the Presidency of the Council of Ministers and the fact that it will be shared by three member states. To clarify, the President of the European Council will be one person elected for two and a half years. That term can be renewed once. Therefore, one person could be President for up to five years. That is important because it will provide some continuity in that when the President of the European Council is meeting other Heads of State from around the world, it will be the same person for a period of up to five years. When Vladimir Putin was President of Russia, he met up to 14 Presidents of the Council during his term of office. This measure will provide important continuity.

Another point was raised concerning the Council of Ministers. The Presidency of the Council will be shared by three member states for a period of 18 months. Ireland will assume that role with Greece and Lithuania in 2013. That will provide stability and the member states will work together to advance the agenda on various issues.
Mr. Canavan asked a pertinent question on the impact of Ireland's voting "No" in the referendum. Nobody has the complete answer to that question. My view is that the principal consequence would be a serious loss of goodwill towards Ireland in the European Union which would manifest when Ministers and the Taoiseach travel on a regular basis to negotiate policies and advance Ireland's point of view and argument on specific issues. In that context, there would be a serious loss of goodwill towards Ireland for the simple reason that since 1973 the development of the European project and the effect of the institutions and policies of the European Union have brought Ireland from the bottom to the top of the league. We have been the primary beneficiaries of everything that is good about the European Union. The eyes of the peoples of Europe will be on us on 12 June. If we say "No" to them on the treaty, that would be some thanks to give for all the positive contributions the Union has made.

The Lisbon treaty specifically empowers the European Union to develop policies on the security of energy supply, which is important. We heard in recent days about the possible increase in the price of gas and so forth. The European Union, in collectively negotiating with gas suppliers such as Russia, is in a much stronger bargaining position than Ireland negotiating on its own to secure the best possible terms.

Those are some of the points I wished to cover. I appreciate that the guest speakers will address other issues.

Chairman

I thank Deputy McGrath. We have reached the stage where our guest speakers will respond. Professor Maguire will speak first on this occasion.

Professor John Maguire

I hope it will not be interpreted as a personal complaint, because it is not, when I say that in the context of a referendum where one could argue, as I would, that ideas and arguments, not people or parties, are of the essence, those present have not heard anyone from the platform speak against the treaty, other than me, and I stopped speaking two hours ago. It is important to consider that point in the context of the referendum.

Chairman
I want to correct something Professor Maguire said. Those on the platform are representative of members elected by the people to Dáil Éireann. The fact that members of a joint committee of the Houses of the Oireachtas hold a point of view is something to which the Constitution must also have regard. We will have that argument at a later stage.

Professor John Maguire

We could, but in that context, I point out that political parties are not even mentioned in the Constitution; it is the people who are sovereign.

Chairman

It is the people who elected them.

Professor John Maguire

Absolutely. The people are not voting in an election but considering what shape they want the European Union to take.

I have a page of notes and will not get through everything I want to say, for which I apologise. My e-mail address is johnmaguirecork@eircom.net and I invite people to contact me if they want to follow up on any points made.

A number of direct questions were put to me. I do not believe it was Ms Conlon who asked what way I would vote if the 1972 referendum was being held now. Mr. O'Reilly asked that question. If in asking that valid question he is asking whether I am arguing, or have argued since 1972, in favour of our leaving the European Union, the answer is no; rather I argue that we should have an adult relationship with the Union, which I do not believe we have had.

On the question of whether I regret voting and arguing in the way I did - I will send Mr. O'Reilly what I said then, if he would like to read it - I do not regret it. I was not arguing in favour of a narrow backward-looking Ireland. I wanted Ireland to be part of a wider democratic Europe and world. With all the good things that have happened, I do not believe we have used the resources that we and the European Union have given to ourselves in order to use our voice in Europe. We are in danger - to some extent we have already done so - of selling out on a crucial Irish inheritance - in
which I honour Mr. Edward Horgan; I certainly will not add to his remarks - the Irish tradition of peacekeeping with the United Nations.

It has been said people such as Mr. Horgan have brought the issues of Iraq and rendition flights into the debate on the Lisbon treaty. The other point he raised concerned our membership of Partnership for Peace, on which the then Government was elected on a manifesto in which it promised to hold a referendum on the issue but which it then decided not to hold, a matter on which the Opposition failed to hold it to account. I have not heard an answer to the question on what is the specific character of Irish defence policy. Deputy O'Sullivan said there was a reference in the treaties to the fact that there were neutral countries but, to the best of my knowledge, there is not. There is reference to the fact that there are some countries which are not members of NATO and that is the end of it. It is not spelled out what is different about those countries. That is the important point. That is a sad failure on our part that I would like to see remedied.

Deputy Costello raised a number of points, particularly the increased role of the European Parliament in making law. To some extent, that is true. The same applies to the role of national parliaments, but neither of them has the initiative. The European Union is not a representative democracy and does not have a parliament in the sense that it is an elected law-making body. It may be moving slightly towards this, but after more than half a century, it has not got there yet. That is a fact.

Deputy Costello also said we could not be part of a common defence policy, etc. That may have been a slip of the tongue because we are a part of a common defence policy and have already signed up to treaty obligations.

**Deputy Joe Costello**

That is not correct. We are part of a common defence agency. Common defence policy--

**Professor John Maguire**

Excuse me, I thought there were rules that applied.

**Chairman**

There are. We will wrap up the discussion at the end.
Professor John Maguire

Yes, if we are all to have a further bite of the cherry, I would like to come back to that issue.

Chairman

We could continue on it all night but we will not go there.

Professor John Maguire

Perhaps we could and then I would not be saddled with being the only person trying to answer these points.

Chairman

That discussion can take place over coffee.

Professor John Maguire

Deputy Treacy said the 1973 treaty of accession provided that referenda would have to be held. I do not recall that being the case; it may be so, but why did Mr. Raymond Crotty have to go to the Supreme Court to fight the case for the holding of a referendum on the Single European Act? Deputy Treacy also said the triple-lock mechanism was the subject of a protocol. I have checked every text and I am virtually certain that it is only covered in a declaration. Let us be clear about this: the Government states in the White Paper that declarations are not legally binding. Therefore, we do not have a triple-lock mechanism that is binding on Ireland or the European Union. That argument may have been made around at the time of the holding of a referendum and while it may be significant, it is not legally binding any more than was the promise to hold a referendum on our membership of Partnership for Peace. People mention the fact, as did Deputy O'Sullivan, that the special character, which is unspecified, of Irish defence policy is respected. The crucial place where it is glancingly and unclearly referred
to is in Article 42(2) mentioned on page 50 of the Government White Paper as published on the Department of Foreign Affairs website. It states the policy of the Union "shall not prejudice the specific character of the security and defence policy of certain Member States". There is no mention of Ireland or other neutral countries. The paragraph finishes with the words, "and [shall] be compatible with the common security and defence policy established within that framework", - the framework of NATO. The very clause that people use in saying Ireland is recognised as being different is one that provides that whatever we are a member of - we have already agreed to have a common defence policy - it must be compatible with NATO. There are many more such references. That is what I think of the triple-lock mechanism.

Deputy Michael McGrath said that I had said we would be forced to do various things. I did not say that, nor am I arguing that point. Professor Rees is slightly wrong when he says there is no qualified majority voting with regard to defence. If he is right, page 47 of the Government White Paper is wrong because it states that there is the beginning of the introduction of qualified majority voting, that is, non-veto covered voting. I am not trying to fool people. That can be pulled back to unanimity by an Irish Government but it is not true that qualified majority voting is not beginning; it is beginning to be introduced in the area of defence policy. We need to be careful about that. My concerns are not about what we will be forced to do, although I believe we have gone along with too much already, but what our Governments will be ready to do. We did not hold a referendum on the Partnership for Peace, the triple-lock is only a declaration and we have gone along with the Iraq war, which is illegal. When we say somebody has got to do something we completely overlook the fact that the reason somebody must do something is that the United Nations has been systematically run down, under-resourced, stigmatised and scapegoated over the past 20 years. That is a very sorry record from Ireland.

That is not just my opinion. NATO is recognised as being at the centre of EU defence policy. The only way we deal with that is to say: "Sure we might not have to go along with it." Why are we members of a Community with a defence policy we claim we will be able to wriggle out of when push comes to shove? Incidentally, I am not sure we will wriggle out of it anyway. The reasoning behind NATO being able to say something had to be done and that it must do it has been described by the Independent International Commission on Kosovo, established by the Swedish Government, as "somewhat self-serving, as the earlier UN failure was partly a result of the refusal by the NATO countries to support the Bosnian effort in a more vigorous and effective manner". The then Secretary General of the UN, Boutros Boutros-Ghali, asked for a 30,000-strong NATO force
operating under UN authority when these problems were starting but he was prevented from raising the force by the large powers in the United Nations.

We cannot align our resources with what is happening under the Petersberg Tasks and, at the same time, keep them in the framework or setting where they are ready for traditional peacekeeping. That was recognised by the EU Presidency in 2004 under Deputy Bertie Ahern, the then President of the Council, when it spoke about the need for a new culture of security. We are retraining our troops to a new culture, one that is in conflict with Articles 28 and 29 of the Constitution. I believe that is because we are not adult and not ready to use our voice. I am sorry for being so vehement but I am under time pressure.

Is democracy increasing? Is everything in the treaty bad? No. It is a good idea, for example, to give a greater role to national parliaments. However, they do not get the initiative. The European Parliament does not have the initiative. People talk about the European Parliament gaining powers under the treaty but why is there a declaration by all the signatories to the Lisbon treaty reassuring us that in the area of defence, the European Parliament does not gain any new powers? It does not run the policy; the policy is run by the Council and the high representative. Incidentally, that is the area where the small amount of qualified majority voting is being introduced.

It is good to give more power but let us be clear. I am almost finished and I apologise for ranting at this pace but I am the only person on this platform speaking against the treaty and I am trying to deal with a huge number of points from the platform and from the floor. The EU has government structures and parliamentary structures. Let us say that Ireland were the EU. The voters would elect the Dáil. They would also elect the county councils and the government of Ireland would emerge from the majority on the county councils. They would set up the government. The members of the government would not be members of the Dáil and would not be answerable to the Dáil. The EU does not function as a representative democracy. It might be making some moves towards that, which is probably good, but in the most crucial area of defence, it is allegedly reassuring us that even that degree of power for the European Parliament will not be introduced. There are serious issues about how answerable the defence policies of the EU are to democracies. I am not saying that Ireland will have to participate in any of the lurid scenarios that have been discussed, but the readiness of Irish Governments to break their political promises and endorse illegal wars is quite enough to concern me without anybody forcing us to do anything.

I am sorry for leaving so many points unanswered, but I will conclude by stating that I wish to see a Europe that is a real democracy. I want a Europe that does not impose so-called free trade on the poorer countries of the world. Deputy Treacy spoke about co-ordination of armaments, having guns
that fit together and so forth. There is a great deal more than that in the role the high representative will play in ensuring that countries live up to their obligation, which Ireland will share, to increase their defence spending. In a world where one stealth bomber costs $1.2 billion dollars - it is almost unbelievable - Mr. Javier Solana, who is and will be the high representative in this policy, states that Europe must compete with the United States, a country that is outspending the EU by a ratio of 6:1. No wonder George Kennan, the man who warned of the danger of Russia in the 1940s and could be regarded as an architect of the Cold War, said about five years before his death in the late 1990s that the US was in danger of becoming the dunce of the world if it did not cop on.

We have not been a good friend to the United States. Joseph Gerson of the US Quakers committee has summed it up in a wonderful phrase: "Friends don't let friends drive drunk." We have not spoken the truth to the US. People have spoken about our heritage and the diaspora. We have not had the courage to tell the United States to steady itself and look at things a little differently. We have been a rotten friend; we have been a rotten friend to many people around the world, many of whom are now dead. As a sovereign citizen of the Irish Republic, who can be held responsible for what is done by our Defence Forces, I make no apologies for being very concerned about what we have already swallowed and what we are letting other people proceed with and then weaselling out of it with political promises. I am very sad that we have not contributed to a relaxed, peaceful, friendly and more democratic Europe. That is what I wanted in 1972 and what I want now. It is what I believe Europe owes to the world.

**Chairman**

Thank you, Professor Maguire. You have had a good innings. Theoretically, somebody who has an opposite view to that of the majority should get time equal to each of those who speak for the other side. Unfortunately, it does not work that way in this situation. However, on some other occasion, and definitely over the coffee, you can rest assured that we will engage in that debate. I call Professor Nicholas Rees.

**Professor Nicholas Rees**

I will address just a couple of issues because time is limited. With regard to the discussions we have had about the military issue, nobody has discussed the civilian structures. We have tended to view matters negatively in the discussions we have had. We forget about the successes. Ireland has
played a large role in the UN. Our peacekeeping role in Liberia was clearly a success. East Timor or Timor-Leste is another example. We forget about these and tend to highlight more problematic cases. The case of Kosovo has also been raised. At present, we are sending civilian forces there to help - police, administrative personnel, judges and so forth - and to provide the basis of civil administration.

It is easy to talk about the military aspects but these are positive things that Europe is doing both on its immediate borders and further afield. I would like to highlight some of those points. We should be aware of a lot of the positive things that are coming out of the type of EU structures we have been creating.

It was mentioned earlier that military spending is increasing. In fact, if one looked across Europe at the EU states in general, one would not find that to be the case. Most of the evidence from academic associated studies highlights the fact that such expenditure has been reduced. The idea that Europe is becoming more militarised is not the case.

We should also be able to provide civilian reaction to disasters such as tsunamis. It is important to be able to do those things. We need structures to do so because single states cannot do it. Ireland's foreign policy contributes, but usually through UN or EU agencies. Our ability to do things on our own is quite limited. It would be naive to think we could stand alone. We must work with partners, which gives us a greater chance to play a positive role in the world.

We have underplayed the UN's role and have tended to demonise it here. We have been positive in our role in the UN. The United Nations is not faultless in terms of its structures and the balance of power but on the whole, the EU has operated within the UN remit. Kosovo is a more recent example of that and Chad is another case. It should not be forgotten that the EU mission in Chad is there in part, along with the African Union, for only a short period. It is meant to be a bridging operation. Those are some of the points I wanted to highlight.

Other issues were raised. Professor John Maguire mentioned the QMV issue as regards common foreign and security policy. He is right about that as regards the CFSP, but I mentioned defence earlier. Professor Maguire might want to re-examine the White Paper in that regard. I would encourage anyone to look at the White Paper, which is eminently readable. It is perhaps the most helpful document of all.

This evening we have had a very interesting debate on the issues. I enjoyed listening to the positive and negative points, including the concerns expressed. It helps us to hear them. We should discuss these matters with more people. I think Professor Maguire and I agree, as we discussed earlier, that it is important for people to vote and use that opportunity. There is an opportunity to do so in
Ireland, although other states do it differently. They have different traditions. There is diversity in Europe which we have always supported and encouraged. That is part of what our country is about in this instance. When we leave here tonight we should encourage others to think about the Lisbon treaty.

Chairman

I particularly want to thank our two guest speakers for having covered the issues in their presentations and for listening so carefully to the submissions. I want to deal quickly with a couple of points that were raised. First, I want to deal with the history of the European battle group. We have heard the arguments concerning it. I was Chairman of this committee during the war in Bosnia. The former Deputy, Des O'Malley, was Chairman of the Joint Committee on Foreign Affairs and we had several joint meetings of those two committees. We called in the ambassadors of the United Kingdom, France, Germany, Belgium, the Netherlands, Italy, Russia and all the countries neighbouring Bosnia, including the newer members of the European Union.

The real reason that action was not taken by the rest of Europe was because Europe did not have any defence mechanism whereby it could respond to such an event. The reason was that most of them had past history in the particular situation. History students in the audience will readily appreciate that fact. At that time, we repeatedly pleaded with them to take some kind of action to protect the people who were corralled within the safe havens. Of course, even though UN personnel were there at the time, they were incapable and did not have the armaments to do the job. For whatever reason, they were overrun or capitulated and the result was the appalling slaughter in Srebrenica where 8,000 people were put to death. That was the salutary lesson the EU learned the hard way. It resolved, rightly or wrongly, that such an event would not recur. That is why we have rapid response forces and battle groups, to which we have referred. That is their history.

Reference was made to our Defence Forces which have played a tremendous role both in peacekeeping and peace enforcement throughout the world over the last 50 years. It is something of which we should be proud. We should record our appreciation of that. I remember that Mr. Edward Horgan and I debated this issue during the Nice treaty as well.

Reference has been made to the fishing industry and perhaps one could also include the agricultural sector in that regard. We must recognise that we are a food producing country. We export 98% of what we produce. It is important that we always remain vigilant. It is true to say that we have not
come out best on some occasions, but that is our problem. That is the way we present the case and do our negotiations. We are not forced to accept any argument from Europe in these matters. It is a matter for ourselves.

Euratom and a nuclear alliance were mentioned but these matters are not new to the Lisbon treaty. They have always been there. Reference was also made to future co-operation on energy. One of the things provided for is a European energy policy. Proposals have been laid down and put in place whereby we will reduce our dependence on fossil fuels, replacing them with alternatives. One of those alternatives in Europe, including the UK, happens to be nuclear energy, but that does not mean that we must produce nuclear energy. I am opposed to it and have opposed it in the past. Others disagree with my view but that is as it may be.

Some time ago, somebody suggested that we should refuse to accept electricity generated by nuclear energy and supplied through interconnectors at some future stage. I find it hard to see how that could be operated, however. Suffice it to say that we will have an opportunity to export our energy to Europe, which is generated from wind and other alternative means. In the event of the wind dying down, which does not always happen in this country, we can import energy through interconnectors. Provision has been made for that, both now and in the past.

Reference has also been made to the extent of the powers of the European Parliament. In the past, the European Parliament has sacked the Commission, end of story. That ultimate power rests with that elected parliament if it wants to use it. We often tend to ignore the fact that the people elect Members of the European Parliament. One cannot always change them but one can elect them, re-elect them or dismiss them.

The loss of sovereignty issue has been readily dealt with. It is recognised that provision is made in the treaty for the protection and preservation of our neutrality. I want to emphasise that point, to which Deputy Jan O'Sullivan has already referred. It is appropriate that we should be discussing this issue in the treaty city. A treaty is an agreement made up of pros and cons, views, fears, aspirations, worries, prejudices and even hatreds of the participating groups. There is bound to be the odd contradiction and the odd issue with which somebody will disagree. They are put there for a purpose - to show the participants that their view has been recognised - and if they disagree at some future stage they will have the right to do so.

Somebody said to me, locally, that abortion will be forced on the Irish people, but nothing could be further from the truth. There is a recognition within the European treaties for countries that have legislated in that fashion and, equally, for other countries that refuse to and are quite right to do so. We have that provision ourselves.
Reference was made to the imposition of free trade on smaller countries. In times past, the EU had a special relationship with small, poorer countries, particularly in Africa. That relationship was somewhat dented by CAP reform. I remember being on the committee and representations being made to the effect that improvements, for want of a better description, entailed in CAP reform, of which the farming community and others are now critical, were necessary and beneficial to small farmers but they were not. We should always maintain our position to suit ourselves, although we should not necessarily impose our will on everybody else. We should always expect the other side to recognise that we, as a sovereign state, have a view and we should not be afraid to put it forward.

I believe I have covered most of the issues, including sovereignty and free trade. As was said, we do not have the time to go through some other issues at this time.

Privatisation was also raised. The European Union has created a situation in which the consumer has benefited from greater competition. That does not necessarily mean it is forcing privatisation. Somebody brought to our attention at one of our earlier meetings that the telecommunications system here was now faltering as a result of privatisation in the European Union. What about the telecommunications systems in France, Germany and even in the new accession states? That argument does not stand up. Most of these issues are in our hands and will remain in them.

I thank committee members, some of whom have been at every meeting, for being here. This is the last of this series of meetings. We must compile a report which will be made public by 28 May 2008. I thank our guests for being here and for helping us. I particularly thank the audience for participating. It is generally accepted that this audience was unusual to the degree to which it participated. That is a good thing and it is interesting that it happened at the end of this series of meetings.

As was said by other speakers, the founding fathers of Europe would have been proud of Mr. Frank Prendergast. I had the privilege of meeting Spinelli, the famous Italian Communist, and was amazed by the degree to which I agreed with his philosophy. I could not understand it but that is Europe. I also met the former mayor of Strasbourg, Pierre Pflimlin, who is now deceased and who was President of the European Parliament. In the final months of the Second World War, his entire family was shot by the Germans when retreating but that did not stop him from playing a leading role in addressing the issues which brought Europe to its knees. He spent his life working towards the type of concept spoken about tonight.

I thank everybody, including our hosts. I also thank our staff for coming along and for bearing with us. Whatever they are paid, they need to be paid more because they have earned it.
Chairman

We welcome Mr. Justin Kilcullen, director of Trócaire, Mr. Tom Arnold, chief executive of Concern, and Mr. Hans Zomer, director of Dóchas. We have met some of them in the past in various guises and we have listened carefully to their public statements.

Members of the committee have absolute privilege, just as in the courts, but members of visiting delegations, unfortunately, do not. I am quite sure that is something that will be addressed in due course. However, until such time, that is the way it is. I invite Mr. Kilcullen to make his opening statement and then we will have a question and answer session.

Mr. Justin Kilcullen

I thank the Chairman on behalf of all of us. We welcome the opportunity to make this presentation on what the Lisbon treaty means for development work.

Trócaire has not sought to take a "Yes" or "No" position on the treaty, as the range of issues covered by the treaty falls outside our mandate. However, we welcome the opportunity given by the holding of the referendum to debate what the Lisbon treaty means for development.

I am here also in my capacity as president of CONCORD, which represents some 1,600 non-governmental organisations from across Europe. There is broad consensus among NGOs that the Lisbon treaty has a lot of positive potential for EU development policy. However, much will need to be done in terms of the implementation of the treaty to protect the political space for development in the EU and to ensure that it does not become sidelined by other foreign policy objectives.

The EU is a very important donor globally. In 2007, the EU and the member states combined gave a total of €46 billion in aid to developing countries, representing over half of aid recorded by the OECD. About 12% of Ireland's official development assistance is channelled through the EU. With
all this money flowing out of the EU in aid, we need to make sure we get things right as regards how it is spent. That means having the right legal framework, the right institutions and the right balance between development and other policy objectives of the EU.

Trócaire welcomes the fact that the Lisbon treaty makes poverty reduction the main objective of EU development policy. That means the €46 billion of aid money the EU gives annually cannot legally be used for purposes other than tackling poverty. We also welcome the fact that the treaty reconfirms the so-called three Cs — the development principles of coherence, coordination and complementarity.

We welcome the new legal basis in the treaty for humanitarian aid, although we regret the absence of the principle of independence, which is important to ensure that humanitarian objectives are not obscured by political, economic, military or other objectives. We are also concerned to ensure that the creation of a European voluntary humanitarian corps under the treaty does not undermine the efforts of professional humanitarian actors to provide humanitarian assistance.

Finally, Trócaire welcomes the new treaty basis given to climate change. As highlighted by the Trócaire Lenten campaign earlier this year, climate change is a major issue for the developing world and one for which rich countries are primarily responsible. The new treaty basis is a fitting recognition of the fact that the EU has been leading the way on this all-pervasive issue and hopefully an impetus for the Union to continue its work in this domain.

There are three major issues of concern regarding the treaty that I would like briefly to touch upon and which will be elaborated on in more detail in the two subsequent presentations. The first is policy coherence, the second is the creation of a post of Union high representative for foreign affairs and security policy, and the third is the future role of the committee as well as the wider Oireachtas in EU development policy.

On policy coherence, the treaty states that the "Union shall take account of the objectives of development cooperation in the policies that it implements which are likely to affect developing countries". That is significant in that one of the greatest threats to EU aid is other policies of the EU. Too often, the EU appears to be essentially negating the positive effects of its aid by what it is doing in other areas. The recent controversy over the EU’s trade agreements with African, Caribbean and Pacific countries, the EPAs, is a case in point. If the commitment to poverty reduction which has
now been enshrined in the treaty is to be translated into reality, the EU and the member states must be ready to take a long hard look at the impact of their other policies on development. This is a question of political will and priorities. However, part of the solution in ensuring policy coherence is to have the right structures in place to allow the voice of development be heard within the EU.

The treaty creates a new post, namely, the high representative of the Union for foreign affairs and security policy. The main purpose of this post is to strengthen the EU's voice internationally, and to ensure consistency across the external policies of the EU. The high representative will be responsible for all areas of foreign policy, including political co-operation, peacekeeping, development and trade, and will be supported by the new diplomatic service. The risk with the new high representative is that development may simply become another arm of the EU's foreign policy and that aid moneys may be diverted away from the very objective the Lisbon treaty defines, namely, tackling poverty. On the other hand, the new foreign policy structures provide an opportunity to galvanise reform of the management of EU development policy.

We must ensure that political space and weight are given to development by the high representative within the new service, the external action service, EAS. Linked to this is the question of the Development Commissioner. The treaty foresees a reduction in the current number of Commissioners from 27 to 18 by 2014. This could mean the loss of a Commissioner for Development which would be extremely detrimental to the interests of development within the EU. We strongly urge the EU to retain a separate Commissioner for Development when the reduced Commission comes into being. Ireland can play its part here and with its credible track record on development could even seek to take the development portfolio to push development as a priority within the EU.

I refer to the role of the Committee on European Affairs in the field of EU development policy. The treaty encourages a more active scrutiny role over EU policy for national parliaments. It gives parliaments the right to receive documents at the same time as the Council, the European Parliament or the member states. The Dáil and Seanad will also have the right to scrutinise legislation from the point of view of the principle of subsidiarity. These arrangements will serve to open up political space for discussion on all aspects of EU development policy, some of which are currently decided behind closed doors, in the main. An example is the European Development Fund. If the treaty is
ratified we urge the committee to exploit these possibilities as fully as it can and, in the immediate future, to take a strong interest in its implementation.

On a final note I draw the committee's attention to a report launched in Brussels last week by CONCORD, the Federation of European NGDOs, "No time to waste: European governments behind schedule on aid quantity and quality". This report shows the continuing gap between EU promises on aid and the reality. In 2007, EU governments decreased their aid to developing countries and are behind schedule on scaling up to meet UN targets. With or without the Lisbon treaty, there is a need for vigilance on the part of governments, parliaments and civil society to make sure the EU lives up to its commitment to developing countries.

Mr. Tom Arnold

We broadly share the analysis that Mr. Kilcullen has set out so there is no point in my repeating it. A key issue is that poverty reduction and eradication of poverty are declared as primary objectives of the EU’s development co-operation policy. We think that is a very positive principle to have enunciated. Equally, policy coherence is stressed. That saw expression first in the Treaty of Maastricht so this will be a consolidation.

Concern thinks that many of the institutional changes being proposed, such as the creation of the post of high representative of the Union for foreign affairs and security policy and the external action service, have the potential to enable the Union to play a more significant and coherent role at international level. In a world that is increasingly interdependent and more vulnerable in political and economic terms, that is a responsibility that the Union must embrace.

The real issue is how those positive treaty provisions will find expression in the new institutional structures. There will be negotiations over the coming months on the creation of the high representative's post and the external action service. The outcome of such negotiations will determine whether Europe's development and humanitarian assistance policies are protected and prioritised within the new structure. That is the reality of the political process. That connects with
Mr. Kilcullen's last point about the role of this committee and its importance in helping to ensure that these things happen.

In many respects I see this treaty as a further stage in the evolution of European policy, the European view of Europe and its role and how that finds expression in significant treaties and other documents. We can reflect on some of the major milestones over the past 35 years. Those of us in this area long enough remember the signature of the first Lomé Convention in 1975, which former Taoiseach Mr. Garret FitzGerald oversaw, as President of the Council at the time. It was an amazing coincidence that in two or three further Irish Presidencies of the EU we signed subsequent Lomé Conventions. Ireland has an important record in helping shape European development policy at that level. Maastricht is another example. The sense of evolution in this treaty is evident in that many of the principles of development we have been asking for are included in this treaty and the new aspect, which is the inclusion of the humanitarian policy, are in the treaty. That is a very positive development.

The humanitarian aspect is particularly significant because the underpinning treaty provisions must be examined in conjunction with the European consensus on humanitarian aid, which was agreed last December by the Council, Parliament and Commission. That provides the basis. It is not widely known that the European Consensus on Humanitarian Aid is essentially the humanitarian policy of the EU and its member states. It puts in place for the first time, a comprehensive joint EU policy statement on humanitarian aid. In a world where the combination of man-made and physical disasters is increasing and will probably continue to increase, it is important that Europe equips itself with the policy framework and the other programmes to respond to that. That must be seen in the wider context of some of the international efforts in this area to reform and increase the international capacity to respond to humanitarian disasters. Much work has been done at UN level in recent years, led by Mr. Kofi Annan, who is no longer there, to do that. I see some of the developments in the treaty and the consensus on humanitarian aid as Europe's potential contribution to deal with this problem.

That is where we stand on the treaty. As Mr. Kilcullen said, we are not asking people to vote one way or the other but we want to acknowledge that many of the provisions we have asked for through our engagement at European level regarding development assistance and humanitarian aid are found in the treaty.
Mr. Hans Zomer

I add my voice of thanks to the committee for this opportunity to talk about the treaty from a development perspective. As the committee knows, the national debate to date on the treaty has focused very much on issues such as tax, Irish neutrality and agriculture reform. We are grateful for the opportunity to balance the debate on the treaty and its implications because they are so important for development and the millions of people who live in absolute poverty.

Dóchas is the umbrella organisation of the Irish development NGOs. We have 39 members who are supported by 850,000 people in this country. As the national umbrella group we also co-ordinate with NGOs across Europe, most of whom share the views just expressed by Mr. Kilcullen and Mr. Arnold on the treaty. Ours is a passionate and committed constituency that considers it vital that the EU should keep development co-operation and independent humanitarian action at the heart of the European project.

Because the Lisbon treaty — if passed — will help define the future shape of European development co-operation, we undertook our own analysis of the treaty and held a number of meetings with our members and other interested parties to get their views on the Treaty and its relevance for development. That resulted in the formulation of a Dóchas discussion paper which has been made available to committee members. The Dóchas paper draws on the inputs of people across the Irish NGO sector and sets out some of the pros and cons of the treaty and highlights the most important points therein.

I would like to expand on three aspects in particular, one of which is the institutional changes the treaty heralds. As has been pointed out to the committee the details of many of these changes have yet to be worked out between the Commission and the Council. Ireland therefore has a real opportunity to engage actively in the shaping of these arrangements as they are being debated, now even before the treaty comes into force and certainly after its ratification.

These arrangements, from the remit of the high representative to the scope and the workings of the external action service, the structure of the Commission and the different directors general, will have a vital influence on the nature and ultimately on the impact of European development and humanitarian work. For that reason we urge the Government, Irish Aid, the permanent
representation in Brussels and this committee to play a full and active part in ensuring the new arrangements provide due space and priority to development issues. In doing so we also urge that members of the committee will continue to involve civil society organisations, including the development NGOs that are members of Dóchas and backed by hundreds of thousands of Irish supporters in their efforts and discussions to ensure their considerable experience and expertise is brought to bear.

Second, we urge the committee to support the retention of a Commissioner for Development and Humanitarian Aid to ensure a clear focus and strong political voice for development concerns at the highest level. We need the leadership and guidance that such a Commissioner can provide. Only by ensuring that development concerns are represented at the table when it comes to decision making, can we be sure that these key interests, cemented in the White Paper as a central plank of Irish foreign policy, are reflected in Europe's relations with the wider world.

Third, just as development is much wider than aid alone — involving economic aspects, human security, participation and social justice and human rights — developing countries and programmes are also affected by many other factors, relating to trade, agriculture, bio-fuels or wider political and diplomatic considerations. Dóchas would strongly echo the calls for greater policy coherence for development, which, as has been pointed out by previous speakers, is included as a principle in the treaty. It means, at a minimum, ensuring that we do not undermine development goals through policies and actions in other areas.

This policy coherence for development is embedded in EU development policy and now enshrined in the Lisbon treaty. Progress on this requires political will and leadership. It is not simply a question of creating technological or technocratic solutions and instituting committees, it really requires some hard choices at the highest level. With the new scope under the Lisbon treaty text for national parliaments to play a closer role in EU policymaking and scrutiny, we urge the committee to pay particular attention to policy coherence for development as an issue regarding Europe's policies.

As development actors, we are very keen to ensure that Europe continues to put effective development co-operation and principled, independent humanitarian action at the heart of its external actions, and to put in place the systems and procedures needed to do that. Recent Oireachtas briefings by the Minister for Foreign Affairs and the Minister of State with responsibility
for overseas development show the importance of the General Affairs and External Relations Council, GAERC, in the running of EU affairs. We welcome the joint committee's engagement on these. We are available to help and support the committee in this regard in any way we can. We particularly welcome a regular continuing role regarding the so-called "development GAERCs" — the meeting of the EU development ministers usually held twice a year. There are development impacts from many other different policy areas and Dóchas members would have knowledge and expertise on many of these areas.

Looking to the future, the outcome of the treaty referendum in Ireland will affect the pace and the way in which the EU implements the consensus on development and on humanitarian aid in coming years. The Oireachtas Joint Committee on European Affairs can play an important role in monitoring and informing that. The joint committee could also play a very useful and important role by scrutinising the annual policy coherence for development debate and the report prepared by the European Union. This is a recent initiative that could benefit from whatever analysis and overview the committee might bring to bear. There has been one report so far but the process promises to be a useful one and could help galvanise European political will to remove the impediments that hold back or adversely affect developing countries.

Some important elements in the treaty are not clear from the text alone. They will become clear, if and when arrangements to give substance to certain statements come to pass, and if and when such provisions come to be implemented in practice. Irrespective of what happens on 12 June, we can visualise Ireland, a proven friend of development, working to protect and strengthen development of humanitarian roles within the EU. It is our view that with a more active scrutiny role provided for in the Lisbon treaty, the Oireachtas as a whole and this committee in particular, will be in a stronger position than ever to help deliver principled and effective action in the EU's development and humanitarian activities.

Dóchas looks forward to working with the committee on this and will try to help members in any way it can. We thank the committee for giving us the opportunity to discuss the European Union's development and humanitarian policies. We hope these will be given greater political weight and focus to make poverty history.

**Deputy Pat Breen**
I welcome the three speakers. Their organisations do excellent work in developing countries and we are proud to have them there working on our behalf. The speakers have said very positive things about the Lisbon treaty, particularly noting that the EU is a hugely important donor globally, as Mr. Kilcullen pointed out, contributing more than €46 million in aid. They noted that poverty reduction is the main objective of EU foreign policy and they have welcomed the new post of High Representative.

Do the delegates think the EU is doing enough to help developing countries, particularly by its response to recent crises and natural disasters? While they have said positive things about the treaty, all three delegates appear to be sitting on the fence by not promoting a "Yes" or a "No" vote. Would it not be more effective for their organisations if they came on side and advocated a "Yes" vote, given the fact that they admit the importance of the treaty in regard to areas they have mentioned?

Chairman

We will bank the questions if that is acceptable to the delegates.

Senator Terry Leyden

I welcome Mr. Kilcullen of Trócaire, Mr. Arnold of Concern and Mr. Zomer of Dóchas. Without question, they have made an enormous contribution to Third World aid and their work has been universally recognised. I compliment all of them for their continued dedication. It takes a great deal of hard work to implement their policies abroad and to continue the fine tradition of aid given by this country.

I appreciate that Dóchas, for instance, with 870,000 members, may not wish to come down on any one side concerning the Lisbon reform treaty which will be decided on 12 June. However, it must be borne in mind that, without a successful economy Ireland will not be in a position to continue its contributions to Third World aid. For instance the figure of 0.7% GNP is very much dependent on the success of the economy. If we reject the Lisbon reform treaty our economy may not be so successful. It is in the interests of all the delegates' clients that we agree to the proposed reforms.
If I read between the lines of the three submissions I do not find support for the "No" side. That is quite obvious. The speakers are planning to cope with the outcome of the Lisbon reform treaty and see how its effects would have to be managed. They want a commissioner appointed who will ensure proper distribution of the aid and they note the contribution of the EU. They are having a two-way bet on the race on 12 June. They are being very politically correct in their activities and their organisations are not political, although they have political campaigns. Trócaire is involved in political campaigns on Third World matters and has a campaign every year on different issues. That is highly commendable and we are all delighted to support all the organisations' aims and objectives. I do not know what effect it would have if the organisations under Dóchas were very much in favour of the Lisbon treaty. I respect their decision. They must bear in mind their role in the world and as members based in Ireland but representing people throughout the world.

I note the witnesses' recommendations on the role of this committee, their role after the Lisbon treaty and the fact that we will have to ensure our task here is to scrutinise European activities and ensure accountability and continued support and aid from the European Union for the work the organisations are doing so well abroad. I welcome what the witnesses said, but for somebody who is very much on the "Yes" side it would have been a marvellous boost to the campaign if the 870,000 members of the organisations under Dóchas were to vote "Yes" on 12 June. That is their decision. I hope we vote "Yes" on 12 June because if we do not, it will damage the work of Ireland abroad because our economy will suffer, the effect of which will be that everybody will suffer. Unfortunately the Third World could also suffer if we are not in the heart of Europe influencing future decisions. That is where our influence will be lessened. I am sorry to scaremonger but that is my genuine feeling.

**Deputy Noel Treacy**

I endorse what my colleagues have said. I welcome these good men and thank them for their presentations. I, too, feel they are on an each-way bet. It baffles me how a small island such as Ireland could need 39 development organisations. There is duplication, triplication and unnecessary administration in developing aid across the world. When I first came into politics I thought these organisations were entirely voluntary but I then found massive administration and cash requirements to develop the organisations. I wonder how they can justify the existence of 39 organisations. That is my personal opinion.
Ireland and the political system have been more than generous in development aid. Europe has been the outstanding project in the world for peace, prosperity, progress, inclusivity and concern across the world for other nations. I have had the privilege of being in politics for 26 years, almost 20 of them spent representing Ireland at various Council meetings in Europe. I was never at a meeting where some concern was not expressed and discussed about the need for equality, the discrimination and deprivation imposed on different people and poverty in different parts of the world. It is critically important, as my colleagues said, that we have a strong Ireland and a strong economy.

The road we have travelled, the success we have achieved and the generosity of individual citizens, the political system, successive Governments, the administration of the land and our public services, have been at one in ensuring we go the extra mile, despite the demands here on this island. We have significant demands. Our job as elected representatives is both political and constitutional, namely, to ensure we balance what we believe is in the interests of the common good in how we service the needs of our people and look after the external affairs of the world. If any country has gone the extra mile, Ireland has. We could not have gone the distance were it not for the Union. Not all of those 39 member organisations are on the "Yes" side; some are on the "No" side. On a consistent basis some of the organisation's individual members undermine the commitment we have expressed during the years and also undermine the European Union. I find this on public occasions, at conferences, in debates, etc. This is a moment for them to show solidarity. The whole ethos of the Union is based on solidarity, equality, protection and security for all our citizens in delivering services and the mobility of goods, people and services. This is a moment for the delegates to show solidarity with Ireland and its people, as well as with the Union and its goals. I ask them to give us clear guidance on whether the overwhelming wishes of their members would be positive towards a consolidated European Union where we refine the systems for running the Union and strengthen the democratic rights of each member state as contained in the Lisbon reform treaty.

**Chairman**

We have heard three very good presentations and three very good responses. The delegates can take it that the committee intends to take seriously its role beyond the Lisbon treaty, particularly regarding the General Affairs and External Relations Council, development aid, etc. It has discussed
these issues and intends to be involved and investigate at ground level in order to take on board the concerns of all development groups.

Regarding the most recent event in Burma, it is not possible to invade a country if it does not want help, despite the fact that it is a terrible atrocity on the unfortunate people who live there. Sadly, that is a problem. How can we force people who refuse to allow access to the country to accept help? There are a number of contradictions to which we will also need to face up at some stage in the future.

An entity such as the European Union with 500 million people is a considerable lobby worldwide. I hope governments such as the Administration in Burma will take account of this and recognise that there is a strong body of support for a particular action. Perhaps it will succumb to advice.

Mr. Justin Kilcullen

Perhaps we will leave the last question about the number of NGOs and all we do to Mr. Zomer who represents our sector.

It is not a surprise that the committee should ask about our position on the treaty. I would look at it from two or three points of view. First, it is a very wide-ranging treaty in which development plays a small but significant part. For Trócaire to endorse the full treaty on the basis of a small number of articles in it which we believe make a positive contribution to development would be to overstep our mandate. It is not for me as a director of Trócaire — I imagine it is the same for the others — to make an executive decision to support the treaty on behalf of the organisation. One would need to go back to our stakeholders to get a mandate to do so.

As the committee will be aware, the major stakeholder in Trócaire is the Irish Catholic Bishops Conference. The conference will make a statement on the treaty, but it will not be either for or against. As an agency of the conference, Trócaire should be consistent with the position the church is taking; in other words, it should address aspects which are of interest, place them in the public domain and allow people to make up their minds. I have put it in writing that if people who are
considering voting for or against the treaty regard the issue of global poverty and the European Union's response to it as something that might influence their decision, there is nothing in the treaty that should encourage them to vote "No", that there is much in it which would be positive. That could be something they might bear in mind as they make up their minds about the treaty as a whole. I can go no further than this.

I would qualify it a little in my answer to the second question on whether the European Union is doing enough. Although we have been positive in our statements here, we have significant reservations about the Union's performance on development issues. The treaty is one thing, but if the Community is not prepared to deliver on its commitments to the developing world, such commitments are not worth the paper on which they are written, just like anything that is written down but not followed through. I do not want to get into the detail of the report that has been circulated. It shows that in 2005 the member states of the European Union entered into what I would regard as a solemn and binding promise to respond to the needs of the poor of the world. Since that time, the Union has gone backwards rather than forwards in delivering on that promise. Such behaviour tempers Trócaire's enthusiasm for a wholehearted endorsement of the Lisbon treaty. There is no point in suggesting it is all great stuff, in the absence of a political commitment to assess the implications of the treaty. That significant point has to be borne in mind. We wish to make it strongly. That is why we urge the members of this committee, with their colleagues in the Joint Committee on Foreign Affairs, to take up the issue of EU development policy as part of their oversight of the rolling out of the Lisbon treaty, if adopted, in the years to come.

Perhaps my colleagues wish to take up other aspects of the debate. I will be happy to speak again if the committee would like me to refer to anything specific.

Mr. Tom Arnold

I agree with a good deal of what Mr. Kilcullen said. In fairness, it is not realistic to expect a large charity to engage in anything that would, in effect, resemble a party political alignment. Concern would never interfere in an Irish general election campaign. I do not think we can get involved in this instance. I hope what I have said is clear.
Concern has had a positive engagement with the European Union for well over 30 years. We are involved in various groups. Mr. Kilcullen is chairman of the overall umbrella body. I am chairman of the European food security group which engages with the European Parliament and the European Commission. We are not neutral in the sense that we are happy to engage with the broad issue of the European Union. We believe the Union has been good for development. We are entirely clear about this. Many of the things for which we have been looking such as statements of principles of development and humanitarian policy are included in the treaty. We are also very clear about this. I echo Mr. Kilcullen's comment that those who intend to base their decisions on the treaty strictly on development issues and humanitarian affairs can be assured that it is clear that there is much good in the treaty. However, we cannot go so far as to encourage the people to vote for it. I hope the committee understands from where we are coming.

I would like to make a further broad point. I accept, as a general political principle, that the European project since its inception has been grounded in peace. That is what it is for and what it has achieved. That is one of a number of principles which underpin the European Union's attempts to develop a foreign policy and give expression to that policy in its relationship with the wider developing world. This is evident in the humanitarian tasks the Union is carrying out such as its peace enforcement work in Chad which I think is proper and correct. I would link this to my suggestion that the Union has a key role to play if the international community is to have the capacity to provide an effective humanitarian response. The treaty can contribute to this, in the context of the European consensus on humanitarian aid.

I hope Concern's position is clear. If people want to take account of what we are saying, they can be influenced by us as they make up their minds.

Mr. Hans Zomer

I have nothing to add on the question of "Yes" or "No" — the two-way bet we are accused of. We might otherwise be in trouble regarding a Bill these Houses are currently passing, namely, the Charities Bill, which specifically tells charities not to engage in political action. It is interesting that today we are being asked to do more of that. We will certainly take note.

Deputy Pat Breen
Mr. Zomer can read between the lines.

Mr. Hans Zomer

Deputy Treacy referred to the number of NGOs and whether there is duplication in the work of development organisations in this country. I disagree and would even suggest there are probably too few. The whole point of development NGOs, and how we see ourselves, is that we are organisations of ordinary citizens — I mentioned the number of 850,000 supporters. These are ordinary citizens across the country who have decided to become engaged on an issue, who felt that they needed to do something to, for example, rectify a certain injustice, a situation of poverty, violations of human rights or whatever it may be they have decided to become active about.

We call ourselves civil society organisations. We represent ordinary people and their concerns as well as their areas of expertise. We believe a variety of organisations is a strength, not a weakness. It is a little like saying it would be more efficient to only have one newspaper or one chain of supermarkets. Nobody is arguing this is a duplication of effort, although it would undoubtedly be more efficient to only have one. There is a value in diversity. There are different perspectives, approaches and constituencies, as Mr. Kilcullen and Mr. Arnold have pointed out. This is a very important point for us.

On the point of what we want to do as Irish development organisations, fighting poverty is not simply a matter of transferring cash from A to B or shipping boxes and handing them out. Development is a social process. It is a change of society. Even the largest of the large Irish development NGOs are tiny in comparison to the type of problems we are trying to address. Fighting poverty is a worldwide process and so the organisations must either be very big or must work together. This is what they do through organisations such as CONCORD and Dóchas. We bring together aid agencies to ensure they learn from each other and to put in place certain minimum professional standards. It is important that while on one hand we are in the business of the heart — it is about ordinary citizens getting angry and wanting to change a particular situation — at the same time we are in the business of professional development work. This is why there is a need for diversity on the one hand and professional minimum standards on the other.

That is also an answer to the Deputy's second question on the level of administration costs. The Deputy suggests there is a wastage of aid money in that each of these organisations have their own
overheads. Overheads are a good thing. We have left behind the era where we think that anything we can do for the poor is good. Fighting poverty is a professional business. In the past 40 years of aid from Ireland, we have learned certain lessons. There are certain standards, both ethical and technical, which we are applying. For us to have greater impact, we need to have the type of staff who can run these programmes in a very efficient way. If that means spending money on people's salaries, that is a good thing, and investing in quality management and quality control is definitely a good thing. I would not share the Deputy's view that administration costs are by definition bad.

I hope that answers the questions. We are proud of the fact we are a product of and a force for mobilisation of ordinary citizens in this country, with all their diversity and all their different views. Hence, our two-way bet, as mentioned. The members of Dóchas are not unanimous about the Lisbon treaty and have different views. Some of us think it is excellent and others, as members have pointed out, are in the "No" camp. Our paper has to reflect that diversity as well.

Chairman

I thank the witnesses. The document they circulated is an interesting one the committee might like to explore in greater detail at a later date. When a disaster occurs somewhere it is no good talking about it a fortnight or three weeks later, immediate action is required. We saw that in the case of Burma. Urgent action was required and talking about it even a week later was too late. The EU has done fairly well in the past in how it liaises with its NGOs, both individually and collectively. I hope that will continue to happen. The committee has decided to take much more interest in this area, as is statutorily required of us. We will have regular discussions on these matters in the future. Are there any other questions?

Deputy Noel Treacy

We would never expect these great people and organisations to be involved in party politics or politics per se. We have no problem with NGOs and we admire people involved with them. I thought everybody was out working in the field and that those 39 groups were working in different parts of the world but I appreciate now that they are not all out in the field. We are asking them to endorse a European project that represents the 27 nation-states of Europe, not from a political point of view but from an organisational point of view.
In his response, Mr. Kilcullen referred to commitments made in 2005. Ten more countries joined the EU in 2004 and two more in 2005. Those were poor countries that did not understand or experience democracy. The Union has a key role to lift the economic opportunities for those countries and to ensure that we can sustain democracy there and enhance it. In addition, on the borders of the Union, we can create an enhanced European neighbourhood policy to ensure we can help people who experience poverty in those areas that lack the same democratic structures. Given that background, we have to try to find a balance. Based on the commonality of interests and commitments that we have, with the support of NGOs we will ensure that the EU umbrella gets bigger and stronger and has greater resources to redistribute to NGOs. We would love to have the NGOs holding the umbrella with us.

**Chairman**

I again thank the witnesses for addressing the committee. We look forward to meeting them in future and wish them well in their work.

**JOINT COMMITTEE ON EUROPEAN AFFAIRS (04/06/2008) Lisbon Treaty: Discussion with IFA.**

**Chairman**

We turn to No. 2 on the agenda and welcome Mr. Padraig Walshe, president of the IFA, and Mr. Derek Deane, IFA deputy president. As usual I draw attention to the fact that while members of the committee have absolute privilege this privilege does not apply to witnesses appearing before the committee. Members are also reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside the Houses or an official, by name or in such a way as to make him or her identifiable. This is the standard procedure applied to all such meetings. I thank the delegation for appearing and invite Mr. Padraig Walshe to make his presentation.

**Mr. Padraig Walshe**
I apologise for being a few moments late, Mr. Michael Berkery is on his way. Traffic is bad out there.

I welcome the opportunity to keep Oireachtas Members informed on what is happening in the WTO and, in particular, the recent proposals from the chairman, Mr. Crawford Falconer, on 19 May.

The WTO negotiations and the Lisbon treaty are linked. The Lisbon treaty enshrines Articles 38 to 44 of the Treaty of Rome, which is the legal basis for the entire European project since 1957. The Treaty of Rome established the Common Agricultural Policy as a cornerstone of European integration from the start.

Farmers, probably more than any other sector of the electorate, have a good understanding of Europe. Farmers have always been pro-Europe. Their difficulty is with EU Trade Commissioner, Peter Mandelson, who is ready to sell out European agriculture in the WTO without any effective sanction by the Irish Government. We had a serious statement of intent in the past 24 hours and the Government will oppose the present deal. The Taoiseach stated the current conditions in the Doha Round do not justify calling a WTO ministerial meeting in Geneva. The set of proposals on the table would require agriculture to bear a disproportionate burden while delivering little in other sectors and therefore are unacceptable to the Irish Government. I very much welcome the commitment of the Taoiseach, to use the veto to stop the Mandelson cuts. The way is now clear for farm families to vote "Yes" in the Lisbon treaty referendum.

The eyes of Europe were on Ireland yesterday. The IFA executive council has unanimously called for a "Yes" vote from Irish farmers and their families and from rural Ireland in the Lisbon treaty referendum. The IFA is now giving a strong recommendation through our county executive structure and our 950 branches, calling for a "Yes" vote from farm families and rural Ireland and a strong turnout in the referendum on 12 June.

The farming community and rural Ireland can now be assured that the veto will be used to block this deal, which the Government has said is unacceptable. The main points with regard to the WTO are that the EU Trade Commissioner, Peter Mandelson, is striving to demolish the Common Agricultural Policy which benefits producers and consumers in Europe. It provides food security and price stability. Under Mr. Mandelson's WTO offer import tariffs for beef, dairy and lamb would be cut by up to 73%. This would lead to a flood of food imports and no mention is made of equivalence of
standards in the incoming products. Sensitive product status for beef is touted by Mr. Mandelson as an option but it is not a viable solution for Ireland. Mr. Mandelson is pressing for a WTO ministerial meeting in Geneva in July to get a deal.

The original WTO objective was a balanced deal involving agriculture, industrial goods known as "non-agricultural market access", NAMA, services and trade rules. The current state of WTO negotiations following the Falconer paper on 19 May is that negotiations on the agriculture section are advanced, with limited progress on NAMA and no progress on services or trade rules. This is a point lost on many people who cannot understand, when there is talk of a deal being done, that there is a sell-out on one side and no gain on the other. This message is hard to get through to many people.

With regard to agriculture, the proposals are a cut of 73% in import tariffs on beef and dairy and a proposed 55% to 70% cut in import tariffs on lamb, pigmeat, poultry and cereals; a 75% to 85% cut in internal supports, which has already happened in many cases and a 50% cut by 2010 in export refunds, to be eliminated by 2013.

The impact on the industry of Mr. Mandelson's proposals is that our livestock industry would be destroyed. We reckon prices would drop to approximately €2 per kilogramme. Beef production would not be viable, which would affect up to 100,000 farmers who depend on livestock production. Our suckler cow herd would no longer be viable. We have 1.2 million suckler cows and we believe at least 1 million would have to be slaughtered as it would not be viable to keep them.

All of this is raised by not insisting on an equivalence of standards for imports. If Irish or European farmers were to produce products to the same standards as some of our counterparts in countries which would export to Europe they would be deemed criminals and be liable for jail sentences for practices commonplace in some of these countries.

Mr. Mandelson states beef will have sensitive product status and a 70% tariff cut would not apply. However, sensitive product status would mean between 270,000 tonnes and 403,000 tonnes of imports at zero tariff. This would be on top of the approximately 220,000 tonnes already coming in tariff free. We would have approximately 500,000 tonnes or 600,000 tonnes of product coming in before any tariff is paid.
To put this in context, until earlier this year when the South Americans, Brazil in particular, exported beef to here they only sent the more expensive cuts such as striploin. Striploin makes up 6% of the weight of the carcase of an animal. However, it is 30% of the value. If we cannot get a price for striploin in Europe then 30% of value of the animal is gone. There is no insistence in this deal that whoever sends in beef to Europe must send cheaper cuts. Beef is treated as beef and no difference is made. However, there is a hell of a difference between a fillet and the hind quarter or fore quarter. The South Americans only send striploin to Europe.

In terms of volume, even though Ireland is the fourth largest exporter of beef in the world it produces only 31,000 tonnes of striploin. If we will have in the region of 500,000 tonnes or 600,000 tonnes of striploin coming in to Europe, it is as much striploin as is produced within Europe. Our comment that if Mr. Mandelson gets his way at least one in every two steaks eaten in Europe will be imported is not off the wall. It is true. This is how serious the issue is. People should be aware that the fact that striploin makes up 6% of the weight of the animal but 30% of the value is extremely important. New South American imports will be at least ten times Ireland's output of prime steak.

We believe price cuts will reduce milk prices to approximately 24 cent per litre and with no public involvement in pricing this will be volatile. We will see increased imports of New Zealand butter and milk powder from South America at prices so low it will not be sustainable for the normal Irish family farm milking 40, 50 or 60 cows. These farms will not be able to survive and compete at these prices. In 2006, when milk prices were at 25 cent per litre we saw people rapidly exiting the industry. I assure the committee that the vast majority of Ireland will have little milk production at these prices. Some large-scale operators in Cork, Waterford and south Tipperary will remain in business but from there up we will have little milk production.

Increased imports will mean serious losses in sheep farming. Not only will we have imports of 283,000 tonnes of lamb from New Zealand at zero tariff, as we do at present, we will also have imports from Australia, which wants to join New Zealand in the market. Sheep numbers here have reduced from approximately 4.5 million ewes a few years ago to approximately 2.8 million ewes today. If we see increased imports the sheep industry will be destroyed.

Pigs, poultry and grain will also be hit. They are not major industries here but nevertheless they are significant in parts of the country. The people in these industries have never had the protection of
the Common Agricultural Policy. They have always been operating in the free market but are expected to operate in the highest cost economy in Europe in terms of labour and energy costs. To expect them to begin to compete with imports from countries where the same standards do not apply is unfair. I know of a pig farmer who has just invested more than €1 million in new sow housing because of European animal welfare regulations but there are no such regulations in the countries that will be exporting into Europe. Again, it is not a level playing field for those people.

As members know, sugar beet growers here have already lost out as a result of WTO negotiations, as part of the Everything But Arms deal that was signed a number of years ago. Sugar beet growing is history in this country but consumers have not benefitted. The farmers that are still growing sugar beet in Europe - in every country apart from Ireland - are getting less than half the price for beet that they were getting five years ago. Five years ago, the price was €54 per tonne but last year it was just over €26 per tonne. At the same time, consumers in Europe are paying more for sugar today than they were five years ago. The fallacy that consumers would benefit from this is proven to be wrong.

We estimate that the total loss to the economy will be in the region of €4 billion and most of that will be lost in the rural economy. At least 50,000 jobs in the food processing and related services industries will be affected. Members all know of rural towns where there is not much industry other than that which is agriculture-related. It will have a devastating effect on rural Ireland. At least 50,000 farmers will lose their livelihoods as a result of this deal, if it goes through. That is how serious it is. I make no apology for defending the industry that I represent as strongly as I can. This proposed WTO deal is the worst thing that could ever hit agriculture in Europe, not just in Ireland but because Ireland is the largest exporter of food in Europe, we are more exercised about the issue than our European neighbours. We are right to be so exercised. We have a population of just over 4 million but we produce enough food to feed more than 36 million people. No other country in Europe exports as much food as we do or as high a percentage of its production as we do. In that context, it is very important that we keep a close eye on what is happening at the WTO talks and that is why we have called on the Taoiseach to be prepared to use the veto, if the deal that is on the table is put to a vote.

A lot of commentators try to talk down agriculture today, in terms of its value to the economy. However, they conveniently exclude many of the banking services that farmers use when calculating the value of farming to the economy. The beef and dairy industries are the two largest sectors of agriculture in Ireland, in terms of employment. They account for 17% of our total
exports. Dairy, livestock farmers and the livestock industries here purchase €6 billion worth of goods and services in the rural economy. The pharmaceutical industry, which is one of the larger industries in this country, is responsible for 29% of the total value of our exports. However, the pharmaceutical industry purchases only €2 billion worth of goods and services in this economy, which is approximately one third of the money spent by the dairy and livestock sectors. It annoys me when I hear commentators talking down the value of agriculture to this economy. Members of the committee know that there is nothing to replace those jobs if they disappear. The jobs of farmers and those who service the agricultural sector, either at food processing or farm level, will be lost if the current deal goes through.

I would welcome comments or questions from members of the committee and thank the Chairman for inviting us to this meeting.

Chairman

I thank Mr. Walshe. Everybody wishes to contribute and I will ensure all members get an opportunity to do so.

Deputy Billy Timmins

I welcome Mr. Walshe and his deputy, Mr. Derek Deane to the meeting.

It would be remiss of me not to allude to the Referendum Commission today, which deliberated on certain aspects of the Lisbon Treaty with respect to the veto, the abortion issue, qualified majority voting, areas of EU competency and the areas that have moved from unanimity to qualified majority voting. Hopefully, the commission has put to bed a lot of the misinformation that has been peddled in recent weeks. I welcome the commission's intervention although I have no doubt there will be an attempt to move on to other issues that have no basis in fact.

The president of the IFA will agree that he has gone through a turbulent time in recent weeks. I welcome the IFA to this meeting and particularly welcome its announcement yesterday that it will support a "Yes" vote in the Lisbon treaty referendum. I have found with regard to European issues that the Irish public is generally at a remove from them but the Irish farming population is acutely
aware of the impact of Europe on their lives. To date, their view of Europe has been positive, notwithstanding the setbacks along the way.

The issue of the veto has loomed large in recent weeks. It was used once previously, if my memory is correct, in 1984 by Mr. Austin Deasy, who was Minister for Agriculture at the time, on the milk quota issue. I know from having spoken to him in the past that he never regretted using the veto, although it is something that one is generally reluctant to use. I welcome the announcement by the Government that it will use the veto, if necessary, but why that commitment could not have been given some time ago is beyond me.

I recall former Commissioner Fischler telling the agricultural community here that the sector had played its part in the WTO talks. It is important to put that on record. That clear commitment was given by Mr. Fischler, that there would be no further movement. However, the agricultural community has learned from the bitter experience of the sugar industry that one must keep an eye on all of these matters.

One can argue about the link between the Lisbon treaty and the WTO talks but certainly, for farmers, there is a strong link. Farmers believed that the Lisbon treaty was the only lever they had to ensure their concerns were acknowledged. The WTO proposals, in their current form, would have dramatic and drastic implications for milk, sheep and particularly beef farming. I do not believe the proposals will stay as they are, however.

With respect to the veto, is the IFA satisfied that it will apply if the Lisbon treaty is ratified? A view has been expressed, and perhaps Deputy Ferris might like to comment on this later, that the veto will not apply. My firm belief, reiterated by the Referendum Commission, is that it will be applicable. It is important to deal with that issue. If Sinn Féin is still of the view that it does not apply, I would like to hear the legal basis for its argument. I note that Deputy Ferris is nodding and I look forward to his contribution in this regard.

Mr. Walshe mentioned that a lot of IFA members were very opposed to the Lisbon treaty, based on the Mandelson proposals. He pointed out that some farmers in his home county of Laois are very vociferous in this regard. Mr. Walshe has indicated that the IFA will canvass, encouraging members and their families to vote "Yes". Does Mr. Walshe believe the organisation can do that successfully?
It appears from various opinion polls in the Irish Farmers’ Journal that up to 50% of farmers are opposed to the treaty. That comprises perhaps 50% of the membership. I do not know the exact figure but the opinion polls have been steady. Will it be a big task to change people’s minds? Will they have confidence that the Government’s commitment on the veto will protect their livelihood? Where would the IFA see that veto being used and what is the cut-off point? Is it a case of saying the Government will use its veto if the proposals remain as they currently stand? If Mr. Mandelson moves half way, has agreement been reached with the Government on whether the veto should be used?

The IFA has been critical of the Government's refusal to publish figures that could be compared with the association's estimate of €4 billion and 50,000 job losses but has that information been shared privately?

Since making its decision to support a "Yes" vote, has the IFA received feedback from farmers on whether they are satisfied or is it still getting it in the neck from some members?

Chairman

We are also joined by Mr. Michael Berkerey, general secretary of the IFA.

Deputy Noel Treacy

I warmly welcome Mr. Walshe, Mr. Deane and Mr. Berkery. I thank Mr. Walshe for the statement he has made on behalf on the IFA. We are fully aware of the threat the WTO presents to Irish agriculture and the economy as a whole. I appreciate the welcome he has given to the Taoiseach's statement.

Our Ministers have been consistent in voicing their opposition to the WTO. As Minister for Agriculture, Fisheries and Food, the Tánaiste reined in the Commissioner, Mr. Mandelson, on several occasions last year. That work has been continued by the present Minister for Agriculture, Fisheries and Food, Deputy Smith, the Minister for Foreign Affairs, Deputy Martin, and the Taoiseach. They have consistently pointed out the unacceptable nature of the current WTO proposals. This week, the Taoiseach told the ICMSA and the IFA that unanimity was required for
EU approval of the outcome of this round of negotiations. Under Article 181 of the treaty, Ireland has the right to veto these proposals and Ireland's consent is required for EU approval. Ireland could, therefore, veto an unacceptable deal. I am confident from Mr. Walshe's response that the fears of the farming community have been allayed.

In 1972, as regional chairman of Macra na Feirme, I worked with the then National Farmers Association to mobilise the farming community to take advantage of the opportunities presented to agriculture by EEC membership. The agri-food industry is now united in its support of the Lisbon treaty and it acknowledges the tremendous value EU membership has represented for farmers. This sector is a significant employer both directly and as a consumer of goods and services. It makes important contributions to economic growth, the sustainability of rural jobs and Exchequer revenue. Many commentators fail to give credit to the farming community for the huge financial contribution it makes through indirect taxes. Last year, agri-food exports were in excess of €8.5 billion, which represents a significant proportion of the country's GDP. Agriculture had an operating surplus of 12.5%, which is equivalent to €2.6 billion. This is clearly an important sector for the future of the country. Since 1973, Irish farming received €41 billion from the EU, compared to €25 billion in the rest of the economy. This resource transfer has not only ensured economic sustainability and growth but has allowed Irish agriculture to compete internationally. It is important we maintain this into the future.

We have always punched above our weight in EU agriculture negotiations because of our ability to build alliances with large and small countries and win friends to our cause. We have always been even handed and fair. Given this record, I am confident that we will receive support if a deal is reached at the WTO negotiations. However, I doubt that a deal will be reached and, in light of recent developments in the United States and elsewhere, many commentators would concur.

The CAP health check is ongoing and we will need the goodwill of our EU colleagues if we are to achieve the best possible outcome for our farming community. The CAP, which has been a pillar of the EU since 1957, is maintained by the Lisbon treaty. We need to protect it as a legal instrument in an internationally binding treaty if we are to protect European farmers in the WTO negotiations. By ratifying the treaty, we will ensure more support for the continuation of CAP in negotiations subsequent to 2014.
Mr. Walshe fought a strong battle on the WTO proposals and the IFA spent a considerable amount of money on informing people of their ramifications. Is it now prepared to spend a similar amount of money to ensure the people fully understand that a united farming and political sector is the way to sustain the CAP, protect agriculture and torpedo the WTO proposals?

Deputy Timmy Dooley

The previous speaker has comprehensively addressed the issues. I thank the delegation for attending the committee. The IFA has met us on previous occasions and I am delighted that it returned to set out its opinion of the WTO negotiations. I also welcome the clarity it has brought to the approach of the farming community to the Lisbon treaty. Mr. Walshe has been consistent in his arguments, having previously indicated to the committee that he favours ratification of the treaty. As Deputy Treacy noted, the Government has been similarly consistent in its statements on the unacceptable nature of the WTO proposals. The clarity provided by the IFA allows its members to fall into line with Mr. Walshe's thinking.

In terms of the indirect links between the treaty and the WTO and their effects on the farming community, a "No" vote will limit the capacity of representatives of the Irish Government to negotiate on the WTO, the health check and direct payments to farmers beyond 2014. Other groups, such as IBEC, which indicated to the committee their support for the treaty, were asked what they intended to do. I hope the IFA can set out for us what it intends to do over the next eight days to ensure a "Yes" vote. A "Yes" vote is clearly very important for the farming community in terms of the Government's capacity to negotiate on the IFA's behalf in the areas of interest to farmers. I ask the IFA to set out for us what it intends to do and how.

Deputy Joe Costello

I welcome the president, deputy president and general secretary of the IFA and compliment them on a fine campaign, as always. I am delighted that the IFA, the ICMSA and the ICOS have come out strongly in favour of a "Yes" vote. There is no doubt on whether the veto stands after the Lisbon reform treaty. I welcome today's announcement by the Referendum Commission, a statutory, independent body, that the veto stands regarding WTO talks such as the present and past ones. That is clear so we no longer need to go down that road. That has given the lie to what has been said by the "No" campaign on this.
I was very interested in what Mr. Walshe said, that 70% of total exports are from the farming community and his reference to the €6 billion. Indeed, 90% of what the entire country produces is exported to a market of almost 500 million. We all remember the sorry days when the only market we had to export to, particularly our agricultural produce, was Britain. That was a monopoly market that guaranteed only poor prices for agricultural produce. We must remember that. The EU has been enormously beneficial in terms of markets available to farmers, common agricultural prices, ensuring quality prices and funding transfers. All that gives the broader backdrop to the 35 years of EU membership and the benefit it has been to the country in general and the farming community in particular, irrespective of the downside of what we saw in some of these talks. I agree entirely with the IFA in its analysis of this series of talks.

Arising from that, Mr. Walshe was sketchy on what the IFA intends to do to ensure a "Yes" vote. We read with some alarm that the farming community has been divided up to now on how it will vote. I do not doubt the decision announced yesterday will have a considerable impact. Nevertheless, much water has gone under the bridge, much time has gone by and the strength of the IFA campaign will mean a considerable campaign will be required to redress the balance to the "Yes" side. Besides the IFA executive calling unanimously and the 950-strong county executive structure calling for a "Yes" vote, what else can the IFA do? Will it issue leaflets and posters? Will it go out to the marts around the country? What work will it do on the ground to ensure the same impact as it made when 10,000 to 15,000 people marched outside the Dáil a few weeks ago? We expect nothing less, knowing how effective the IFA is in campaigning.

Deputy Mary O’Rourke

I, too, welcome the deputation from the IFA. The president has had a busy few days shuttling here and there but we are glad he has alighted here to reconfirm the decision he will put to his members. Like all who spoke, I too wish to ask how he will do it. I never saw such visually impressive scenes as there were in those huge aerial photographs of the massed ranks of the IFA and their posters, and everybody was picking out Buttevant, Westmeath and other areas. They were very impressive and influential. I want to know what the IFA will do to offset that. The IFA has 950 cumann - "cumann" is not the word.
Chairman

It is Irish for "branch". The Deputy is all right.

Deputy Mary O’Rourke

I apologise. I never would have said an IFA branch was a cumann, nor did I ever find it so. I do not know how it will wield its formidable influence and bring it to bear on its members. I have had calls this morning from agricultural friends of mine who are members of the IFA in Longford and Westmeath who say they were very relieved. When I told that to another Deputy he said they were going to vote "Yes" anyway. However, it was telling.

Deputy Costello spoke about the Referendum Commission's statement today. The independent commission is brilliant and its common-sense statements make everybody else sound shriller. There is a particularly shrill group of people going around. No matter how sensible the person who is up against such a man or woman from the "No" side, the "No" side is committed to making the most outrageous statements in the breadth and depth of untruth that they make. Nobody half decent up against them will win because they will continue to be more and more outrageous. I was to do an interview on local radio and because one of those shrill ladies was to be on, I suddenly found I could not do it. One could not and would not win. They will win, although they are wrong, because they are outrageous. People fasten on to outrageous opinions because they love that.

I have one question for the president, his deputy and general secretary. Will the IFA have a march as visually compelling as it had for the Mandelson WTO protest? Can they muster that? I do not think they could muster it in the time remaining.

Senator Terry Leyden

He is not Barack Obama.

Deputy Mary O’Rourke
Will Senator Leyden wait? How will the IFA influence its members? Since everybody has a free vote the IFA cannot force anybody to vote a particular way, but how will it tell its members that it is very important, that the IFA has invested everything in its organisation into this?

The IFA has played a very smart game. Its tactics and strategy, how it planned it and the timing was superb. Anybody who wants to run a campaign should notice it. It was laughable yesterday to hear certain political people say how dreadful it was that we have wasted three weeks. That was not the point. The point was the strategy, to get the timing correct, and that was expertly executed. In conjunction with everybody else around this table we strongly welcome the IFA's decision. We welcome the sense of leadership Mr. Walshe gives his organisation. He has a great sense of his destiny as president of the IFA. He has a great sense of what could have gone wrong.

We do not want to keep demonising Mr. Mandelson and putting him in a corner with a dunce's cap on. That is not the point, the point is that what he proposes is not helpful to the agricultural sector or the consumer. If it was one or the other we could make a choice and decide which way to go, whether we will be for the woman going into Dunnes Stores to do her shopping or the farmer going to the mart. However, neither will be satisfied with Mr. Mandelson's deal if it goes through. We are investing in that man far too much prowess that he does not have. If everybody dislikes him as much as we in Ireland do, surely he cannot get far with his preposterous notions.

I must attend another committee meeting but I will get someone to listen for me so I can hear what the delegation proposes.

Deputy Pat Breen
Donie.

Deputy Mary O’Rourke

Not at all. I would prefer someone more reliable to listen for me.

Chairman
That will be later.

Mr Padraig Walshe

We are in danger of being corrupted.

Deputy Mary O’Rourke

Will the delegation respond to how it will influence its members before I go?

Chairman

To be fair to the other members, we will take everybody together. Twelve wish to speak and eight are still to go. We will take the speakers first. I apologise but there will be a comprehensive reply. I appreciate the importance of the matter. We have a tie between Deputies Pat Breen and Lucinda Creighton, so who wants to go first?

Deputy Mary O’Rourke

Ladies first.

Deputy Lucinda Creighton

I will be brief as like Deputy O'Rourke, I will have to leave because I must attend a meeting.

Deputy Mary O’Rourke

The sheep dipping committee is long gone.

Deputy Lucinda Creighton
I welcome wholeheartedly the decision of the IFA announced yesterday. It was not easy to reach it. It has been a fraught couple of months for the IFA and the farming community around the country. I would like to think the Fine Gael Party has played its part in supporting the IFA as we have been calling for a commitment on the veto for many months now and the IFA is acutely aware of the work being done by Deputy Enda Kenny via the European People's Party in order to secure an alliance of support across Europe and not just from a national perspective. I hope that has been of assistance, as I believe it may have been.

I am disappointed at the length of time it took to get to this point in terms of the commitment to the use of the veto from the Government. At least we now have the commitment and we can move forward. My view is very straightforward and simple with regard to the meaning of a "Yes" vote for the farming community, farming families and the farming industry in this country.

It is vital for the farming industry that the Lisbon treaty is carried on 12 June. If we consider not just what we have received and the benefits seen through 35 years of membership in the European Union and what was the EEC but what we can secure in future - particularly with the forthcoming CAP review this year - it is crucial we have the goodwill and energy from our EU partners. They must support and understand our position to ensure that whatever the outcome of the CAP review, it is positive in terms of farming in this country. Ultimately, we must get a deal that is sustainable, appropriate and will benefit our agri-sector with regard to the WTO talks.

The WTO talks will continue for much longer and the US, for example, will not strike any deal before there is a new President. It will go on long into next year, at the earliest. It has been going on since 2001, as we know.

I echo all the sentiments made by previous speakers. The IFA has now made its welcome decision but we must see it translated into activity for the next ten days. I have been to public meetings around the 26 counties over the course of the last few months. There is no doubt there has been much confusion and fear expressed by farmers and the farming community, which must be addressed in an urgent and immediate fashion. I am sure the IFA will have political support in trying to do that but the IFA must take a leading role.
When I look at the people who are saying "No" to the Lisbon treaty, they are not people or organisations with the farming interest at heart. The Libertas campaign has posters all over the country and is spending €1.4 million on this campaign, terrorising farmers with pictures of pitchforks stating "Tell Mandelson where to stick it". I draw the attention of witnesses to the fact that Declan Ganley, the head of the organisation, has described the Common Agricultural Policy as the greatest weapon of mass destruction on the globe at this point.

We must take stock and decide whether we want somebody with his money and organisation, who wants to see the Common Agricultural Policy completely obliterated and abandoned by the EU, determine the outcome of this referendum. Conversely, the IFA, Fine Gael, Fianna Fáil, the Labour Party and all the other political organisations which have traditionally supported farmers can have their voices heard. That is the choice we have.

Those in Libertas speak of faceless bureaucrats but these are unelected, unaccountable and faceless people with funding coming from God knows where. They are directing farmers up and down the country to vote for something when their ultimate objective is to see the abolition of the Common Agricultural Policy and farming in Europe and Ireland.

We must stand up to that as it is not democracy at work. We will not know the source of their funding until after the referendum, which is a frightening prospect. The IFA has shown much leadership on the WTO negotiations and has fought its corner admirably. I respect it for that but it should get out now to fight the corner for the Common Agricultural Policy, the interest of farmers and the future of farming in this country and across Europe. The challenge is to expose these people in Libertas and these other organisations, which have no interest in farming or its future in this country.

Turnout is key and we must encourage people to get out and vote. My biggest concern is that people will not go to vote. As we know, "Yes" voters are soft supporters and are not motivated in the way the "No" campaign is. Our task for the next eight or nine days is to mobilise people.

How will the IFA mobilise its traditional support base? Deputy Treacy has stated that the Minister, Deputy Mary Coughlan, had reined in Commissioner Mandelson over the past--
Deputy Noel Treacy

The past year.

Deputy Lucinda Creighton

I have seen very little evidence of that. Under the treaties which the delegation has correctly stated are the legal basis of the European Union and the Common Agricultural Policy, the Commissioner must act on the basis of a mandate given to him by the European Council and Council of Ministers. In the opinion of the witnesses, why has the Minister for Agriculture and Food not reined in Commissioner Mandelson? We have the power to do this and it has not happened. It is bizarre that it has even gone to this stage, where this gentleman is on a solo run and is not acting in the interests of the European Union or its agri-sector.

How has that been allowed to happen? How does the delegation see that changing in the future? Does it have hopes the new Minister for Agriculture, Fisheries and Food may approach it in a different fashion or perhaps tackle Mr. Mandelson's operations in a more robust manner?

I thank the IFA for the position it has taken. I ask its members, in whatever way they can over the course of the next eight or nine days, to mobilise the support base. I am sure we will give any support possible. I ask the witnesses to excuse me as I must attend another meeting. I will monitor the responses.

Chairman

I call Deputy Pat Breen, after whom we will have Deputies Crawford and Conlon. Senator Leyden will come in after that, as well as a list of other speakers.

Deputy Pat Breen

Like previous speakers, I welcome the IFA delegation and its advocate of a "Yes" vote yesterday. I have some questions on yesterday's meeting. We have had a number of U-turns, particularly from the Taoiseach. I would have liked the Taoiseach to have made this clear a number of weeks ago.
Had he done so, the IFA would have been in a position to form a strong campaign for a "Yes" vote. How can the IFA put a campaign in place in one week when, given what the polls show, the three main parties have been unable to persuade people over the past three months?

**Deputy Timmy Dooley**

Do not underestimate them.

**Deputy Pat Breen**

It is a short period of time and the fact that it was possible to put a gun to the Taoiseach's head so early in his leadership is interesting.

I come from a farming background. The president said that the eyes of Europe were on Ireland yesterday but I would say the eyes of Europe were on Ireland for the past three months. He said here in January and on television last night that farmers want to be in the heart of Europe. The IFA has used a high risk strategy for the past number of weeks. Supposing there was a "No" vote, which I hope does not happen, does the president feel the message that would send out could weaken Ireland's ability to negotiate in important meetings on agriculture, particularly those relating to CAP review and so on?

I attended a Council of Europe economic affairs meeting in Norway over the weekend and most of my colleagues asked me about Ireland's referendum next week. The matters on the agenda were addressed, and the Lisbon treaty was not one of them, but during the intervals my colleagues spoke to me of their hopes that Ireland would vote "Yes" to the treaty because we are the only member state that is to hold such a referendum. Interestingly, my German colleague said that if Ireland does not vote "Yes", Europe could go in two different directions. Has the IFA left this too late? How can the IFA succeed in a week in what we have tried to do for the past three months? If the country votes "No" there will be a perception that Irish farmers were the cause of the treaty not going through, even if they have nothing to do with such an outcome to the referendum.

The IFA has linked the World Trade Organisation talks with this treaty and I agree with the IFA regarding what will happen to Irish agriculture if Commissioner Mandelson gets his way. The IFA may have left it too late in the day to take a position on this treaty. I speak to many farmers in the course of my constituency work and most of them go along with the message of the "No" campaign,
namely, if in doubt, vote "No", which is the wrong message. Europe has been good to farming in Ireland; we have received around €40 billion since joining the European Union. Does the president of the IFA consider that his organisation's strategy is high risk, particularly if the Irish people do not endorse the treaty? I hope they will and that since the IFA has now endorsed the treaty all of its members and all of us will get the people to vote "Yes". If the Irish people vote "No", will we lose clout in Europe?

**Chairman**

We now have Deputies Seymour Crawford and Margaret Conlon. Who wants to speak first?

**Deputy Seymour Crawford**

I shall let the lady go first.

**Deputy Margaret Conlon**

I always knew Deputy Crawford was a thorough gentleman. I want to welcome the president, deputy president and general secretary of the IFA to today's meeting and thank them for the presentation. The one thing we all agree on is the future for Irish agriculture is bleak if the WTO proposal goes ahead. To put this in context, however, the talks are ongoing and no deal is on the table yet. With every passing day it looks less likely a deal will be reached - we must face reality and no deal is better than a bad deal.

Commissioner Mandelson's name has been bandied about a good deal today but it is important to examine the country he comes from, which has always favoured a cheap food policy. Prior to joining the EEC Ireland suffered because Britain was then the only destination for our exports and our farming community did not get its just desserts. When we joined the EEC, a huge market was opened to us and there are now 500 million consumers in it. It has transformed our country and the farming community. It is impossible to imagine the post-WTO consequences of farmers, many of whom invested heavily in recent years, being forced off their land and the financial repercussions. There would be knock-on effects for rural towns and villages. There was talk in recent months of
the Grove Turkeys factory in my rural constituency closing down and that situation is ongoing. This has had a serious effect on a small community and such an effect could be multiplied in every county in the country as a consequence of the WTO negotiations.

I welcome the IFA's support for the Lisbon treaty because coming from a rural constituency, I can see the benefits Europe brings to the farming community. It is important in these final days to focus on getting the message across. It is important the IFA has come out in support of the treaty but it is also important that it sell the message to its members. All of the parties in support of the treaty have done this but it is important that the IFA sell this message in the same way it sold the message about the WTO. It must dispel the incorrect notions and the propaganda around the treaty in whatever way it can. People have spoken of the eyes of Europe being on us in recent weeks but they will be especially focused on us next week. I believe, along with my colleague, the Minister for Agriculture, Fisheries and Food, Deputy Brendan Smith, that Irish agriculture will be best served by a strong "Yes" vote, a strong Irish voice and a strong message at the heart of EU decision making.

While the WTO talks are ongoing and a deal has yet to be put on the table, next week is approaching fast and on 12 June Ireland will make its decision. We are talking to farmers today but the decision we make will affect every sphere of every community in the country. A "No" vote will have huge ramifications, not only for Irish agriculture, which has benefited greatly from Europe, but for Ireland as a whole. I am interested in hearing how the IFA will activate its members on this. While they may be quietly supportive of the treaty and the "Yes" campaign, it is important they make their mark on the day, when the eyes of Europe are firmly fixed on us.

Deputy Seymour Crawford

As a non-committee member I welcome the opportunity to say a few words. I also welcome my colleagues from the IFA to the committee; I need not name them as they are long-term friends. I congratulate them on their recent, belated, achievement regarding the treaty.

I make no apology for saying I started my campaign, as someone committed to Europe, on 22 February with a launch in Monaghan with Jim Higgins, MEP, and Deputy Lucinda Creighton. Everyone here has heard how Deputy Creighton has helped lead this campaign and come to grips with the agribusiness by touring the constituencies. We have a major hurdle to clear. It is some
months since I asked the then Taoiseach for an opportunity to discuss this matter in the Dáil. We had a few hours of statements but failed to get a commitment on the veto at that stage.

Some time later the Fine Gael Party, led by Deputy Michael Creed, organised a three-hour private Members' debate in which our party leader, again, sought clarification on the issue of the veto. It is sad that it took last-minute pressure, with the referendum so close, for the Taoiseach to announce that he was committed to the agribusiness sector. This sector, as has already been stated, is extremely important. I remind those present that the pig and poultry industry may not be very important in Irish terms but in my constituency of Cavan-Monaghan it is extraordinarily important. For many years we produced two thirds of all poultry in Ireland. Unfortunately, more than half of the poultry consumed in Ireland today is imported from countries with structures over which we have no control. The Irish Government has failed to introduce labelling of this poultry or to do anything about it, which is a serious problem.

I will return to the serious consequences mentioned by my colleague Deputy Conlon - not the closure of Grove Turkeys, thank God, but the paying off of 170 workers. Before that, Monaghan Poultry closed and since then a small poultry factory in Clones has also closed. There is pressure on Rye Valley and other major companies, partly because of the issues mentioned and partly because of other issues. We can clearly see the effect it would have in an area that does not have any other external investment due to the problems that have existed there. Agribusiness is extremely important as far as we are concerned.

I was surprised to hear that Deputy O'Rourke refused an interview. That is the first time that has ever happened.

There is also the issue of reining in Mr. Mandelson. It is a joke that he was not reined in long ago. In recent years we had a unique situation in the history of these islands, whereby our Taoiseach and the UK Prime Minister were extremely close, and I hope the two incumbents will retain that close connection. Surely there was an opportunity there to rein in Mr. Mandelson and remove the anxiety we all have regarding this situation.

I welcome the IFA to the committee. As a paid-up member I support its campaign, although I do not always agree with all elements of it. This time I think it is right. As somebody who spent seven
years in Europe representing farm organisations, I know better than most what it is worth to us. The IFA has a major job to do and I want to work with it. It will make it easier for me to canvas in the last few days we have available. I have been out canvassing door-to-door. Some of the people at those doors had only seen "No" campaigners until I arrived. The scare tactics being used are unbelievable. The people doing this know that what they are saying is not true. They know what they are saying will never happen, but they still make these arguments on the ground. There is an attitude that if one is not sure one should vote "No", and that is even worse. We have an uphill battle. Europe has been extremely good for us. I am living within eight miles of the Border and I remember when that Border was closed and had customs officials. It was the European Community, not anything else that removed all those structures. It was responsible for removing the Border to such an extent that the only way one can now tell what side one is on is whether the signposts are written in miles or kilometres. That is what Europe has done for us and I hope we will not throw it away.

Chairman

We are now coming to the last four speakers who are as important as anybody else. We will have Senator Terry Leyden, Senator Déirdre de Búrca, Deputy Martin Ferris and Senator John Hanafin. We must vacate the room by 3.50 p.m., so we are just about on schedule.

Senator Terry Leyden

I welcome Mr. Walshe, Mr. Berkery and Mr. Deane back to the committee. The last time they were here we discussed this issue in great detail, and they indicated their concerns and worries. The IFA flagged its concerns very early in this campaign. The IFA has given great service on behalf of farmers not just in Ireland but throughout the EU. It has done the State some service in this regard. It has concentrated everyone's minds with regard to the effect Mr. Mandelson's proposals would have if the WTO accepted them. We in the Fianna Fáil Party were aware that the veto would be used in circumstances in which a decision was unacceptable. We know the effect it would have on farming in this country and throughout Europe. The French have already indicated they would veto any deal that was not acceptable. France is the recipient of one fifth of all subsidies from the EU so it has a major farming vote. That is very important.
The IFA has now made its decision public. There are seven days to go, so people are well aware of its decision. How is it to be communicated? I am not sure whether it will be running a poster campaign to counteract the "No" campaign, which would be very helpful, or running full-page advertisements. That is a matter for the IFA. It has run the campaign very well to date. As the representatives outlined, if the Mandelson proposal were accepted, the resulting imports would wipe out our exports to the main European market.

Food security is the biggest issue in the world today. The question of food for fuel versus food for human consumption is also important. Instead of being discouraged from production in Ireland we should be deeply encouraged for the future. The current food shortage has brought down the Government in Haiti. One Government has fallen already because of food shortages. We should be encouraged to increase production, particularly production of grain and cereal. This will be required to try to assist the world in its plight.

It is too early to celebrate the decision of the IFA. We will not be able to celebrate until 13 June, when the votes are counted. It will be a tight election. It has been one of the biggest and most difficult referendum campaigns ever because so much propaganda has been used. The IFA has assisted the campaign by giving a clear decision and it has a clear mandate on behalf of its members. This is a major boost to the campaign which might put the "Yes" votes over the edge. It is vital, now that the IFA has made its decision, that we are as powerful in the EU after 12 June as we were previously. The review of agricultural policy is coming up in 2013 and we need to be there and as strong as ever. The IFA has strengthened the hand of the Government with its stand in this regard. It has concentrated the minds of people all over Europe. I am just back from France, where yesterday's decision by the IFA was a major subject of discussion. Ministers and officials that I met at the Council of Europe meeting were concerned about what was happening in Ireland and what the IFA would decide. There must have been contact with the IFA's European colleagues at IFA headquarters over recent weeks.

To summarise, I welcome the IFA's wise, well-researched and well thought out decision. The IFA has indicated clearly where farming stands. It has been one of its finest campaigns and I congratulate the representatives on it. They have alerted people the length and breadth of the country, including in the cities, to the contribution of farming to this country. It cannot be ignored as
it is our greatest industry. We can guarantee a future for the industry if there is a level playing field and if we are not flooded with cheap imports, particularly from South America.

I congratulate the IFA and hope that we will work together to ensure a "Yes" vote in the best interests of this country. We must have that result on 12 June otherwise we will have difficulties in persuading our colleagues that we are serious players in Europe. As people who have benefited most by EU membership, we must continue our position of prestige and influence in that forum.

**Senator Déirdre de Búrca**

I welcome the president of the IFA and the other farming representatives. When they were before the committee on a previous occasion they signalled their concern about the upcoming WTO agreement and they ran a most effective campaign to highlight that issue. In the light of the Lisbon treaty referendum next week, however, I believe that their strategy was a high-risk one. They have called for a "Yes" vote and have given that strong recommendation to the farming community a mere week before the referendum. So many negative messages have already been sent. If I were a member of the farming community I might still be rather reluctant to endorse the treaty, having heard all that I heard, and remaining concerned about the future of agriculture. The IFA has its work cut out for it to get its members out. None of us take the vote for granted. It is likely to be tight one way or the other and there will be a close analysis of the results after the referendum, concerning the ways in which different parts of the country voted. If the farming community does not come out in numbers to support the treaty that will become evident.

I am interested to hear what the president of the IFA has to say about what the organisation intends to do over the coming week to ensure, insofar as it can, that its members will vote "Yes" and also about how it will use its undeniable skills to mobilise its constituency. It would be a pyrrhic victory for the farming community to have got the recent concession from the Taoiseach if its members come out in very low numbers and, in consequence, do not support the treaty. The European Union will be aware of how people voted and it will not help the standing of Irish farmers if they are seen to have contributed to weakening support for the treaty. I ask the president to comment on that.

Even though the IFA succeeded in getting the Taoiseach to make a clear statement about Ireland's intention to use the veto there should be no complacency about the future of Irish agriculture and
agriculture in general within the European Union. There is a move towards globalisation and in the
free trade agreements being negotiated agriculture is merely a part. We know that the current WTO
negotiations concern mixed trade of which agriculture forms one sector. Other sectors, particularly
the services sector, financial and investment services and so on, are the lucrative growth areas and it
is likely that in the future agriculture, being part of a mixed trade agreement, will be the vulnerable
sector. It may be seen as a sector in which growth opportunities are not equivalent to those
prevailing in the newer areas and consequently it may suffer.

I encourage the IFA to look beyond the Lisbon treaty. It should give the treaty its full support but
should look further to consider what kind of lobbying it might do with its fellow organisations
within the EU to ensure that the agricultural sector is not regarded in the same way as all other
commodities traded in the global market. We must make that differentiation now. Other Senators
and Deputies have made it clear that food security is likely to one of the biggest issues we face as a
global community. Energy security is closely linked. The European Union must prioritise food
security and food independence. That may mean that it will no longer treat the agricultural sector
and, in particular, the food production sector in the same way as other manufactured traded products
are treated within WTO negotiations. There is a certain level of agnosticism about where goods are
produced and from where services are provided within the free trade framework. Unfortunately,
however, food is a different type of commodity. Issues such as food security, the maintenance by
Europe of its food independence and the ability of a small island such as Ireland to maintain its
strong agricultural base, are priorities. I encourage the IFA to lobby political parties because
sometimes the very parties that defend its interests are strong champions of the free market and the
free-trade approach to negotiations. I would argue that this attitude is not in the interests of the
farming community. I ask the IFA representatives to comment on that issue.

Senator Paul Bradford

I appreciate the gesture of Deputy Ferris who has allowed me take his place in the order of
speaking. I welcome the delegates from the IFA and I apologise for not being here earlier. The
Seanad is discussing the possibility of imposing religious content into the daily broadcasting of our
television channels. I am not sure if that will be moved into the farming spot on RTE.

Mr. Michael Berkery
There is no policy on that.

Senator Paul Bradford

I wish to acknowledge the decision taken by the IFA to support the Lisbon treaty. This matter was discussed regularly in the Houses of the Oireachtas, and as late as this morning. Traditionally farming families and rural Ireland in general have stood firmly behind the European project. They have benefited greatly. I am very happy that the IFA and farming families will join the "Yes" coalition.

I was taken aback by the somewhat negative tone of the comments by Senator de Búrca. She has left, unfortunately. I welcome the IFA's decision wholeheartedly. It had a difficult job to do for its members who are, properly, very worried by the WTO negotiations. I hope that we can return to discuss these talks at a reasonably immediate stage. It is important that the Government has taken the decision to respond positively to the IFA and to make it clear that, if necessary, the veto will be used. The veto is not a negative thing and Irish farmers and rural Ireland are not being negative. This is about Ireland standing up for what is right, important and proper for Irish and European farmers from a food production point of view as seen by rural Ireland and rural Europe. I congratulate the IFA for its efforts in that regard. I look forward, in the week that is left, to a strong campaign in rural Ireland led by the president and his colleagues, to convince farmers, their families and neighbours that Ireland's best interests will again be served by voting "Yes". I apologise for arriving late and leaving early.

Chairman

We noted that. Unfortunately, committee members who are Senators must leave for a vote.

Deputy Martin Ferris

I welcome the IFA. We disagree and that is not going to change. I have some things to get off my chest. Two Deputies in particular made comments regarding outrageous assertions concerning people in the "No" campaign. If such statements are to be made I could be equally negative. One Deputy said that people on the "No" side do not have the interests of farmers at heart. I am a
member of the IFA and am a great friend of many people in that organisation. On the way to Dublin today I received a fax from one of the most respected IFA members that I have ever met. He is a Kerry man in his late 60s who was present at the foundation of what was then the NFA and he has worked all his life in the interests of farming communities. Regardless of what people think of me personally, these kinds of comments are wrong. I am certain that Mr. Walshe and his colleagues will confirm that there are people in the IFA who intend to vote "No". This is the nature of democracy.

Mr. Peter Mandelson's proposals at the World Trade Organisation talks represent one of the most dangerous challenges affecting Irish farming, farming throughout Europe and food security in Europe. Those who fight against Mr. Mandleson's proposals are doing the right thing and I fully support the campaign against Mr. Mandelson and his intentions. As someone who comes from a family farm I believe it plays a significant role in rural society and society in general. Its contribution to the greater economy, to rural Ireland and society goes without saying.

The importance of the role of the IFA was brought to my attention recently along with that of the GAA, especially in countering rural isolation, and the President of Ireland, Ms. Mary McAleese, has commented on this matter. I commend the IFA on this initiative. It is an issue especially close to the hearts of rural Deputies and others living in rural Ireland.

I remain to be convinced that there is a veto contained in the Lisbon treaty. Even if one believes he or she can exercise a veto on the current proposals, what would the effect be if the current proposals change, however slightly? Has the IFA been assured that the veto is operable in future trade agreements or negotiations? Will it be operable after the Lisbon treaty is ratified by 27 member states? I am advised that this veto does not exist in the treaty nor will it exist after ratification.

I have concerns about the treaty which affect other sectors of society but they are not relevant to today's meeting. However, as an elected representative for Sinn Féin I intend to work with all the farming organisations in the interests of rural Ireland and the farming community. My colleagues and I would be happy to do anything we can in that regard and I will work with the Opposition and everybody else to that end. I believe we will be in the majority.

Chairman
I thank Deputy Ferris. Clairvoyance is certainly desirable in politics but we must wait until 13 June to find out whether Deputy Ferris has this power. I congratulate the IFA on its presentation which was cogently put, succinct and well researched. I was an advocate of this type of presentation some three years ago when the Common Agricultural Policy reform took place. I have always regarded CAP reform as the forerunner of the current WTO negotiations. The IFA is correct to make its case, not only on behalf of Irish agriculture but also on behalf of European agriculture and the food sector which would be at considerable risk if the proposals as set out in certain quarters were to be agreed. Ironically, the proposed treaty will take power away from some single European Commissioners who may have a particular attitude to their home country. This was the original intention of the Commission and I remind members the present agriculture Commissioner has a responsibility to each country in the European Union. Commissioners should not regard themselves as representatives of their home country. They have a duty of representation to each country within the European Union including Ireland, which is a point that needs to be reiterated.

One worry for many people which has been raised is the matter of food security. It is possible to go without many things but it is not possible to go without food for long. The points raised by members of the committee in this regard are well made.

Regarding the "Yes" and "No" sides in the referendum, the committee in its outreach meetings throughout the country extended an invitation to all parties to attend on the platform and allow themselves to be questioned by the public. No members from Sinn Féin attended these meetings. There was no meeting in County Kerry but there was one in Limerick which is close enough. I compliment Sinn Féin on identifying members on its posters, which indicates ownership of the point of view expressed. Many other posters used during the campaign - this point has been mentioned previously - are at best misleading and at worst hijacking other unrelated issues and ideas. For instance, the 1916 proclamation has been plagiarised and used inappropriately in the campaign. Also, the poster with three monkeys is intended, I presume, to send a message to somebody. However, the message could equally be sent back to its authors.

There are matters of concern for the practice of democratic politics. There are restrictions to broadcasting exposure and publications. For example, the 17 members of the committee, almost all of whom promote a "Yes" vote, are given equal treatment with those who promote a "No" vote, which is an interpretation of democratic principles that I have never before encountered. I presumed
that the proportion of peoples' representatives are, at all times, in line with their numerical strength and are entitled to make their case and be recorded accordingly, not in a selective fashion which is a reflection of the McKenna judgment. That judgment should be revisited by whoever is in Government in future because its repercussions must not continue. I thank the delegation for its presentation and I call Mr. Padraig Walshe for a final comment.

Mr. Padraig Walshe

I thank the Chairman and the members of the committee for the comments during the meeting. There are several points I wish to address. I sense a negative tone in the comments of some people on the prospect of the ratification of the treaty. There is an underestimation of the seriousness with which farmers took the WTO talks and their understanding of the talks. There is also a significant underestimation of the extent to which farmers are well informed on the meaning and use of the veto. The veto is the highest form of defence a Government can present at European level, which Irish farmers have known for some time. Deputy Timmins referred earlier to its use in the past. The decision on 31 March 1984 has been worth more than €10 billion to the economy since then.

Farmers know the importance of our actions at that time. Despite what some people have suggested, we did not have a brilliant strategy for the sake of promoting the IFA. It may have become like that and history may record it as being that way, but I assure the committee that I was in that position because I represented my members. My members were very worried about their future, which is why we were in that position.

We conducted polls last week and again this morning. I am talking about significant numbers, not somebody going out and questioning. We used the text messaging system we use for regularly informing our members of many things. It was very simple for them to text back "Yes", "No" or "Und" for undecided. Last week, we got a huge response to the texts we sent out: 19% in favour of a "Yes" vote, 42% voting "No" and 39% were undecided, last week.

We did another poll early this morning and got more than 1,000 responses pretty well immediately. The "Yes" vote has practically doubled to "37%", the "No" vote is down by about 25% - from 42% to 34%, and the undecided votes are down from 39% to 29%. I am confident that we will be able to increase that "Yes" vote substantially because Irish farmers understood very well the importance of the veto and the importance of the Taoiseach saying that he was prepared to use it. Deputy Ferris referred to the context in which the Taoiseach might use the veto if the matter is changed. Yesterday, the Taoiseach stated categorically that any WTO deal to be agreed must not damage our agricultural
interests. The question of whether the veto will exist post-Lisbon is quite clear. On an overall trade deal, the veto currently exists and will not be changed by the Lisbon treaty. That is, and will be, the situation. The Referendum Commission outlined that this morning.

I will write this week to every single member of our organisation. We have 29 county executives and 950 branches throughout the country. Yesterday, as soon as we made our decision, there was a break at 3.30 p.m. for a press conference. There was a huge media gathering in the Irish Farm Centre. I am glad to see that some of the media there yesterday are here again today. While Michael Berkerey, Derek Deane and I were handling a press conference with the national and international media, every one of our county chairmen and officers who were at the meeting yesterday, all 53 of them, were on the phone doing interviews with local radio stations all over the country, getting the message back to their own people.

I had a request to do an interview with Clare FM this morning, which I was unable to do because of another media engagement, but our vice-president for Munster, Seán O'Leary, replaced me on that programme. Limerick 95 and Midlands Radio have me booked for tomorrow morning. We will use every possible media vehicle over the next eight days to get the message out to farm families all over the country. Everybody underestimated how well informed farm families are and how much they know about and value the use of the veto at European level.

Some people mentioned posters and I assure the committee that the IFA will have as many posters in rural areas as I see from any of the political parties at the moment because there are none, absolutely zero. I assure the committee that we will communicate with our members and will spend as much money on advertising in the next eight days as we did during the past eight, ten or 15 days.

The first poll was done by the Irish Farmers’ Journal two or three weeks ago. One of the most important figures in that poll - and it was obvious to me and my members going around the country - was that 76% of people polled stated that they would take guidance from the IFA with regard to the treaty.

Mr. Michael Berkerey

Match that one.
Mr. Padraig Walshe

We might take pleasure from what was stated in this morning's paper, but people should not underestimate the IFA. They should not underestimate farm families and how intelligent and well informed they are. As Deputy Ferris said, quite correctly, some of them will vote "No" for different reasons. That is democracy and there will always be a percentage who will vote "No", but I assure the committee that the vast majority of farm families and others involved in the agribusiness closely watched what we were doing. They also watched to see if our Taoiseach was prepared to give the assurance he gave yesterday. I compliment the Taoiseach for giving that assurance. I had an excellent conversation with him yesterday morning. He came out and gave the assurance that was needed yesterday. Farm families will welcome that and will support the treaty, but Mandelson's threat has not gone away. We must continue to be vigilant. I assure every member of the committee that we will watch what is happening at the WTO because our future depends on it. We are not in a position whereby our salaries will come from somewhere else if this goes through. It is the biggest threat there has ever been to Irish and European agriculture. The sad thing about it is that within a few short years the direct result will be, first of all, that food production in Europe will drop. Within five to seven years or less, politicians will sit around tables in Europe wondering what they can do to get food production going in Europe again. European consumers have received excellent value for the money they invested in the Common Agricultural Policy over the years. Farmers have responded and will do so again.

Before we finish, Derek Deane and Michael Berkery might want to say a few words.

Chairman

I call, Derek Deane, deputy president of the IFA.

Mr. Derek Deane

I shall be brief, Chairman. Farm families knew that their livelihood was on the line on this issue and that is why they became so involved in it. Farmers' wives, in particular, see the difficulties that low incomes can cause for farms. Concerns were being raised as to where we are going. As somebody who lives on a beef and sheep farm in County Carlow, I was particularly concerned about the
direction in which we were going. It is interesting to come here and be asked by all the top political parties what we will do in terms of delivering a "Yes" vote. As farmers who contribute immensely to the economy, they could give us a bit more credit for what we do. In addition, people who are trying to make their livelihood from the land could be encouraged to do so. One might dream up schemes to develop rural Ireland, but there is nothing better than economic activity at ground level. That is what we have in the agricultural sector across the country today yet it is not properly valued. That is a major concern but, nonetheless, the IFA and farmers generally got their heads together and looked at the concerns that were on the table. We examined this matter at length and ran a campaign stating that our lives depended on it. That is why it was so successful and for no other reason, but we are not seeing the same enthusiasm from all the political parties on this issue. People should be appreciated for their own intelligence. It is not good enough to ask them to vote "Yes" because it is the right thing to do. A stronger message is needed from all the main political parties. I believe that very strongly. We are in very changed times. As a result of the Taoiseach's decision yesterday, I hope that Peter Mandelson is dead and buried. People like that, who come up with a single personal agenda for their own member state, are a major problem in a Union of 27 member states. The debate should be brought forward. These issues must be considered and we must engage in a debate on food security and how we can maintain rural viability across Europe. People are being educated to move to towns and cities in order to try to obtain high-tech jobs. However, there are many who want to remain at home and who want to be successful. To be successful in any job, one needs an income and a guarantee and feeling of self-worth. The latter has been a problem in the context of how farmers have been considered. Some of the condescending remarks made by certain politicians in respect of agriculture are a matter of concern to me.

Mr. Michael Berkerey

In the next couple of days we will approach our members on the basis of having respect for their choice. We will inform and we will lead. After all, ours is an NGO and it is separate from the State apparatus. As an NGO, we can convince people and provide them with leadership. However, we cannot prescribe or dictate to people, nor have we any intention of approaching our campaign on that basis. We will proceed on the basis of mutual respect and also respect for individual choice.

The first group of speakers gave the impression that the IFA’s timing as regards deciding to encourage people to vote "Yes" was in its own hands. It is clear that this was not the case. I am not
suggesting that Deputy Crawford implied this. However, the choosing of the time was not in our hands, nor was it of our making. If we are down to ten days, the committee will have to look elsewhere with regard to the calendar of events that led us to where we currently stand.

**Deputy Seymour Crawford**

I disagree with Mr. Berkerey.

**Mr. Michael Berkerey**

I want the record to show that regardless of what happens on 12 June, we are of the view that a deal is a deal. We did a deal or reached an agreement at the weekend. We will stand over that deal and devote all of the commitment and resources of the organisation to ensuring a "Yes" vote. However, we will do so on the basis that if some of my good friends in north Kerry choose to vote otherwise, it is their prerogative to do so. The organisation has the capacity to lead but not to command.

**Chairman**

I thank the president and other members of the delegation from the IFA for their attendance. People should vote and participate but they should do so for the right reasons. It goes without saying that the members of the committee, without exception, have taken seriously their responsibilities in respect of generating debate and responding to the questions that have been raised in the context of the referendum. Some members did so at huge personal expense and discommoded themselves to a major extent. Certain members addressed up to 30 or 40 meetings, some of which were not necessarily held in their constituencies.

A major role has been played by the elected public representatives who serve on this committee. The leaders of the various political parties also played a meaningful role and have clearly indicated the side on which they stand. Everyone must realise that in tightly fought campaigns, matters are not as easy as they might seem. In that context, there is an old saying, "The grass is always greener on the other side of the fence". There is no pun intended on my part on this occasion.
I apologise that I could not accommodate those Senators who wished to contribute. Unfortunately, the vote in the Upper House, at which they were obliged to be present, came at the wrong time.

The joint committee adjourned at 3.55 p.m. sine die.
Europe has been good to Ireland - [https://www.labour.ie/news/blog/2008/05/12/europe-has-been-good-to-ireland/](https://www.labour.ie/news/blog/2008/05/12/europe-has-been-good-to-ireland/)

"Europe has been good for Ireland. It has been a force for economic and social progress. It has been directly responsible for important advances in social legislation. Our membership of the Union has been fundamental to the development of Ireland as a trading economy," Labour Leader Eamon Gilmore said at the press conference held over the weekend to launch the Labour Party 'Yes to Lisbon' campaign. As in the past, so to in the future. The major challenges that Ireland now faces are increasingly global in nature and do too are the solutions. Our membership of the European Union allows us to work with our fellow member States to collectively confront the great challenges of our age. The Lisbon Treaty is designed to ensure that we do so more effectively."

You can read Eamon's statement in full in our media centre as well as the statement made by Labour's Spokesperson on Europe, Joe Costello TD who described how the Labour campaign is being organised. You can also view the Six One newsreport on the press conference on the RTE website. Images from the 'Yes to Lisbon' launch are available on our Flickr photostream and if you wish to find out more information on the treaty check out our Lisbon Treaty website.


I would like to take this opportunity to set out clearly why I and the Labour Party support the Lisbon Reform Treaty, and why we will be campaigning for a Yes vote in the referendum.

Lisbon embodies provisions of real importance to Labour in the field of social policy. For example it contains a "social clause" whereby social issues such as the promotion of employment, adequate social protection, the fight against social exclusion, must be taken into account when defining and implementing all policies.

In particular, I believe that the incorporation of the Charter of Fundamental Rights into the Lisbon Treaty as a legally binding text underpins the commitment by the EU Member States to protect the rights of all the peoples of Europe and makes the Charter the lynchpin of the Treaty.
The Charter draws together for the first time all the personal, civil, political, economic social and cultural rights into a single text. It is the most extensive and succinct statement of human rights and citizens' entitlements ever to be given legal form.

The concept of the EU as merely an economic entity opening up a single market and promoting the free movement of goods, services, workers and capital is now outmoded. The adoption of the charter as a legally binding document is a milestone on the road to building the European Social Model combining economic competitiveness, social justice and environmental sustainability.

The Labour Party believes that the achievement of a more social Europe has to be based upon the solid bedrock of fundamental rights. The Charter of Fundamental Rights of the European Union sets out in writing that people are at the heart of the European Union.

Indeed the rights protected in the Charter go beyond the civil and political rights to ensure the EU places particular emphasis on social, economic and cultural rights for the people of the European Union.

Uniquely among political parties in the Republic, Labour has always been enthusiastic about the Charter. And we alone have always sought to make it legally binding. For the Labour Party and for our sister parties across Europe making the Charter legally binding is one of the key reasons we are supporting the ratification of the Lisbon Treaty, which will shortly be put to a referendum in Ireland.

The Lisbon Treaty not only consolidates our existing fundamental rights but adds to them in significant ways, and makes them legally binding on all European decisions for the first time. This charter of rights will be a fundamental source of reference for the European Court of Justice and for national courts on EU law into the future.

Much of the Equality legislation on our statute books comes from European directives and decisions in the European Court of Human Rights. Irish workers have benefited from a raft of social legislation such as working time, health and safety, protection of young workers, parental leave, equal pay, gender and equality matters within the workplace. Structural and Social Funds transformed not just the landscape but the people as new education and training opportunities opened up.

The founding fathers of the Labour Party, James Connolly and James Larkin were internationalists. In the imperialist world in which they lived they believed that the progressive way forward was for solidarity and equality between neighbouring countries and fellow workers in those countries. The Labour Party has in the tradition of Larkin and Connolly supported Ireland's membership of the European Union and has used our membership to promote our vision of a social European model.
Lisbon provides framework of rights and democratic mechanisms to achieve them - 16 mai 2008 - par Proinsias de Rossa

Being part of the EU has brought Ireland to the heart of world affairs in a manner undreamed-of by those who wanted the Irish people to have the freedom to make their own choices. The evidence for that is plain in our economic prosperity, the respect for our culture, the growth of our self-confidence, and the recognition of our national language.

There are many issues yet to be resolved, not least the fact that there are 73m people in Europe at risk of poverty, at least a third of them children. That many millions are homeless, and many don't have adequate health care or access to education. Discrimination is still rife, against women, and against people with disabilities. And that is just in the EU. But these social problems will not be addressed by a petty chauvinism.

We need a global response. We must act together now to ensure that the world we bequeath to our grandchildren is capable of sustaining human life. If we are to have a Europe where the benefits are shared by all citizens, as well as the risks, we require targeted regulation of the single market to deliver decent jobs and living conditions; we require high quality public services which ensures a healthy well-educated population, ensuring stability and the well being of the people, and the brain power to run a modern economy or business; and we need a system of democratic governance which shares power across borders in order to reap the benefits of a continental scale.

Lisbon identifies those issues and provides the framework of values and rights, and the democratic mechanisms to better achieve our common European and global objectives.

Environmental sustainability, climate change, and energy security, eradication of global poverty, responding to the security risks from global warming, are obvious examples where binding European decisions are needed, and where mere cooperation will not suffice. The NO campaigners don't tell us how rejecting Lisbon will help us to address these real problems.

That Lisbon is one of the most socially progressive treaties we have been asked to decide upon is not an accident. It is so but by dint of hard work by my party and others in Europe who have a vision for a renewal of social Europe; a Europe that not only serves the desire for a high standard of living but places values, objectives and rights as Lisbon does, at the core of its vision.

Such as: the Citizens Charter, full employment, social progress, scientific and technical advance, the combating of social exclusion and discrimination, promotion of social justice, equality between men and women, respect for cultural and linguistic heritage etc.
This Treaty however takes no powers from member states. On the contrary it sets out to achieve its objectives by seeking to complement the role of MS and to engage the citizen more closely in its work, through consultation and through peoples elected representatives at Regional, National and European level.

I challenge anyone to identify a single piece of legislation that the Oireachtas can pass today that we could not pass after we have voted yes. Nonsensical talk of 105 new powers being centralised in Europe are the bad dreams of incurable Eurosceptics, and are not based on the text of the Lisbon Treaty.

The exclusive competences of the EU remain unchanged:

- Customs Union
- Competition Rules
- Monetary Policy for Euro Members
- Fisheries Policy
- Common Commercial Policy (including international agreements)

Equally important, the basic intergovernmental procedures of the EU are unchanged. The European Council, made up of the democratically-elected Prime Ministers of 27 sovereign States, will continue to give political direction to the EU. With Lisbon, it has no legislative function; it will have a full-time President, without executive powers, who will be obliged to follow the Council agenda, not their own.

The Commission will remain the main proposer of draft laws and the body entrusted with ensuring that proposals adopted jointly by Ministers and MEPs are respected by all the member states. The provisions of the Treaties circumscribe the Commission role and they cannot make decisions or take powers, not provided for in the treaties. There are many examples of the ECJ having ruled against the actions of the Commission on the grounds that they overstepped their remit.

National Governments, jointly with the European parliament make European legislation. With Lisbon the EP role as watchdog is extended to virtually all EU legislation and control of the EU budget expenditure.

The EP and Councils of Ministers can amend or reject each other's proposals. Because of this over 80% of the amendments tabled by the European parliament had to be taken on board by Ministers in 2006. This is a considerable democratic check on legislation and is radically better than the record in the Dail where on average less than 1% of opposition amendments are accepted. And both governments and parliaments have to seek a mandate at least every fives years from their electorates.
With this kind of clout MEPs have successfully ensured a reasonable balance between the needs of a dynamic economy and improvements in the living and working conditions of all Europeans. It has done so in the area of cross border services, health and safety at work, a safer chemical industry, protection of consumers, and a cleaner environment.

The Irish Ferries debacle occurred not because of the application of EU regulation, but because of an absence of EU regulation. A number of States blocked and continue to block European Parliament proposals on Ferries, which would have prevented that particular horror story. We have also sought legislation to regulate the Temporary Work Agencies, but have been blocked by the same member states using a blocking minority in Council. Broadly speaking the same is true with regard to the most recent 'Laval' case in Sweden.

Common foreign and security and defence policies are essential for a united continent facing the new global order of instability, conflicts over resources, and a scramble for food. Anyone who doubts the need for coherent European policies in these areas should read the Solana report on the security implications of climate change, which he points out, are already with us, in Darfur for example.

To deliver some coherence, the foreign affairs representative will sit in the Commission as a vice-President as well as chair foreign ministers meetings, which for the first time will also make that post subject to scrutiny by the EP.

An External Service is provided for, to complement national diplomatic services, not to replace them. It will promote only the policy decided by the Council not their own pet projects.

To improve the effectiveness and transparency of decision-making, the size of the Commission is reduced as and from 2014. This is already provided for in the Treaties since Nice and was to have come into effect in 2005. What Lisbon does is put a figure on it; Forty-nine vetoes are removed from Ministerial Councils, with the EP gaining co-legislator status in those areas; in addition Ministerial Councils must meet in public when debating or approving legislation.

Consultation of citizens is also increased with an obligation on the Commission to consult religious and humanist groups, and civil society and the social partners; there is also an innovative provision for a citizens initiative.

Lisbon retains the national vetoes on: Tax; defence; foreign affairs; and aspects of external trade agreements which would require unanimity on internal decisions.

Decisively however, for the Labour Party, all the social policy and citizens rights content, along with the democratic provisions that we successfully negotiated in the European Convention, of
which I was a member, and which prepared the European Constitution, are carried over into the new Treaty, including the new legal base for the promotion of public services, the mainstreaming social clause; a competitive social market economy, eradication of poverty; social exclusion; children's rights, and the mainstreaming gender equality clause;
Europe needs this Lisbon Treaty as a stepping-stone to the next stage in creating a fair society in a better Europe. We in the Labour Party are confident of our ability to continue to achieve a European consensus that incorporates key elements of our agenda. For all these reasons and more, we have no reservations about urging a YES vote.

Proud to be Irish 19/05/2008 - Yes to Europe - https://www.labour.ie/news/blog/2008/05/19/proud-to-be-irish-yes-to-europe/

Today the Labour Leader Eamon Gilmore TD launched our Lisbon poster campaign saying the turn-out on June 12th for the referendum is vital.
"The Lisbon Reform Treaty will provide for a more efficient and more democratic EU. It is in the interests of Irish voters to support it. The poster we are launching here today will form a key part of Labour's Yes campaign. The message carried on the poster - 'Yes to Europe; proud to be Irish' - is designed to project a positive message and to counter the spurious message that in some way the electorate is being asked to chose between 'Europe' and 'Ireland'.
"I am proud to be Irish but I am also enthusiastic about the EU. I acknowledge the huge benefit it has brought for the Irish people and I want my country to remain at the heart of Europe. »


The Deputy Leader of the Labour Party, Joan Burton TD, has said that the Labour Party viewed the European Union as a bulwark against the ravages of unfettered markets and said that much of Ireland's progressive social legislation, including the right to women of equal pay for equal work, had been the direct result of EU membership. Deputy Burton, who was speaking to a conference on 'Ireland and the EU - Our Joint Financial Future', said that the Lisbon Treaty was the next step on our shared future within the EU and urged the Irish people to give a yes vote on June 12th.
Deputy Burton said:
"The recent turmoil in the global financial markets and the credit crunch has proved, if proof were
needed, that unregulated market forces can be extremely destructive of business, jobs and indeed the ability of people to get a mortgage and put a roof over their heads.

"Bankers worldwide are extremely concerned about the issue of moral hazard, particularly about developing countries repaying their debts. Yet we saw the scramble by central bankers in the US and the UK to intervene without a second thought to prop up their own banks who had pursued aggressive, predatory lending policies. The Fed didn't think twice about intervening to ensure that Bear Stearns didn't go under. There was little hesitation by the UK government before intervening to the tune of billions of pounds to save Northern Rock and to protect the integrity of their financial system.

"We now have a moral hazard on a global scale where banks in the developed world seemingly can't be allowed to fail for fear that the entire financial system will come crashing down. This is in marked contrast to the sternness with which bankers view people looking for mortgages to put a roof over their heads or the way the IMF enforces harsh austerity programmes on developing countries.

"In a globalised economy, the necessity for globalised regulation has become ever more apparent. Individual governments and central banks, except for the very largest, are no longer able to act in isolation to control their economic destiny. Our globalised economy is a mesh of mutually interdependent economic and social systems. Our shared financial future must be a future of fairness. We can't have one set of rules for the financial elite and another set of rules for ordinary people. It is only through international cooperation that such a regulatory framework can be perfected. The European Union provides such a framework for small countries like Ireland which could otherwise be sidelined by the bigger players. It provides a framework which, although not yet perfect, is the only show in town. This framework has served us well in the past and will do so again. Now is not the time to hitch ourselves to the wagon of isolation.

"The history of European integration since the Second World War has largely been a story of visionary statesmen. As this story progresses, the Union is becoming closer to the people. It's not there yet. In many peoples' eyes, it still doesn't have the political legitimacy of national parliaments. If the Lisbon Treaty is passed, we will move further along the road of enhanced democratisation. National parliaments will be given a greater role in policy-making with the establishment of the 'yellow card' mechanism. Greater power will be transferred to the directly elected parliament than ever before. Citizens of Europe will be able, for the first time through the 'Citizens' Initiative', to invite the Commission to consider legislation on areas of concern to them. All in all, Lisbon will not
deliver a perfect political system, but it will deliver a better political system. As the Commissioner might say: "A lot done, more to do."

"All of this would not have been possible without the vision of people like Jean Monet, Robert Schuman and Jacques Delors. Jacques Delors, for instance, had a vision of not just a single free market, but a vision of European integration in which ordinary people were at its heart, a vision of a single, regulated market which would serve the interests of every European. In fact, his vision went much further than this. Delors wanted regulated markets and positive interventions on behalf of the poor and the unemployed.

"The European Union is much maligned from the hard left as a vehicle of neo-liberalism. On the contrary, the Labour Party sees the European Union as a bulwark against the ravages of unfettered markets. Much of Ireland's progressive social legislation, for instance, is derived from Europe. Equal pay for equal work is a principle long enshrined in European Treaties and defended by the European Court of Justice. Where once women were systematically paid less for doing the same job as men, this is now largely a thing of the past thanks to the European Union.

"In concrete terms, European social and employment legislation has supported a rapid increase in the rate of female participation in the workforce. The gender pay gap is narrowing and, to use my own profession of accountancy as an example, it was once dominated by the old boys club whereas now there are at least as many female accountancy graduates as males.

"These rights, for women and for all workers, will only be strengthened with the ratification of the Lisbon Treaty through the Charter of Fundamental Rights.

"Ireland, as an open market economy, not only needs regulation of financial institutions in Ireland, but benefits considerably from the structure of European regulation provided by the European Commission and the European Central Bank. European Monetary Union was negotiated when Labour was last in Government. We supported and contributed to those negotiations because we believed that Europe has a shared financial future, just as it has a shared political future. When Ireland joined the then EEC in 1973 we were, as a nation, still largely dependent on the UK for much of our external trade. Through membership of the European Community and through the completion of the single market, a market which now numbers half a billion citizens, Ireland was able to broaden out its exports, taking advantage of the opportunities which being at the heart of Europe brought. These results have been tangible and significant. If we want to keep on this track, then we need to stay at the heart of Europe."
"Without undermining the principle of subsidiarity or compromising national sovereignty on key issues like taxation, the European Union provides a sound regulatory framework within which this shared financial future can become a reality.

"The Lisbon Treaty is next step on the road to our shared future. It is a step we have to take. We should be taking this step, and voting YES to the Lisbon Treaty, not because of how far we have come so far - but because of how far we can go in the future."

**Europe has been good to women yes to lisbon** - [https://www.labour.ie/news/blog/2008/05/26/europe-has-been-good-to-women-vote-yes-to-lisbon/](https://www.labour.ie/news/blog/2008/05/26/europe-has-been-good-to-women-vote-yes-to-lisbon/)

Cllr Niamh Bhreathnach, Cllr Emer Costello, Cllr Lettie McCarthy, Deputy Joan Burton, Deputy Mary Upton, Deputy Roisin Shortall, Cllr Carrie Smyth, Cllr Caitriona Jones, Deputy Joanna Tuffy and Cllr Mary Freehill at the poster launch.

With two weeks to go until the vote on the Lisbon Reform Treaty, recent opinion polls show a disproportionate representation for women among the 'don't know' and 'no' categories. To highlight the benefits of EU membership and to encourage women to 'Vote Yes' in the Lisbon referendum, the Labour Party message over the weekend was that 'Europe has been good to women'. You can read more about our weekend poster launch as well as how Europe has benefitted women on our Lisbon Reform Treaty blog at this link.


Deputy Joe Costello, Mark Durkan MP MLA, Labour Leader Eamon Gilmore TD and Alasdair McDonnell MP MLA and Cllr Alban Maginness MLA at Stormont.

Today the Labour Leader Deputy Eamon Gilmore and Deputy Joe Costello met up with Mark Durkan at Stormont in Belfast to call for a Yes vote in the Lisbon Reform Treaty. Speaking from Stormont, Eamon Gilmore said: "I believe it is important to highlight the all-Ireland dimension to this campaign. Not only does the Republic have a strong interest in a Yes vote, but the people of Ireland, North and South do also."

Eamon spoke of how the European Union has been an important contributor to the peace process in Northern Ireland and played a key role in bringing jobs to both sides of the border.
Labour Spokesperson on Europe, Deputy Joe Costello said: "Without the support and example of the EU it is difficult to imagine Northern Ireland at peace with itself, the Republic and the United Kingdom.

John Hume expressed it perfectly in his acceptance speech when he received the Nobel Peace Prize in 1998: "It is now clear that the European Union is the best example in the history of the world of conflict resolution".

MP Mark Durkan MLA said: "The SDLP and the Irish Labour Party have always believed in the concept of a social Europe.

"That is reinforced by our support for the Lisbon Treaty, which contains clear social standards and underpins public services and equality. A Yes vote in the Lisbon Reform Treaty referendum is important for the people of Ireland. »


The Labour Leader Eamon Gilmore TD, canvassing in Dundalk with our candidate for Dundalk/Carlingford Frank O'Brien.

As we approach the final days of our Yes to Lisbon campaign lots of different things have been taking place all over the country. The Labour Leader Eamon Gilmore has been canvassing in Meath, Louth and Wicklow as well as campaigning at the weekend's Dublin-Louth football game at Croke Park. All over the country TDs, councillors and party members have been doing door-to door canvasses and you can see a selection of photographs from various canvasses on our Flickr photostream, while at tonight's Dublin City Council meeting a motion on Lisbon tabled by Cllr Demot Lacey will be debated.

The wording of the motion states: "Recognizing the enormous contribution that membership of the European Union has made to the development of Ireland and mindful of the need to modernize, simplify and improve democracy within the Unions Institutions this Council expresses its support for the Lisbon Reform Treaty and encourages a Yes Vote on June 12th."

Over on our Lisbon Reform Treaty blog you can see the latest video from Ruairi Quinn TD on the importance of a Yes vote while on the RTE Lisbon Treaty website you can download an audio book of the Lisbon Treaty which you can play on your MP3 player or on your computer.
Tomorrow in advance of the vote on the Lisbon Reform Treaty we'll be running a newspaper adverts calling for a Yes vote.

The adverts will focus on how a Yes vote will deliver significant gains while a No vote will bring doubt and uncertainty.

Irish voters have a hugely important decision to make tomorrow (Thursday 12th June) which has the potential to have a significant impact on the future direction of this country and of the European Union.

It is a unique power because only the Irish constitution requires the Lisbon Reform Treaty to be put to a vote of the people. With that unique power also comes a particular responsibility: a responsibility to exercise the vote. I hope that Irish voters will turn out in large numbers to ensure that we get a result that accurately reflects the views of the electorate.

After months of discussion and debate the Irish electorate are faced with a relatively straightforward choice. A YES vote will mean ratification of the Lisbon Reform Treaty and all the benefits that this will bring to the people of Ireland and the people of Europe.
A NO vote will wipe away the results of several years of difficult negotiations between the 27 member states - much of it conducted under an Irish Presidency - and plunge the EU into a period of doubt and uncertainty.

There is little prospect of a new Treaty being negotiated and zero prospect of a better deal being secured for Ireland.

The ratification of the Treaty will bring additional benefits to Irish workers; provide a more open and democratic Europe; ensure that the institutions can operate more effectively; while ensuring that Irish interests and particularly Irish neutrality is protected.

The decision is now yours.
HEALTH WARNING

THE BEST HEALTH CARE IS GIVEN TO THE RICH

Also in this issue

On the Campaign Trail: Labour Youth 4 months on

Since our last issue November Labour Youth have been involved in a number of campaigns and demonstrations. At the end of November we joined Labour LGBT candle lit vigil outside the Dail show our support for Same-Sex Marriages and Civil Unions. Following the Cancer Care scandal, Labour Youth were first to call on Mary Harney to publicly apologise and resign. The unjust two-tier health service has been created and is being maintained by the current PD-Fianna Fail government. A worrying development in Ireland today is that not having private health insurance in a sign of poverty. Dermot Looney has written an excellent article for this issue on the current state of the Health Service. Fortunately there are people who stand up to the neo-liberal moves by various institutions, for example Dan O’Neill, UCD Branch Chair tells us on p.8 of the attempt by UCD to introduce student charges in the UCD Health Centre, and how the student movement in UCD successfully stopped the college from doing just that.

Another gain Labour Youth has made, is receiving a commitment by the government to reduce the VAT on condoms from 21% down to 13.5% following their World Aids Day campaign in December 2007. Hopefully the government will continue to listen to Labour Youth and make all form of contraception completely tax-free.

The rotten FF/PD administration extends further than the Health Service, even the United Nations Commissioner for Refugees UNCR has warned the government that their new Immigration, Residence and Protection Bill falls short of good international practice particularly in regard to the treatment of unaccompanied minors. Joanne Doherty on p.13 outlines the shameful treatment asylum seekers face in Ireland.

There are many great articles in this issue that cover local, national and international topics and they are definitly worth a read!
Labour Youth has led the campaign to reduce the VAT on condoms for several years and the governments announcement to reduce VAT on condoms from 21% to 13.5% is a step in the right direction.

In December 2007 to mark World Aids Day Labour Youth distributed free condoms with Proinsias De Rossa M.E.P. in Grafton Street to highlight this issue. In 2006 the Labour Youth budget submission highlighted the case for removing tax on safer sex. As recently as today Labour Youth members were distributing free condoms in UCD as part of the campaign.

Speaking on the Issue Labour Youth National Chairperson Enda Duffy said "This is a welcome initiative from the Government who have finally decided to act to reduce tax on safer sex. However it does not go far enough. Under EU regulations a VAT rate as low as 5% is permissible on contraception. It is deplorable that the government is still taxing safer sex at a rate higher than required by the EU. The government also needs to increase the supply of free contraception to target groups including young people and students."

Labour Youth call on condom vendors to pass on the cut in VAT directly onto consumers. Anything else will amount to gross and ruthless profiteering at the expense of people's sexual health. The government needs to take firm action against any companies or vendors that fail to pass on the VAT cut.

We are Irish Citizens, not $hell Subjects

On June 29th 2005, five farmers from a rural town in Mayo were jailed for getting in Shell's way of its construction of a high-pressure pipeline that threatened the lives and livelihoods of their families and neighbours. Thousands of people in towns across the country including active contingents of Labour Youth rallied in support of the men. The government, and other political parties have ignored the issues being raised by the Rossport community choosing to take the easy way out and continue to let Shell place Irish lives in danger.

Shell to Sea has suffered another blow in March 2007 when Mayo County Councillors voted against the wishes of a considerable number of residents and gave their permission to allow the council to accept €3 million from Shell, Statoil and Marathon to widen and strengthen a road to be used exclusively by Shell. This is just another example of how multi-national organisations can buy off our national resources from unhonourable representatives regardless of the health and safety repercussions Irish citizens will face on a day-to-day basis.

The community in Rossport are understandably afraid for their families' safety. In June 2001 a Shell pipeline burst in Nigeria and crude oil flowed into the waterways of a local village for 18 days before being finally clamped. Over 150,000 residents relied on the local streams for drinking water, many fell sick and in extreme cases died from the contamination. This wanton pollution came less than a decade after nine anti-Shell activists were arrested, tortured and killed by the military government having close ties to the multinational corporation.

Furthermore, Shell refused to pay a $1.5 billion fine levied by the Nigerian Senate for the pollution caused by the spill. Constructing a ‘cost-effective’ a gas refinery, that in itself severely lacks high safety standards on unstable bog land is dangerous in the extreme. Will it take a disaster in Mayo costing the lives of the local community for us to realise that what Shell and the Irish government are doing is negligent? Although the Shell2Sea campaign has dealt with internal difficulties and criticism, we have opportunity to show, not only the Labour Party but the government too, that Shell must go to Sea.

For more information go to: www.corribsos.com

Local residents showing their opposition to Shell
Labour Youth say YES to Europe

Hazel Nolan, Labour Youth Equality Officer explains why we all should say YES to Europe

Europe has done much to benefit and improve social and economic standards in Europe. It has also acted as an aid in counter balancing the succession of right wing government failures through the decriminalisation of homosexuality, equal pay, social welfare reform and free movement of people. Europe has also held Ireland to account on Environmental issues where weak government policy has time and again fallen short of the international set standard. Where these governments have failed us Europe has delivered.

Europe has also been one of the greatest purveyors of peace across the continent. In fact when you compare the positive influence and role Europe has played on pacifying and reforming its neighbour countries, and the positive effects this has had for both newly joined member states and those looking to join; in comparison with the influence and effects the United States has had on Central and Southern America it is clear that Europe, its ideals and growth have come further then any National State could hope to achieve on its own.

This said Europe does not come without its faults, namely the extent to which there is a democratic deficit within the European Union. At present the Commission, which is undemocratic and supranational in nature exerts too much power over the democratically decided Parliament and the Council of Ministers which is itself intergovernmental in nature. This is in need of reform, especially if the EU is to continue its expansion.

On the Lisbon Treaty it is our privilege to be in a position to vote. This is not however an argument for voting YES, or indeed NO to the Lisbon Treaty, as some claim. We are not voting for all the other EU members, and we can not presume to know what decision other nations would make, but it does imply that we should weigh up our decision carefully. The argument that we should also vote NO to Europe on the basis that France and the Netherlands returned a NO decision on the European Constitution is equally an irrelevant argument. Democracy means that everyone should be able to both make up their own decision and have the freedom to arrive at their own decision.

So why should we vote to accept this Treaty? The Treaty of Lisbon is needed in order to accommodate the expansion of the EU. The original documentation drawn up did not envisage the EU to grow to its current capacity and new documentation is needed to encompass this. The Treaty of Lisbon paves the way for the further development of the EU. For the first time the Charter of Fundamental Human Rights has been given legal status and provisions. Also the treaty goes far in addressing the democratic deficit within the EU Commission. It also addresses this deficit in strengthening national parliament. If half the 27 member states are unsatisfied then a majority of national governments may demand that a measure be discarded. Regarding the militarization of the EU, this treaty ensures that Ireland retains its triple lock system; this means that Ireland will not send troops abroad nor join any foreign missions unless they have received a UN mandate to do so. This means that the EU can play a role in spreading and ensuring peace is maintained across the globe. It will not mean an EU super army with France, Britain and Germany joining together their military, which we could not prevent them from doing, now anyway if there was a will for it in all three countries. The Lisbon Treaty also mentions the need for improved environmental policies, which again is another progressive step towards bettering our society.

The treaty does not make provisions for allowing Europe to impose neo-liberal policies on National Parliaments regarding such issues as tax and the health system etc. What we on the left of the political spectrum do need to work towards is ensuring that we campaign for our policies at national and European level, and co-operate on a broader level with our sister parties in other states. In the Dáil we are the third party of the state, in the Parliament we are one of the most influential and largest groups. We should vote YES to the structures and campaign in solidarity for our common policies.
Even the Olives are bleeding

Enda Duffy, Chairperson of Labour Youth remembers the life of Charlie Donnelly

In 1931, he enrolled in University College Dublin to study, English, History, Logic and Irish. Donnelly as a student formed part of a group of poets, writers and intellectuals, which included Donagh MacDonagh and Nial Sherian. While not being very committed to his academic work, Donnelly was heavily involved in writing poetry and left wing politics, in particular with the Republican Congress where he met Frank Ryan, Peadar O'Donnell, George Gilmore and Cora Hughes.

After dropping out of UCD, Donnelly began to write full time for the Congress newspaper and by 1935 he left for London to live with his brother and work for the Congress's London Branch.

In 1936 the Spanish Civil War broke out and Donnelly began to encourage Gilmore and Ryan to mobilise Irish Volunteers to fight in Spain. At first, Gilmore and Ryan were hostile to the idea of an Irish mobilisation due to the conservative nature of Irish society, the control and influence of the Church and the continued attacks on the Republican Congress by the right wing media. In spite of this, Donnelly convinced his comrades to begin organising an Irish force.

Donnelly reached Spain in January 1937 where he met up with the Irish James Connolly Centuira led by Frank Ryan. They received some training and on the 23rd of February joined the front line in the Battle of Jarama. On the evening of the 27th Donnelly's unit was caught by a fascist counter attack. Joseph Donnelly recalls the last moments of Charlie in his biography Charlie Donnelly, The Life and Poems where he quotes from the memoirs of a Canadian volunteer.

"Charles Donnelly, Commander of the Irish Company, is crouched behind an olive tree. He has picked a bunch of olives from the ground and is squeezing them. I hear him say quietly during a lull of the machine gun fire 'even the olives are bleeding'. A bullet got him square in the temple a few minutes later."

Charles Donnelly's plaque unveiled at UCD in February 2008

At the age of 22 Donnelly was dead, buried in an unmarked grave and publically remembered only by an account of his life and poems written by his brother Joseph, until now with the erection of a plaque to his memory in UCD. The plaque was unveiled, appropriately, by his sister Christine and facilitated by the UCD school of English and several students. Sadly, Joseph Donnelly who has dedicated his life to the memory of his brother passed away on February 14th - only 12 days before the commemoration.

Christy Moore has honoured the lives of the Irish that fought against Franco during the Spanish Civil War in his song Viva la Quinta Brigada!

Viva la Quinta Brigada. "No Pasaran", the pledge that made them fight. "Adelante" is the cry around the hillside. Let us all remember them tonight

This song is a tribute to Frank Ryan, Kit Conway and Dinny Coady too Peter Daly, Charlie Regan and Hugh Bonar. Though many died I can but name a few.

Danny Boyle, Blaser-Brown and Charlie Donnelly, Liam Tumilson and Jim Straney from the Falls, Jack Nalty, Tommy Patton and Frank Conroy Jim Foley, Tony Fox and Dick O'Neill

Viva la Quinta Brigada. "No Pasaran", the pledge that made them fight. "Adelante" is the cry around the hillside Let us all remember them tonight
There are simply no issues in politics that touch us as personally and emotively as health. All of us have been patients to varying degrees. Many of us have been deeply involved as family members, professionals or others in the vast array of services and institutions that comprise Irish healthcare. Matters of death and life, pain and recovery and suffering and wellness affect us innately. The strings of conscience and empathy are pulled for all as shared experiences of illness and treatment strike universal chords. Therefore, it is not surprising to have seen and heard the unprecedented levels of personal testimony across the airwaves and in print from those most affected by deficiencies in Irish healthcare in recent times.

Emergent from a history of bit-part residualism and dominated by today's self-serving neoliberal agenda, it is no wonder that people in Ireland are becoming increasingly enraged at the failure to provide a world class public health system. Ireland's experience with healthcare in the modern age has been borne out of traditions of poverty and exclusion, along with the unseemly alliance of liberal economics with the pre-eminence of the Catholic hierarchy. An unconnected system of voluntary religious-based institutions dominated from the first semblance of public healthcare for the 'deserving poor' under the workhouse systems to recent times.

Initial attempts to socialise medicine were mere pipe dreams against the hegemony of subsidiarity in Irish social policy. Halfway through the twentieth century, just a couple of years after Nye Bevan could successfully launch a comprehensive National Health Service across the Irish Sea that was universal, paid for through general taxation and free at the point of access, a mild effort by a fellow socialist towards a much narrower universalist provision for mothers and their children in the Republic of Ireland was met with a vicious response from the hierarchy and medical profession.

Noel Browne's attempts to follow up his successful campaign against the scourge of tuberculosis with the Mother and Child Scheme ended in defeat for his proposals. But his exposé of the role of the Church and Irish Medical Association in the aftermath showed that, despite governmental efforts to take onboard public healthcare more seriously with the formation of a Department of Health in 1947, true power continued to lie in the hands of wealthy doctors and powerful clerics.

Shamefully, the initial support for the scheme from the Labour Party members in government was soon withdrawn in the face of pressure from institutions and individuals of the deepest conservatism. The scandal also played a part in the downfall of
the Clann na Poblachta party and instilled a fear factor for those pursuing progressive health policies for a generation.

Health reforms have come and gone, with the 1980's being a key time for cuts in beds and care due to a series of regressive budgets. The economic prosperity of the late 1990's should have brought about a sea change in the provision of a healthcare policy that in secondary (hospital) care is ostensibly universal and free. But instead of the extension and expansion of provision at both primary and secondary levels, and in mental health and other key sectors, the record of successive Fianna Fáil-led administrations has been one of politically-motivated sham. Support for their private sector friends and an outright refusal to extend medical card cover for the less well-off have been just two of the moral outrages led by these governments.

Understandably and correctly, much of the focus of the widespread criticism has been on the scandalous levels of incompetence and repeated 'systems failures' - a term devised, no doubt, to make administrators and healthcare professionals sound more like machines than members of government-devised teams and structures. There has also been an enormous emphasis from media, patients groups and professionals on hospital cleanliness, an issue which 10 years ago would have seemed one truly at the micro-level.

It is crucial for Labour and the left to address issues such as these not only in terms of competence, but as a result of a series of political decisions by the most avowedly right-wing Irish government in the last 50 years. Chronic underfunding in a number of key areas - not least recruitment - as well as a political decision to effectively outsource the administration of healthcare to the HSE, a highly centralised body with no real public accountability, were a result of governmental policy. The unapologetic neoliberalism of the Progressive Democrats made an easy bedfellow for the conservative dodgery of Fianna Fáil.

But, significantly for Labour and the left, the economic thrust of health provision in terms of the privatisation agenda has also been a source of enormous opposition across the country. For now, it certainly seems that public opinion is very firmly on the left; supportive of public health and not the need for outsourcing our sick people to private profiteers.

An already-unacceptable two-tier system which forced those lucky enough to afford it to take out private health insurance has been exacerbated to the point that it could now be argued that not having private insurance is now a sign of poverty in itself. The campaign for a system that is both public and decent recognises the need for improvements in competence to be based on and accompanied by a commitment to public healthcare, not a system which, fancy language and specious arguments notwithstanding, continues to reward those who happen to be very rich. It seems the concentration of power has remained in the hands of elites all along; be it the Church hierarchy, conservative doctors or, increasingly, the healthcare capitalists.

Nye Bevan, the visionary socialist behind the British NHS, wrote in his book In Place of Fear that "no society can legitimately call itself civilized if a sick person is denied medical aid because of lack of means." Such an appalling vista exists in one of the supposed wealthiest countries in the world. If we are to rediscover our civility and compassion as a society, retaining the morality of public and universal healthcare will be at the forefront of the campaign for change.
An Additional Fee on Student Health Care?
We Deserve Better

Dan O'Neill, Chairperson of UCD Labour and activist for UCD Students for Free Health Care tells us how successful a student movement can be when united in the face of encroaching neo-liberalism.

Due to the sheer size of UCD, many illnesses can be easily transmitted and for that reason it is highly important that students are able to go to the doctor without worrying about the cost.

Everyone agrees that the current health service in UCD is far from perfect due to the fact it is under resourced; however the solution to the problem is not making students pay twice. When one looks at the fact that in the last five years, the amount of money spent by the UCD authorities on consultancy firms has gone up four fold to 4 and a half million a year, it is easy to draw the conclusion that student money is being spent in the wrong way. What makes matters worse is that in a recent student/staff survey, it was reported that moral was incredibly low; proof that student money being spent on consultants is clearly not working.

If UCD's President Hugh Brady wants to put UCD on the map as an outstanding university, what better way than to provide students with quality, free services that are unavailable in other campuses. Students cannot accept the dogma that placing hidden costs on students will make UCD a better place. This is simply not true!

Health care is a right not a privilege and that is the motto under which the student movement should unite! The victory won by UCDSU and UCD Students for Free Health Care shows what students can achieve when they work together on an issue that they feel passionately about.

Student activism should not, however, stop at local issues. Throughout history, students have worked to create substantial political, environmental, economic, and social change. Since the 1880s students have been involved in Student Councils/Unions and other activist movements, speaking up for what they believe in.

Campaigns involving students have secured real reductions in Third World debt, a global agreement limiting trade in genetically modified organisms and an international treaty banning landmines. Student's fought down in Carnsore point so that we could live in a safe, nuclear free Ireland today and won! Students ensured we don't pay fees to go to college!

Student activism and campaigns are important. We have the power to make Ireland and the world a better place. It would be irresponsible not to use it.

How can we do this?

1) Join campaigns that take direct action, not those that merely make you feel good. Beware of all campaigns and staged events led by rock stars or those in power. There are plenty of others, from the campaigns of the World Development Movement, the anti-war movement or any of those organised by Labour Youth.

2) Write to your TD, but don't allow yourself to be fobbed off with the standard rubbish they come out with on Questions and Answers. Better than writing, turn up at your TD's office and demand to know what he or she is doing about so-and-so. They call to our houses at election time when they're looking for a vote; give them a taste of their own medicine. But be well armed with facts.

3) The most important advice I've ever heard is "encourage people!" People today are always told that they are powerless and when people don't use the power they have, people like Hitler appear and use it instead...If you get active, try your best to encourage people to do the same!!!

UCD Students for Free Health Care is an independent campaign group supported by UCD's Student Union.
POOLBEG: A Waste of Time and Energy

Maria Parodi, resident of the Dublin inner-city ward and Equality Officer for the Labour Party’s Dublin South East constituency tells the Left Tribune why the proposed incinerator is a waste of resources and raises questions over the decision made by the authorities to give it the all-clear.

In September 2007, Dublin City Council entered into a contract, which granted Dublin Waste to Energy Ltd. permission to design, build, operate and finance an incinerator in Poolbeg. This incinerator will be the largest in Ireland and will accept 600,000 tonnes of waste each year. Additionally, this contract included a ‘put and pay’ clause which will greatly affect how this incinerator operates in Dublin. The arrangement has guaranteed that the local authority will have to supply a minimum amount of waste to the incinerator each year; in addition, if they fail to do so there will be financial penalties. Ultimately, any penalty incurred will be at the expense of the taxpayer. Incinerators demand continuous waste delivery; therefore, ‘put and pay’ schemes undermine any incentives to ‘reduce, reuse, and recycle.’

On the 19th November 2007, An Bord Pleanála granted planning permission for the proposed Incinerator on the Poolbeg Peninsula. Despite 2,000 objections from residents and an ongoing local campaign against the incinerator, one week later a second blow was dealt to the anti-incinerator campaign when the EPA announced it intentions to grant a draft license to Dublin City Council to operate the plant. Along with this, the EPA set a deadline of a 28-day period to submit objections against the proposed incinerator.

In response, Labour Party representatives for Dublin South East Ruairí Quinn TD, Cllr. Kevin Humphreys, Cllr. Dermot Lacey, Cllr. Oisin Quinn and Cllr. Mary Freehill submitted a combined objection and made a request for an oral hearing. The DSE Labour objection cited several concerns with the proposed incinerator. Some of which, included the need for a health impact assessment to be carried out, greater clarity on the transportation of waste through the Port Tunnel and the impact that the impending waste policy reform will have on the need for incineration.

In reaction to the decisions made by An Bord Pleanála and the EPA, several public meetings were held which were well attended by Dublin South East Labour representatives Ruairí Quinn TD, Cllr. Kevin Humphreys and Cllr. Dermot Lacey. Their contributions from the floor confirmed Labour’s ongoing commitment to opposing this incinerator. As a resident of the area, after attending these public meetings, I felt that many residents are still avidly opposed to this incinerator and are eager to continue campaigning. In light of this, I organised a table quiz to highlight the current issues surrounding the incinerator. The event was mainly an awareness raising fundraiser with the proceeds going in aid of CRAI (Combined Residents against the Incinerator). Local Labour Cllr. Kevin Humphreys attended on the night and was able to demonstrate his continuous support for the campaign.

While incinerators have been promoted as being “waste to energy” facilities in fact, they generate very little in energy in comparison to the amount of energy they use, which does not rationalise the large cost that goes into constructing and maintaining them. Incineration is an outdated method of dealing with waste; and it is unfortunate that there have not been any sufficient efforts made to explore alternative ways of addressing waste management.

The Labour Party has highlighted some alternatives to incineration such as, the need to promote a strong indigenous recycling industry in Ireland. ‘Reduce, Reuse, Recycle’ is a concept that primarily separates waste at the source and is the foundation for the minimisation of waste. Secondly, we should encourage ‘composting’ since it has been recorded that almost 30 percent of household waste and 20 percent of commercial waste in Ireland is biodegradable. Lastly, we should explore the use of Mechanical Biological Treatment (MBT), which deals with residual waste. MBT combines mechanical and biological processes that cleanses and stabilises residual waste.

This process greatly reduces the quantity and toxicity of residual waste and the potential to produce methane. It is important to note, that MBT does not eliminate the need for a final disposal option. Although, it reduces the overall waste sent to landfills and the remainder is then treated; therefore, eliminating the negative climate impacts and toxic emissions.

In order for these three alternatives to waste management to be successful, it must be a national priority for government. This would entail investing in the appropriate resources, infrastructure and information that would allow these concepts to take hold.
A Right to Housing in Ireland

Patrick Nulty former Chair of Labour Youth explains why the Irish Government needs to address the housing problem in Ireland

Despite a ten year boom in the housing market there is still a significant number of people facing Homelessness and housing exclusion in contemporary Ireland. The Irish system is characterised by TCD Professor P.J. Drudy as a "system of winners and losers". From this perspective the winners are landlords, property speculators, developers and homeowners. The losers in Irish housing include the homeless, people on low income, tenants and people with special needs. The reason for this polarisation in housing outcomes for people is due to the market driven philosophy that has underpinned government policy for a decade now. Housing is seen as a commodity to be bought and sold on the market rather than a social right.

The alternative approach is to view Housing as an enabling and empowering social right. A rights based approach to housing is the philosophy that underpins Labour Party housing policy and is also favoured by NGOs who work directly with people experiencing acute housing need like Focus Ireland and Threshold. Sadly Ireland has no established right to housing. It is historically weak by way of comparison to other neighbouring EU countries. This is in stark contrast to countries like Finland, Sweden and Portugal in which all citizens have a constitutional and legislative right to housing. Although Ireland does not have either of these two measures we do have an established housing policy to guide government housing provision but these minimal steps are still not being implemented by the present government.

The Housing Act 1988, imposes a clear responsibility on Housing Authorities to provide accommodation for people experiencing homelessness however it created uncertainty regarding which agency should have primary responsibility for the provision of care, support, resettlement and outreach services to the homeless. While homeless people are entitled to be considered for housing by local authorities, there are few tenancies available; in particular to single people who comprise the vast majority of the homeless population.

I firmly believe that Irish public policy in relation to housing should move to a rights based approach to housing. The first step should be to legislate to amend the 1988 Housing Act so that all citizens have a right to housing and that ultimately such a position should be incorporated into the Irish Constitution by referendum. A legal right to housing would guarantee in law Security of Tenure, Affordability, Accessibility and cultural appropriateness.

The most authoritative interpretation of the right to adequate housing under international human rights law is provided by "General Comment Number 4" adopted by the United Nations Committee on Economic, Social and Cultural Rights.

How many people are in Housing need?

Most recent data from the 2005 National Housing Needs assessment conducted by all local authorities for the Department of Environment found that 43,684 households were in need of social housing. This figure incorporates among others people living in unfit or overcrowded accommodation, people leaving institutional state care, people in involuntary shared accommodation as well as those who fall into the specific definition homeless as defined by the 1988 Housing Act. There are 35,924 children on the housing waiting list with their parents. The Counted In survey assess the number out of home in Dublin. It takes place every three years. The 2005 survey found that the number of homeless persons in Dublin were 2,015. Of these 463 were children. It is important to note that given the transient and constantly changing nature of homelessness and the methodology employed this figure represents a snapshot in time rather than a definitive total. The vast majority of households (94%) on the 2005 housing list had an income of below €20,000 per annum. This confirms that lower income households are on the housing list. Thus, there is an established empirically verifiable link between housing exclusion and poverty.
What other policy measures would help tackle housing exclusion?

Apart from introducing a legal right to housing there are a number of different policy measures which would help tackle housing need. The demand for social and affordable housing still far exceeds supply. Homelessness and unmet housing needs impact seriously on a person's health, educational opportunities and capacity to secure employment. It also places a huge personal strain on individuals and families, particularly children. The most crucial element in any strategy aimed at tackling housing needs must be the provision of high quality, secure social housing for people who are homeless and thousands of others in housing need. Between 2003 and 2006 Ireland's 34 local authorities collected over €60 million in lieu of social housing as part of Part V of the 2000 Planning and Development Act. This revenue should now be invested in social housing for those in need as a matter of urgency.

Many people who are out of home are not in a position to sustain themselves independently in their own living environment. This can be due to mental health issues, addiction or a need to develop certain life skills. Budget 2008 provided the government with an opportunity to invest in Supported Housing to ensure more long-term supported homes are supplied to vulnerable groups. This would have improve the lives of more people by supporting them to live in their own homes. Without this support many of these vulnerable people can suffer repeat homelessness. Homelessness represents a stage in a person's life which they can move out of and into long-term sustainable housing.

There is a critical need for acceleration in the provision of social housing. It is also vital for a proportion of this housing to be provided with a dedicated funding stream for supported housing. This would act to help tackle and prevent homelessness by allowing social housing providers to meet the needs of a range of vulnerable groups who would otherwise most likely be unable to sustain a tenancy. There is also a critical need to invest more in the inspection, registration and regulation of properties in the private rented sector to ensure tenure security and high standards of accommodation for tenants; particularly those on low income.

Everyone has a right to a place they can call home. Any comprehensive housing reform policy will require changes in the tax code. In my view this should involve increasing capital gains tax to 40% and also taxing property speculation and investment. There is also a need to place a residential property tax back on the political agenda. I share the vision of NGOs like Focus Ireland who say that “everyone has a right to a place they can call home”. The free market is functionally incapable of meeting the housing needs of everyone in society. What is urgently required is a reorientation of public policy both in philosophical and practical terms. Housing is a right and should be available to all based on need - such an approach is the only way to move towards an inclusive and egalitarian society.

The Red Flag Festival 2008

The Irish Workers Beer Company and the Jim Connell Memorial Committee are proud to present the 10th anniversary of the unveiling of the monument to Jim Connell - the man who wrote the "Red Flag" - the song sung by socialists all over the world.

Jim Connell was born in Kishyre, a couple of miles from Crossakiel; he made his last address in Ireland to a crowd of 600, at Crossakiel in 1918. In 1998, through the efforts of the Irish and English Labour movements, a monument was unveiled in his memory. These organisations are again providing financial support and additional sponsorship is being sought from businesses in the local area.

This momentous occasion will be celebrated by a free festival which will take place on Sunday 4th May 2008 at Crossakiel, Kells, Co Meath.

The theme of the event is the celebration of International Solidarity, Community Inclusiveness, Workers rights, Fairtrade, and Environmental Awareness.

Music will be across 2 stages, there will be an area for political debate, children are positively welcomed and a variety of activities will be available for them to participate and enjoy.
On 22nd July 2007, Sebahat Tuncel collected her belongings and made her way amongst throbbing crowds from her prison cell, straight to the Turkish Parliament. Having been falsely accused of association with the illegal Kurdistan Workers Party (PKK), she was finally released after her election to Parliament with a record breaking 93,000 votes.

Last November Deputy Tuncel travelled to Ireland to speak with Labour representatives about the plight of her people. Sebahat Tuncel is one of over 35 million Kurds from an area known as Kurdistan that spans parts of Turkey, Iraq, Iran and Syria. For centuries, across the board, Kurds have been systematically repressed and denied many basic human rights. Fear of the Kurdish ethnic nationalism has led governments to do their best to quash the Kurdish culture and assimilate them into various Middle Eastern societies. Yet the Kurds retain their own distinctive culture derived from shared history, traditions and language. With largely Iranian origins, they are viewed with a European nuance by most of their Arab neighbours, particularly in relation to open mindedness, status of women, and distance from Islamic fundamentalism.

About half of all Kurds reside in Turkey and make up an estimated 20% of the Turkish population. Since 1915 they have struggled continually to end Turkish repression. During the 1980's Turkey began a program of forced assimilation of its Kurdish population. Use of the Kurdish language was outlawed and Turks denied the existence of a separate Kurdish ethnic group. This culminated in 1984 when the PKK began a rebellion against Turkish rule attacking Turkish military and civilian targets. The Turkish government responded by wiping out Kurdish villages. Due to these tactics, 37,000 people have died in the conflict and a further 380,000 Kurds have been displaced.

The human rights of Kurds in Turkey hardly fare much better today. It was in 1991, partially due to Turkish EU accession talks, that Turkey legalised use of the Kurdish language. However it is heavily restricted in broadcasting and still banned in public schools and the political arena. In 1994 Leyla Zana was sentenced to 15 years imprisonment for making her MP inauguration speech partly in Kurdish. Just last year, the Mayor of Diyarbakir, Osman Baydemir, was dismissed for sending out Happy New Year cards which included Kurdish spelling.

A ban on the formation of parliamentary parties on an ethnic basis makes it difficult for Kurds to band together and fight for their rights. In the 2007 elections however, members of Deputy Tuncel's party, the Democratic Society Party (DTP), circumnavigated this law by campaigning as independents and only once they were elected, grouping together.

Twenty-one DTP MP's were elected in this way, eight of whom are women. This high percentage of female representation is in part thanks to the DTP's quota which aims for 40% women, starting with a male and female joint chair. (Unfortunately this equality is not carried into all walks of Kurdish society where women often reap the whirlwind of poor economic circumstances.) With such a successful election came great hope for improved relations and progress in negotiations between the Kurds and the Turkish government.

Yet Ms Tuncel as walks the halls of the parliament buildings, faces turn and she is greeted only with silence. Why is this so? Is it because what the Kurds seek is so unreasonable? Today the majority of Kurds, the DTP and even the PKK, are looking not for an independent state, but democracy. That was one message Deputy Tuncel was eager for us to understand: "Real democracy and equality is more important than independence." Ideally this would result in democratic autonomy and some sort of Kurdish Federation, but that is not their primary concern. What the Kurds want, and what Ireland and the EU must push Turkey for, is plain and simple, they want equality and representation. And they need it now.
Asylum Seekers in Ireland

Joanne Doherty, Labour Youth activist, writes about the reality of Fianna Fail’s treatment of Asylum Seekers in Ireland

With the possible establishment of detention centres, the lack of transparency and fairness within the application process, and the absence of protection for separated child asylum seekers, the current government has shown great disregard for international law that aims to protect the right of persons in seeking asylum.

Up until now only a small number of asylum seekers have been granted asylum in Ireland, generally on appeal, and even less people have been granted leave to remain. Legal procedures are accelerated in relation to applicants who have come from “safe” countries of origin, most notably Nigeria. This strategy illustrates how the system fails to take into account the diverse backgrounds of asylum seekers and the different reasons for leaving their country of origin.

This can be seen in the case of Great Agbonlahor, a Nigerian boy with autism, whose case failed on appeal. The Irish Refugee Council recommends for published guidelines to be put in place when interviewing children, taking into account the effect trauma has on memory and recall. The Refugee Appeals Tribunal has also come under criticism by the Irish Refugee Council for its lack of transparency and differing outcomes.

Last year, three asylum seekers went to court and won the right to have their cases to be not heard by one member of the Tribunal because of his bias in granting asylum at appeal stage. The special circumstances of unaccompanied aged out minors has not been recognised in the Immigration, Residency and Protection Bill. The Irish Refugee Council recommends for published guidelines to be put in place when interviewing children, taking into account the effect trauma has on memory and recall. The Refugee Appeals Tribunal has also come under criticism by the Irish Refugee Council for its lack of transparency and differing outcomes.

Unaccompanied minos are being held in centres which fail to reach the National Standards for Children's Residential Centres. Likewise inspections of these centres appear to be minimal. However the Irish Refugee Council have commented that over 300 child asylum seekers have gone missing from care in Ireland since 2001, indicating that the HSE has failed to protect these children. The weekly payment of €9.60 (child asylum seekers are not entitled to child benefit) has made integration more difficult for these young people and judging by the Taoiseach's response to Eamon Gilmore, there will not be any increases made in direct provision in the foreseeable future.

The asylum system fails to take into account the special circumstances of aged-out unaccompanied minors, where separated children who reach the age of 18 are faced with the prospect of deportation despite their reasons for coming to Ireland. The current government has an opportunity to improve these areas of the asylum system by making amendments to the Immigration, Residency and Protection Bill or any new Bill that emerges in this area. We in the Labour Party need to work with the Irish Refugee Council and other NGOs that advocate the rights of asylum seekers to ensure that the Government makes these changes.
On the 19/01/2009 the disaster that is George W Bush's presidency will come to an end. The following day a new Commander In Chief will be sworn in. The race thus far has made for a fascinating drama which has had blanket media coverage since the first primary in Iowa back in January. The Republican race for the nomination ticket has ended with former preacher Mick Huckabee conceding to Senator John Mc Cain. On the Democratic side there are also remaining potential candidates, an African American and a woman. Despite the clichéd terminology this truly is an historic election and one which will have major ramifications for the future of America and indeed the wider world.

Senator John Mc Cain looks set to be the Republican candidate when the nation goes to the polls. He is a decorated war veteran who fought in the Vietnam war and was imprisoned for over five years in a camp known as the Hanoi Hilton. This experience has left him physically damaged and the Republican party will be eager to stress his war record once both parties have selected their respective candidates.

His website argues that Senator Mc Cain is a common sense conservative who believes in a strong national defence, a smaller, more accountable government, economic growth and opportunity, the dignity of life and traditional values. He has consistently supported the war in Iraq and recently declared that US troops may need to stay for another hundred years. Despite the massive civilian casualties and anarchy that is the reality in Iraq there is no mention of the safety of Iraqi citizens or the atrocious actions of America in Abu Gharib and beyond.

On the domestic front he is more liberal than some stalwart conservatives are comfortable with. He supported a bill that would have given greater rights to immigrants. In addition he is highly critical of the role that special interests have played in Washington politics. The Roe Vs Wade case which allowed for abortion nationwide should be overturned, he argues that it is up to individual states to make a decision on the highly contentious issue. Despite massive criticism from the right Mc Cain fully accepts that global warming is a real threat to the future of the planet and sees a strong economy and environment as inextricably linked.

On the 19/01/2009 the disaster that is George W Bush's presidency will come to an end. The following day a new Commander In Chief will be sworn in. The race thus far has made for a fascinating drama which has had blanket media coverage since the first primary in Iowa back in January. The Republican race for the nomination ticket has ended with former preacher Mick Huckabee conceding to Senator John Mc Cain. On the Democratic side there are also remaining potential candidates, an African American and a woman. Despite the clichéd terminology this truly is an historic election and one which will have major ramifications for the future of America and indeed the wider world.

Senator John Mc Cain looks set to be the Republican candidate when the nation goes to the polls. He is a decorated war veteran who fought in the Vietnam war and was imprisoned for over five years in a camp known as the Hanoi Hilton. This experience has left him physically damaged and the Republican party will be eager to stress his war record once both parties have selected their respective candidates.

His website argues that Senator Mc Cain is a common sense conservative who believes in a strong national defence, a smaller, more accountable government, economic growth and opportunity, the dignity of life and traditional values. He has consistently supported the war in Iraq and recently declared that US troops may need to stay for another hundred years. Despite the massive civilian casualties and anarchy that is the reality in Iraq there is no mention of the safety of Iraqi citizens or the atrocious actions of America in Abu Gharib and beyond.

On the domestic front he is more liberal than some stalwart conservatives are comfortable with. He supported a bill that would have given greater rights to immigrants. In addition he is highly critical of the role that special interests have played in Washington politics. The Roe Vs Wade case which allowed for abortion nationwide should be overturned, he argues that it is up to individual states to make a decision on the highly contentious issue. Despite massive criticism from the right Mc Cain fully accepts that global warming is a real threat to the future of the planet and sees a strong economy and environment as inextricably linked.

The Democratic race has seen the once mighty lead of Hillary Clinton being dramatically eroded by a young African American Senator. The rise and massive popularity of Barack Obama coupled with a strong grassroots organisation has ensured that Mr Obama is now leading Hillary in the number of states won and pledged delegates. There is very little difference in terms of policy between both candidates. This is freely acknowledged by both campaign teams. It is a choice that may rest in the hands of super delegates when the Democrats hold their convention in August. The intense battle that is now raging between Mrs Clinton and her strong challenger may not be settled before the party meets a mere two months before the nation goes to the polls.

The two candidates aim to put an end to the war in Iraq. The easy option would be to criticise Mrs Clinton for voting to support the war without mentioning that Mr Obama, in his ‘opposition’ to the war, voted to increase federal funds for the war effort when he had the chance. The question we need to ask is if Obama were a senator in 2002 would he have voted against the war? Nevertheless Mr Obama has pledged to close Guantanamo Bay and to restore
habeas corpus. Mrs Clinton does not mention either. Both candidates right-ly argue that America needs to restore its standing in the world. Barack Obama seeks to engage with those that America has traditionally reviled as he believes that only through dialogue that progress can be made. In contrast Mrs Clinton would prefer to continue a policy of splendid isolation towards these regimes.

As Obama surged the Clinton campaign has become increasingly native. This was evident in South Carolina when Bill Clinton made some ill considered remarks where he compared Barack to Jesse Jackson's unsuccessful run in 1984 and 1988. Not surprisingly this did not translate into a victory for the Clinton camp. Since Super Tuesday Barack Obama has won ten states in a row and is eating into the once concrete support base of women and blue collar work-ers. Hillary's latest advertising asks for more debates with her opponent as she argues that Obama would rather make speeches then debate the issues. It is a message that is falling on deaf ears as voters over-whelmingly flock to Barack Obama.

Despite the massive media hype surrounding Barack Obama this race is far from over. Hillary has made somewhat of a comeback in winning the delegate rich states of Ohio and Texas. She was written off following her Iowa defeat, yet managed to regain momentum with her victory in New Hampshire. Hillary Clinton must win over 50 percent of the remaining primary and caucus delegates to close the tight gap between herself and Obama. Unless a massive turn in Barack's fortunes lies ahead her task may be beyond the reach of even the formidable Clinton machine.

The success of Obama has crossed political and social divides. His mes-sage resonates with Democrats, Independents and Republicans. His speeches speak of a new hope for America, one that can move beyond petty party politics in order to solve the many problems that the United States faces. The claim that he has no experience is an empty one; he has been involved in politics for twen-ty years. If he is selected as the Democratic candidate polls indicate he will beat John Mc Cain. It is of utmost importance that a new style of politics comes to the fore in Washington. Obama can deliver that change and for those of us who have the audacity of hope to support him these are exciting times. Yes we can.
By Tony Benn

Former cabinet Minister Tony Benn has kept a diary since his late teens. Volumes of his diaries are available in print from 1940 and reflect Benn's political life over seven decades.

The latest volume picks up where Free at last-Diaries 1991-2001 left off. Benn left parliament in May 2001 in order to "devote more time to politics", and the latest volume of diaries detail his political endeavors since 2001. Benn's personal life is also well covered, and he details relationships with family and friends in more detail than in the previous volumes of the diaries.

Benn's involvement in campaigns against the Iraq war are well documented. He describes his visit to Iraq, his second, his involvement in marches and his many speeches in support of peace. When I met Tony Benn in October 2005, he told me he had just done 30 meetings in 30 days. The records of meetings, organised by left wing organisations, pressure groups, churches and as part of his tour of public lectures, are among the highlights of the diary and will be enjoyed by left wingers familiar with such political activity.

The diaries continue to document Benn's involvement in the Labour Party. He describe his work with the Socialist Campaign Group of Labour MPs, the Labour Representation committee, set up to "refound the Labour Party", and his attendance at the annual Labour Party conference. One of the interesting aspects of Benn's commentary on the Labour Party is his ability to put events in a historical context (Benn has been active in the party since he was 18). Equally, his unwillingness to personalize political shines through. The political analysis is strengthened as a result.

The diaries remind the reader of Benn's political battles of old. The record of a bad tempered phone call with former Labour leader-where Foot lashes Benn for allowing the right wing daily mail to serialize the diaries and Benn reminds Foot of his relationship with Ruport Murdoch-is a brief reminder of political divisions of yesterday.

The diaries are often very funny. Benn's battles with some of the perils of old age, his encounters on buses and trains and his commentary on left wing groups are among the many amusing aspects of the volume.

So More time for Politics is not just an interesting and educative read from a political point of view, but a highly amusing and readable account of the life of one of the true legends of modern left wing politics.

Reviewed by Paul Dillon

To listen to Tony Benn's visit to TCD last year visit www.thehist.ie and follow the path outline: Home> Archives> Sessions> 2000-Present> 237th> Highlights

See also www.tonybenn.net for many of Tony Benn's speeches and articles.

Tony Benn, now enjoying his senior years
A Long Way Gone
By Ishmael Beah

A Long Way Gone is the story of Ishmael Beah's journey through war torn Sierra Leone. Now 26 he writes of the horrors that he and a whole generation of children suffered.

Ishmael was 12 when the war began for him, his village of mine workers was attacked by the RUF and he was separated from his parents. From that point on the reader sees the brutality of war through a child's eyes, it is uncensored and disturbing. While desperately trying to survive and find a safe place Ishmael finds a country torn apart by violence.

Like thousands of children he roams from town to town facing death from local militias, rebel's or government troops. In brutal living conditions he and a small group of boys travel, alienated as people fear children because of the atrocities being committed by child soldiers. Later taken into the government army at the age of 13 the reader sees a fundamentally good and gentle child do terrible things.

Hopped up on cocaine and brainwashed by his commander, Ishmael is sent into the killing fields to commit the same atrocities that destroyed his life. Two years later he is rescued from the violence by UNICEF to begin a tough and seemingly impossible rehabilitation. Through this book the reader see's the chaos and destruction of war.

Beah describes a country gripped by fear and pain often too vividly, it is not fiction and the reader can distance themselves from it. However, though the book is often harrowing and frequently heart breaking it still shows redemption and hope. The reader can only be amazed how strength and decency can persevere through such horrors as those witnessed by Ishmael Beah.

My only recommendation to people interested in reading this book is the one that the Washington Post gives "everyone should read this book"

Reviewed by David Murphy

The Irish Labour Party 1922-73
By Niamh Puirseil

Niamh Puirseil's The Irish Labour Party 1922-73 is a comprehensive history of the first fifty years of the Labour Party in Dail Eireann.

Puirseil delves deep into the archives of the party and outlines the many problematic and tumultuous events that faced the organisation. From the red scare of the thirties and forties to socialism in the seventies, this book documents and offers insights into the reasons why the Labour Party never made a significant breakthrough onto the Irish political landscape.

The blame is directed at many individuals and institutions. William Norton is often blamed for the dramatic shift to the right during his thirty year leadership of the party - thirty years of history that are rarely discussed in party circles today. Disputes in the trade union movement are discussed, along with the impact they had on the Labour Party. She illustrates the role the church played in the suppression of socialism and the profound impact this has on the party.

Coalition, as Puirseil alludes to,
The LT Files

Under the spot light in this issue Dublin South East Cllr Kevin Humphries bares all to tell you what you really want to know

What's your favourite film?
Citizen Kane

What's your favourite Book?
"Spring, Summer & Fall. The rise and fall of the Labour Party 1986-99" by Ray Kavanagh. Not how I remember it, but well worth a read.

Who inspires you the most?
My good friend Peter Fitzgerald. Who not only inspired me by his commitment to politics but also how he dealt with his illness, always remaining positive and helpful to everyone around him.

What is your 9-5?
Technician in the Pharmaceutical industry

What is your best political memory?
Director of Elections for Ruairi Quinn in the Spring Tide election, The election of Mary Robinson, Referendum victory to legalise divorce and my election to the City Council to name a few of my best memories.

What would you change about Ireland?
Everyone would have the equality of opportunity in Education and a decent health service, which will only come about with Labour in government

What would you change about the world?
End Global Warming and World Peace!

If you could take a TD from any other party in the Dail and make them join Labour, who would it be and why?
Eamon Ryan, because his commitment to the environment

Why did you get active in politics?
Cllr Robert Dowd got me active in the early 80's out in Clondalkin were unemployment was 50%, no communities facilities and half built estates. Robert showed me that working on the ground can make a real difference to local communities.

What has been your greatest achievement to date?
Delivering tangible improvements to quality of life for the people in the Inner City.
For party leader Eamon Gilmore, his first six months in charge have been a crash course in the slings and arrows of Irish politics.

He has won favour with both the public and the media for his fresh and direct approach both in and outside of the Dáil, while his speech at the party conference was widely praised for uniting and galvanising the party membership. In the run-up to next year's local and European elections he has focussed attention on improving the organisational structures of the Labour party and increasing activity on the ground at branch level. But even with the mood of optimism in the party, the latest Irish Times/TNS mrbi poll showed that while public satisfaction with Mr. Gilmore has increased by six percentage points, Labour remained poised at 12 per cent.

Mr. Gilmore is aware of the challenges facing Labour. “I’m very conscious of the fact that there won’t always be positive press coverage and similarly there may not either always be the level of good will either inside or outside the party for what I’m doing”, he says. "But that’s the nature of the job".

He is enthusiastic, albeit somewhat diplomatically, about the role of Labour Youth in the party, describing it as "crucially important". "The young people joining the Labour party today are going to be the people controlling it in ten years time."

I know that there has been - there is always a tendency with political parties that youth wings and the leadership can sometimes be at odds over things. But building the future of the party is going to be a collaboration between the leadership and the young members."

Standing in solidarity with Labour women, Labour Youth ask

Will Gilmore Give Us More?

Christine Bohan recently had the chance to talk to Labour Party Leader Eamon Gilmore about his plans for the future of the Labour Party.

Mr. Gilmore has plans for this year to be a year of organisation for the Labour party, with a firm emphasis on working from the ground up.

"What I want to do is to develop the party as an active party. Right across the party, I want to see that we’re actually out there meeting with people, being involved with local campaigns, being close to the community, and in that way building up the organisation from the ground up."

"I’m not talking just about branch meetings, I mean activity - members of the party getting out there and actually doing things on the ground. Every Saturday for example, I
Mr. Gilmore plans to visit constituencies around the country motivating members to get involved with the local community.

His focus is on back-to-basics politics, rather than navel-gazing discussions; he had to miss the motion at November's party conference on whether Labour should be described as democratic socialists or socialist democratic but is clear about what he thought of it:

"Frankly I'm glad I wasn't there for it - that kind of debate would have been bad for my blood pressure", he says, laughing. "Debates like that have absolutely no meaning to people. Our discussions as a political party need to have resonance outside the party and something like that is absolutely meaningless and pointless".

Similarly he doesn't dwell on why he joined the Worker's Party rather than Labour in the 1970s.

"For me, what's important is the pursuit of political objectives. I joined the Workers Party because at the time I felt that was a way to pursue those objectives. To be fair, it's not like I was in Fianna Fáil...".

However he is keenly analytical on issues such as whether it has become more difficult for Labour to attract its traditional core working-class vote.

"I think the working class has changed and it is changing. I don't think that as a party we should pigeon-hole ourselves in trying to seek a particular type of vote; nor should be consider that there are particular types of votes that we don't go after. "There are pockets of very serious disadvantage in this country and the only way that we will win support in those areas is by working in them. And again, it goes back to what I said - we have to be actually on the ground in the community, working on issues that people are concerned about."

His speech at the Labour party conference in November, the first time he addressed the membership as a whole, was widely praised for its clarity and direction.

"I consciously decided that it wasn't going to be a speech about bashing the government", he says. "Instead it was about 'Why are we all here? Why are we members of the Labour Party? What is it we want to achieve?'. I felt that there was a need to re-state and re-define what the purpose of Labour is in today's Ireland."

On lighter issues he says that he prefers Clinton over Obama ("She's got a lot of progressive ideas"), can't decide which non-Labour member of the Dáil he'd like to poach into the party ("It wouldn't be fair to them, it would make them marked men and women") and reads but has yet to post on the online message board on the Labour website (www.labour.ie.forum).

With four years to go until the likely next general election, Mr. Gilmore is laying the foundations for a stronger Labour party, with the ultimate goal in mind - seeing Labour in government for the first time since 1997.

"I think the working class has changed. I don't think that as a party we should pigeon-hole ourselves in trying to seek a particular type of vote."

www.LabourYouth.ie
More Effective

- It introduces a new post of High Representative for Foreign Policy who will be a Vice-President of the Commission as well as being Chair of the Council of Foreign Affairs Ministers thereby bringing greater coherence and effectiveness on international affairs. The EU can request the High Representative to speak for us on the UN Security Council.

- It provides for more qualified majority voting (QMV) by Ministers, thereby improving decision-making within Council. From 2014, a new European law must win the support of at least 15 Member States, comprising two-thirds of the EU’s population, but can be vetoed by four countries. The main advantage of QMV is that it makes the Council’s decisions subject to amendment and even to a veto by MEPs and ensures that all member states must engage in negotiations to achieve a result rather than use national vetoes.

- It gives the EU a ‘single legal personality’, which will enable it to ratify international treaties such as the European Convention on Human Rights.

- It enables the EU to develop energy, tourism, sport, and space policies.

- It makes it easier for groups of countries to agree policies among themselves (i.e. ‘enhanced cooperation’) if no agreement can be found among all 27 Member States. Those who disagree will not be covered by such decisions, but may join in at any time.

Not a Centralised ‘Super-state’

- It specifies that Europe can only do what Member States authorise it to do, that their national identities and essential state functions must be respected, and that all Member States must be treated equally. For instance Ireland’s policy on war and military neutrality cannot be overturned by the EU.

- It provides for the election of the European Council President with a 30-month term of office, thereby providing a more coherent European voice for the institution which provides political direction for the EU.

- It caps the number of Commissioners at two-thirds the number of Member States (i.e. 18), with equal representation within Council. From 2014, a new European law must win the support of at least 15 Member States, comprising two-thirds of the EU’s population, but can be vetoed by four countries. The main advantage of QMV is that it makes the Council’s decisions subject to amendment and even to a veto by MEPs and ensures that all member states must engage in negotiations to achieve a result rather than use national vetoes.

- It introduces a new procedure that allows countries to voluntarily leave the EU if they wish.

Conclusion

The Lisbon Reform Treaty provides the improvements that are needed to ensure a Europe of 27 countries works more effectively, with greater democracy and with a stronger social engagement. The new Treaty brings to an end the last seven years’ of navel-gazing. It will mean a Europe that is better able to meet the challenges facing us in today’s globalising world.

Joe Costello TD
Spokesperson on Europe and Human Rights
telephone: (01) 618 3966 fax: (01) 618 2596
email: jcostello@oireachtas.ie

Proinsias De Rossa MEP
European Parliament, ASP 12G146, Rue Wiertz, B-1047 Brussels.
telephone: (00 32 2) 284 9681
email: pderossa@europarl.eu.int

YES to the Lisbon Reform Treaty
...for a better Europe

Why Europe?

As a progressive and internationalist party, Labour supports Ireland’s full participation in the European Union. First and foremost, Europe provides an area of peace, stability and prosperity. It helped reconcile and rebuild the countries of Western Europe after WW2 and it consolidated the transition to democracy in the southern Mediterranean in the 1970s and in Eastern Europe in the 1990s. It is now seeking to help in the Balkans and in Turkey.

Europe has been crucial in the modernisation and transformation of Irish society over the thirty years of our membership. European funding, the Euro and open access to Europe’s market, have played and continue to play a central part in Ireland’s economic development and employment growth.

Europe is about working together in the Common Interest

Being a member of the European Union where all states are equal is even more essential for Ireland today if we are to cope successfully with globalisation. By working together and establishing common laws European countries can achieve what is not possible through national action alone - on climate change, regulating multinationals, working conditions, and cross-border crime etc. In clearly defined circumstances, it is in our best interests to go beyond mere cooperation and to pool our sovereignty with our European partners. In such areas it is logical that domestic law should reflect the decisions we have agreed to at European level. Obvious examples are the establishment of higher environmental standards and clean drinking water. It makes sense too for Europe to represent us all, on an agreed mandate, in the WTO negotiations. These are key distinctions between Labour and those who remain wedded to an outdated concept of absolute national sovereignty.

Why the Reform Treaty?

None of this is to suggest that the European Union is as democratic as it should be, nor as effective as it should be in protecting the well-being of all our citizens. In our work as a party in the Oireachtas and in the European Parliament, where we constantly demand reform and where we have contributed to creating a more democratic and socially engaged Europe. We were the originators of the proposal for the National Forum on Europe and for Oireachtas scrutiny of European issues. We participated fully in the European Convention process, which produced the European Constitution. The Convention on the future of Europe was established in February 2002 and consisted of 200 democratically elected parliamentarians from 27 European countries, representing nearly all of Europe’s political ‘families’. Meeting in public and consulting widely with civic society, the Convention was the first time such an open process had been used to draft changes to the Treaties. The Convention presented a draft Constitutional Treaty in July 2003, which was subsequently approved in 2004 by all member state governments under the Irish Presidency.

Joe Costello TD
Spokesperson on Europe and Human Rights
telephone: (01) 618 3966 fax: (01) 618 2596
email: jcostello@oireachtas.ie

Proinsias De Rossa MEP
European Parliament, ASP 12G146, Rue Wiertz, B-1047 Brussels.
telephone: (00 32 2) 284 9681
email: pderossa@europarl.eu.int

www.labour.ie
18 countries ratified that treaty, including Luxembourg and Spain by referendum. However a treaty requires ratification by all member states and it fell because two states, France and the Netherlands rejected it. This plunged the EU into a deep malaise, heightening distrust between member state governments, thereby making it difficult to carry on with day-to-day business. Following a two-year period of reflection at all levels the German Presidency, followed by the Portuguese Presidency negotiated a compromise text between the 18 states, which had already ratified the constitution, the two, which had rejected it, and the remaining seven, which either continued to support it or wanted some changes to it.

The Parliament was represented by 3 MEPs in the Inter-governmental Conference which concluded the Reform Treaty. MEP Enrique Baron-Crespo of Spain represented the Party of European Socialists. During this process they represented the citizens of Europe and ensured that the democratic, social and environmental elements of the convention texts were retained. The MEPs fought successfully to ensure that the European Charter of Fundamental Rights would be legally binding. Some symbolic elements were removed: the anthem, the flag, the title of Foreign Minister, etc. However one significant change was the removal of a reference to ‘free and undistorted competition’ as a goal of the Union, which the French electorate had found most objectionable. The text also confirms the unique ‘confederal’ nature of the Union. That is to say that ‘states and people’ are at the core of its decision-making.

The resulting Reform Treaty, finalised in Lisbon has to be ratified by all member states in accordance with their own constitutional requirements before it can come into effect. If these treaty reforms are rejected by any Member State there will inevitably be a deep crisis in the Union and it is difficult to see how the Union could then survive in its current form.

Labour values and objectives

Labour supports the Lisbon Reform Treaty, which replaces the now defunct Constitution. It contains the significant democratic and social policy gains, which we and our sister parties, in the Party of European Socialists, achieved in the European Convention. To reject it would leave us with the existing treaties, which are inadequate for the progressive policy agenda we wish to pursue for Ireland and Europe.

Under the Lisbon Reform Treaty:

- The progressive values upon which the Union will be based are close to Labour’s values - respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including minorities, pluralism, non-discrimination, tolerance, justice, equality between women and men, and solidarity.

- The objectives it outlines are close to Labour’s aims - to promote peace and the well-being of its peoples, to offer its citizens an area of freedom, security and justice, to work for sustainable development based on balanced economic growth, stable prices, a competitive social market economy, full employment and social progress; to promote environmental protection, the combating of social exclusion and discrimination, social justice and protection, gender equality, inter-generational solidarity, and the rights of the child; to promote balanced development and cohesion, to respect cultural and linguistic diversity and to protect Europe’s cultural heritage. In its relations with the wider world, its aims are peace, security, sustainable development, solidarity and mutual respect among people, free and fair trade, the eradication of poverty, the protection of human rights, particularly the rights of the child, the strict observance and the development of the rule of law and respect for the UN Charter.

More Democratic

- The Reform Treaty gives a greater role for the Oireachtas and other national parliaments in screening new proposals. If nine parliaments believe a proposal breaches the subsidiarity principle, whereby decisions must be taken as close as possible to the citizen, the Commission must explain it further or table a redraft. If 15 have such concerns and if either half the Member States or MEPs agree, the proposal falls.

- 95% of European laws, including justice and home affairs issues for the first time, become subject to amendment or veto by MEPs (‘co-decision’).

- It provides for greater transparency by insisting that national ministers meeting in Council must meet in public when discussing and adopting laws.

- All EU spending, including agricultural spending for the first time, must be approved by MEPs.

- It provides for a ‘Citizens Initiative’ whereby one million EU citizens can request action by the EU in areas of EU competence.

- It provides for the election of the European Commission President and the appointment of the Commission by the European Parliament. EU Prime Ministers will continue to nominate the candidate for Commission President but must take account of the political balance arising from the preceding European Parliament elections (e.g. if the Socialist Group emerges as the largest group in the EP after the June 2009 elections, the next nominee for Commission President is likely to be a socialist). These changes will make it clear that the Commission is not an ‘unaccountable bureaucracy’ but an executive dependent on the continued confidence of MEPs, who can dismiss it.

- It ensures that small countries like Ireland will continue to enjoy a disproportionate weight within the Council and the Parliament.

- It provides for regular talks between the European level Social Partners and for a structured dialogue between the EU and civic society, including religious and non-confessional organisations.

More Socially Progressive

It makes the European Charter of Fundamental Rights legally binding for all decisions made by EU institutions and agencies and on Member States when implementing European policy. The UK has opted out of the Charter.

- It introduces new, binding cross-cutting clauses on social policy, equality, environmental protection and consumer protection, which must be taken into account when making EU laws and policies.

- It provides for the first time a clear legal basis for European laws to protect public services - a long-standing demand of the Socialist Group in the European Parliament and the European Trade Union Congress, to which the ICTU is affiliated.

- It enables the EU to ratify the European Convention on Human Rights and Fundamental Freedoms.

- It adds the fight against climate change to the EU’s environmental objectives.

- It brings EU action in the field of justice and home affairs under the jurisdiction of the European Court of Justice (from 2014) and subject to the European Convention on Human Rights and the EU Charter of Fundamental Rights. The new Treaty permits Ireland to opt out of, or into, judicial cooperation on criminal matters and policing cooperation, so it does not undermine our common law system.

- It ensures that national governments can continue to grant state aid to promote regional development, and employment, social and environmental objectives.
Lisbon Treaty sacrifices agri-business to “price stability”

The Lisbon Treaty (in article 245a) would give the European Central Bank the overriding task of maintaining “price stability.” Food prices are a fundamental driver of price inflation, so other treaty provisions complement this article. Primary among them is article 105, which establishes the “principle of an open market economy with free competition.”

But more detrimental to Irish agriculture in the long run are article 10a, which encourages “the integration of all countries into the world economy, including through the progressive abolition of restrictions on international trade,” and article 188b, which reinforces and expands this objective through a commitment to “contribute, in the common interest, to . . . the progressive abolition of restrictions on foreign direct investment, and the lowering of customs and other barriers.” The main vehicle for achieving these tasks is the WTO process.

The policy being followed by Mandelson in the present Doha round would become EU policy, established by treaty, if Lisbon were to be carried. Irish negotiators, who have shown no tangible gains in the present talks, would be powerless. Further measures in the treaty—such as the loss of an Irish commissioner and his cabinet for a third of the time, reduced voting power in the Council, and the loss of a veto in more than sixty new areas—would only make matters worse.

This Lisbon policy would result in a race to the bottom in production standards and environmental practices so that the European Union could export services and higher-value consumer goods while ensuring price stability. It would compromise our food security in a period of growing international scarcity and lead to an accelerated flight from the land and job losses in indigenous processing. The winners would be transnational corporations, commodity traders, and corporate ranchers.

Is this the sort of Europe we want? Rejecting Lisbon would send them back to the negotiating table and give a clear message that uncontrolled “free trade” is too big a price for the Irish people to pay.


People’s Movement • 25 Shanowen Crescent • Dublin 9 • www.people.ie
Contact: 087 2308330 • info@people.ie
EU Commission faces legal challenge over improper interference in Irish referendum

The EU Commission is facing a legal challenge from leading Anti-Lisbon campaigner Patricia McKenna over what she claims is blatant interference in the Irish political process in order to secure a Yes vote. The former Green Party MEP and Chair of the People’s Movement said she was “extremely disturbed that the EU Commission, which under EU law is precluded from attempting to influence member states internal politics, is funding a number of very one-sided events around the country.”

The commission held a special public meeting in the centre of Dublin last week entitled “The Future for Ireland and the European Union”. McKenna said “This title is calculated to deceive the public and avoid legitimate claims that these meetings are for the purpose of influencing voters to say Yes to Lisbon. Even the most neutral observer would have to accept that this event, with a panel of four in favour and one against, was specifically designed to promote the Yes side of the Lisbon Treaty debate.” A similar meeting with the same balance was held in Cork a week earlier and two more are planned for Limerick and Dublin with all speakers from the Yes side. While the Commission will say that the topic is the future of Europe not Lisbon, every speaker at both the Dublin and Cork meetings devoted his or her entire time to the Lisbon treaty.

Ms McKenna said; “It’s quite clear that these events are aimed at promoting a certain view of the Lisbon Treaty. I phoned the Q4 PR, who are organising these events and they said that several had been organised. When I asked the time frame I was told ‘obviously all before the referendum on the 12 of June’”.

“Not only is this a breach of the principles of the McKenna judgement but it flies in the face of the assurances given by the head of their Dublin office, Martin Territt, in the Irish Times.”
on January 16th when he said that the Commission would not be taking part in the campaign. The EU Commission is in effect a body of Civil Servants and it should have no role in the sovereign decision of Irish people.”

“While Mr. Territt has rejected claims by opponents of the Lisbon Treaty that neither he or the EU Commission as a whole would be interfering in the Irish debate it would appear that this is exactly what they are doing.”

The former Green MEP said she has been seeking legal advise on the matter as she believes the EU Commission has no right to interfere in this matter. She said “the EU Commission will benefit substantially at the expense of Irish voters if this treaty gets the go ahead. Under Lisbon the Commission will be given greater powers to put its own decision into effect and will be given greater legislative powers in the form of ‘delegated acts’. Considering the massive funds and resources at its disposal there is no doubt that the EU Commission can influence Irish opinion prior to the vote if they get away with it.”

Q4 PR’s Damien Garvey said “we do have 14 events organised to take place prior to June. However this is part a year long information campaign with other seminars organised for the autumn.”

He was backed by EU Commission in Ireland. Spokeswoman Ruth Deasy said “The EU Commission is not campaigning in Ireland and doesn’t campaign anywhere it is precluded really. We are not campaigning but we run events all year and every year since 1972 and they often involve public discussions seminars, briefings or seeking public opinion on various things. There are a series of seminars going on at the movement which Q4 have set up and involving MEPs each time because that is their role they have their own personal opinions on all aspects of the Treaty and they are free to speak about that proselytise in whatever way they want. We don’t campaign but that is not to say that we don’t have an option that this is good for the EU but after that it is out of our hands and up to the members states and the political parties in the member states to do the campaigning.”

However, McKenna said that the Commission’s position was untenable and she challenged them to prove their events were unrelated to the vote on Lisbon by postponing them a few weeks until the referendum is over.

McKenna said “the EU Commission cannot be trusted on this and she pointed out that the Commission has breached Irish law before under the exact same guise of a so-called information campaign tactic. In 2005, together with Anthony Coughlan of the National Platform, McKenna successfully challenged the legality of a massive advertising campaign
costing €360,000 by the Dublin office on local Irish radio stations. Coughlan and McKenna argued that the advertisements financed by the Commission were, in effect, political propaganda geared towards influencing public opinion on the EU in the run up to the referendum and were in breach of the Broadcasting Acts. The Broadcasting Complaints Commission upheld their complaint.

“There is no doubt that, unless challenged, powerful bodies, like the EU Commission, will with the help of public monies, will try to interfere in this referendum. If this is allowed to happen it will make a complete mockery of the McKenna judgement and will deny the Irish people the right to a free, fair and balanced debate” concluded McKenna.

[ENDS]

For further Information:

Patricia McKenna – 087 2427049
2 June 2008

Lisbon: the Irish People “smell a rat”

Patricia McKenna (former Green Party MEP and chairperson of the People’s Movement) said today in response to the onslaught of attacks in recent days by so-called democrats and their big business friends:

“Mr de Rossa and his new friends in the yes campaign are in a state of panic because their private polling and canvassing is showing the Irish people are not being conned or bullied into agreeing to a treaty that will take Europe in the direction of a federal state where big business rather than the people are sovereign.”

“Unlike Mr de Rossa I never voted against respecting the outcome of this referendum. Mr de Rossa and his new big business allies are in for a lesson in democracy from the Irish people on behalf of the 483 million Europeans who have been denied a vote in this deceitful treaty. My record in the parliament is without marks unlike Mr de Rossa.”

“The yes campaign is an unholy alliance fronted by some of the most incompetent politicians in Europe with big business and the EU Commission demanding a yes vote.”

“I have never been so proud of the Irish people, in the face of huge pressure and media manipulation they smell a rat and I am certain that on June 12th they will in huge numbers vote NO to protect the European project and Irish independence.”

END

For comment or verification call Patricia McKenna 087 2427049
Farmers don’t be fooled –
There will be no veto after Lisbon!

1. There are no current provisions for vetoing an international trade agreement with only agricultural goods in it. It must be packaged with services that can be vetoed and then the complete package, including the agricultural elements, can be vetoed.

2. The agricultural veto was surrendered at Maastricht.

3. The only way an international trade deal in agricultural goods could be vetoed is if it were bundled in a package of free-trade measures that involved one or more of the following: educational services, health services, social services or cultural and audiovisual services. Now, pre-Lisbon, EU Member States have a veto on these five remaining special services areas in the free-trade system. This, and only this, facilitates the rejection of an entire WTO deal.

4. The Lisbon treaty would remove the automatic veto on international trade agreements – including the WTO – in the five areas outlined above. In its place would be put an undefined set of circumstances in which a Member State could argue at the European Court of Justice that they should be allowed to retain a veto in one or more of these five special services areas. The ECJ is most likely to invoke ‘distortion of competition’ rules and the application is most likely to fail.

Vote No to Lisbon! Keep the limited veto.
Lisbon means more health cuts

Summary

- Most of the health service at present is public which means it receives money from the government so as to achieve its main goal – looking after the well-being of people in Ireland.

- Lisbon, the treaties before it and the European Court of Justice are trying to turn the health service into a market where companies can compete with each other in different services to create a profit just like in traditional business areas. This may and probably will result in cuts in funding for the public health service.

- EU rules mean if health services are provided to make profit like they are in Ireland, that a government may not be permitted to give money to a public organization like a hospital to provide those services. This would happen if a company that ran a similar service to make money made a successful complaint to the European Court of Justice (ECJ).

- If the government did fund a public hospital where there was a private hospital providing the same service they may be required to ‘open up’ the market for that health service to private companies. If the government did not open up the market to private companies it would be seen by the ECJ to be giving the public hospital an unfair advantage over the private hospital. If a government did not open up the market they would be breaking EU law and they would be forced to do so by the European Commission.

- A health service open to being run by companies is dangerous because if making a profit is the most important thing to a company then the well-being of the patients cannot be.

- A high-quality, free/subsidized health service should be available to all; the area of health should not be open to EU market rules.

- Ireland and the rest of the EU need to reject Lisbon and demand a treaty that respects the rights of citizens not companies.
Article 16 of the Lisbon Treaty amends the Treaty on the Functioning of the European Union (TFEU) and deals with the subject of Services of General Economic Interest (SGEI). This article gives the power to the EU to set the principles and conditions, “particularly economic and financial conditions” for the services that come under the category of having a general economic interest. The article also states that the principles and conditions that will be decided in the EU will set out how “to provide, to commission (authorise) and to fund such services.”

This article also changes the voting system for the setting of these rules from Unanimous voting to Qualified Majority Voting (QMV). For those not familiar with these terms, Unanimous voting means all the countries involved must agree on the laws being voted on. QMV means a 55% majority of countries (15 countries) that represent 65% of the EU’s population (approximately 292.5 million people) must agree. By changing the system to use population size to decide how strong each country’s vote is, small countries like Ireland move from having an equal vote to having about 0.8% of the vote.

The significance of SGEI is that the EU’s internal market rules apply to services in that category and if Lisbon passes the rules on how exactly those services are set-up, financed, funded and regulated will be decided in the EU by a QMV. One of the founding principles of the internal market rules is ensuring that competition in the market is not distorted. This principle is found in the (existing) Treaty establishing the European Community (TEC) and can be seen in Articles 7, 87 and 94 of that Treaty. Avoiding “distortion of competition” means public funds cannot give an organisation an advantage if there is a business that wishes to compete in providing that service. Effectively, any service that is considered economic can only receive public funding if a company providing a similar service does not successfully complain. Such a complaint would have the effect of opening up the service to competition and will be open to privatisation/or competition from private businesses.

The key issue for what decides if health services are open to privatisation or prohibited from public funding is whether they are considered economic or not. The Treaties do not give a definition for the word “economic” but the European Court of Justice has made decisions on various cases explaining the term. To help the public understand its meaning the European Commission published a White Paper in 2007 based on the Court’s judgements which described what economic services are. This paper stated that the deciding factor would be if a service is paid for or “provided for remuneration” then it is economic. The paper also explained that:

“The service does not have to be paid for by those benefiting from it ... In practice ... the vast majority of services can be considered as ‘economic activities’.”

The area of health services appears to be protected in Lisbon under Article 152 of TFEU. It states that each country has responsibility for deciding their own health policy, organising and delivering their health services/medical care and deciding on the resources to be used. However, Article 90 of the TEC clarifies that no public services or works can breach the rules of
the internal market. This applies even to services that countries have complete control over such as health. Only if a country can prove that the market rules obstruct the service being provided can they avoid using the market rules.

The Irish state itself has been trading in health for over 50 years through its public hospitals. There is no protection therefore against the application of internal market rules.

The privatisation effect that Lisbon Treaty would have on public services is not just argued by No campaigners. In a submission to the Forum on Europe April 29th 2008, IBEC, the Irish employers’ group and strong advocates of a Yes vote said:

“A yes vote for the Lisbon Treaty creates the potential for increased opportunities for Irish business particularly in areas subject to increasing liberalisation such as Health, Education, Transport, Energy and the Environment."

Under the Lisbon Treaty the status of both health services and other public services such as education and transport will change. This change will see these services being opened up to businesses who would be free to compete without governments assisting any public organisation in a way that gives it an advantage over a business competing in the same area.

The effect of existing EU Treaties and rulings can already be seen in the health service in Ireland. Private companies are a growing presence and there are many indications of a two-tier health service being created. Lisbon will greatly increase the problems with our health service. Say NO to Lisbon and demand a Treaty that guarantees that “public undertakings” such as health and education or essential services such as water supply are not open to the internal market rules.
References

- European Commission White Paper on Services of General Economic Interest
  [Link](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52007DC0725:EN:NOT)

- Forum on Europe, 29/04/08
  [Link](http://www.forumoneurope.ie/index.asp?locID=113&docID=1650)

- Lisbon Treaty (non-consolidated version)

- Treaty establishing a European Community (TEC)
  [Link](http://www.hri.org/docs/Rome57/Part3Title05.html)

Bibliography

- Treaty on European Union & Treaty on the Functioning of the European Union as amended by the Lisbon Treaty (consolidated version)
  [Link](http://www.j.dk/images/bondes/Consolidated_LISBON_TREATY_3.pdf)
Lisbon moves huge power to Brussels

Summary

- The main purpose of the Lisbon Treaty is to change the way the decisions are made in the most important decision making groups in the EU – the Council of Ministers and the European Council.

- The way this change would happen would be by using a different system for deciding laws in the various policy areas e.g. setting up businesses, deciding criminal offences, immigration, tourism.

- The areas that would change systems under Lisbon would move from what is called unanimous voting which is what is used in those areas now to qualified majority voting which is what Lisbon would introduce.

- Unanimous voting is a system where all countries must agree on the decisions being made and each country has an equal vote. If a unanimous voting system is used in a policy area, each country has the power to block laws being made at a EU level on that area that they see as harmful, this power is called a veto. Qualified majority voting is a system where, if the Lisbon treaty is passed, only 55% of the member states need agree to a proposal and those must together make up 65% of the EU’s population. In this system countries lose their vetoes. Based on Ireland’s population size we would have 0.8% of the total voting strength.

- The number of major areas of policy where we would lose our veto is over 30. It is accepted by both sides that under Lisbon the EU will have a role in almost every law being made for the countries in the EU (except in the area of defence). The details of these areas will be given in the Full Explanation below.

- The change in voting systems would see a shift in who makes the decisions:

  (a) Under unanimous voting each country has to agree to the new laws that are being proposed. This means that the government elected in each country decides on what laws will be introduced for the people of that country. This allows the people to directly elect or un-elect the politicians who decide their laws.

  (b) Under qualified majority voting – if Lisbon is ratified - only 55% of countries would have to agree to the laws being proposed and those countries would have to make up 65% of the EU’s population. This means the government of each country would not be able to decide what laws are made for that country, they would get to vote on each proposal but they would have no control over the laws being made. This would mean the people of each country would not be able to elect or un-elect the people making the decisions as they would not be able to elect or un-elect the governments of the other countries. The result of this is that politicians would become less accountable for
the laws being made. It also means countries with small populations would have a much smaller voting strength compared to the countries with big populations.

- The move from unanimous voting to qualified majority voting means moving away from a full-agreement voting system, moving away from equality between the different EU countries and moving power from the parliaments in each country to the decision making groups in Brussels.

- The argument made by opponents of Lisbon against qualified majority voting is that the representatives making decisions must always be directly accountable for the laws they bring in and a voting system is needed in the European Community that considers all countries equally. A Europe of equal nations was a promise frequently given before when the Irish people were accepting the previous European treaties.

- Our politicians are hard to control at the present, keep them accountable to our elections and vote NO to Lisbon.
**Full Explanation**

It is Article 205 of the Treaty on the Functioning of the European Union (TFEU) within the original Lisbon text that defines what a qualified majority vote means. It says:

“A qualified majority shall be defined as at least 55% of the members of the Council representing the participating member states, comprising at least 65% of the population of these states.”

The difference between qualified majority voting and the unanimous system in place at the moment in the areas that will change under Lisbon can be found in the **Summary** above. The purpose of this explanation is to detail the areas that move from Unanimous voting to Qualified Majority Voting (QMV) if Lisbon is ratified.

The information below is based on the European Commission’s white paper on the new cases of QMV brought in by the Lisbon Treaty. The link for the original list on the Commissions website can be found at the end. The terms **EU treaty** means the Treaty on European Union as amended by the Lisbon Treaty and **FEU treaty** means the Treaty on the Functioning of the European Union as amended by Lisbon (the FEU treaty is presently called the Treaty establishing the European Community but under Lisbon it’s name would change).

The areas listed below are what will apply to the European Union as a whole but countries such as Ireland, UK and Denmark amongst others have opt-outs on some of these areas.

**List of the existing legal bases moving from unanimity to qualified majority voting:**

- Initiatives of the High Representative of the Union for Foreign Affairs and Security Policy (EU Minister for Foreign Affairs) relating to the Common Foreign & Security Policy at the request of the European Council - Article 15b EU treaty

- Common Security and Defence Policy: statute, seat and operational rules of the Armaments Agency (European Defence Agency) - Article 28D (2) EU treaty

- Freedom of establishment, access to activities as self-employed persons, involving amendment of the principles laid down by law in at least one Member State - Article 47 (2) FEU treaty

- Administrative cooperation in the area of freedom, security and justice – Article 61G FEU treaty

- Border checks - Article 62 FEU treaty

- Asylum - Article 63 FEU treaty

- Immigration - Article 69a FEU treaty
• Incentive measures in the field of crime prevention - Article 69C FUE treaty
• Eurojust – structure, operation, field of action and tasks - Article 69D FEU treaty
• Non-operational police cooperation - Article 69F FEU treaty
• Europol – structure, operation, field of action and tasks - Article 69G FEU treaty
• "Derogations" in the field of transport (now absorbed by the common transport policy) - Article 71 (2) FEU treaty
• Amendment to certain provisions in the Statute of the European System of Central Banks - Article 107 (3) FEU treaty
• Measures in the field of culture - Article151 FEU treaty
• Definition of the tasks and objectives of the Structural Funds and the Cohesion Fund - Article 161 FEU treaty
• Council Presidencies – decision of the European Council - Article 201b FEU Treaty
• Court of Justice – Establishment of specialised courts - Article 225a FEU treaty
• Court of Justice – Amendment to the provisions of the Statute, with the exception of the statute of judges and advocates general and the language regime – Article 245 FEU treaty
• Appointment of the members of the Executive Board of the ECB – decision of the European Council - Article 245b FEU treaty
• Mechanisms for control of the Commission's exercise of implementing powers (replacing comitology) - Article 249C FEU treaty

**Qualified majority voting accompanied by supplementary mechanisms:**

• Freedom of movement for workers, social security benefits - Article 42 FEU Treaty
• Judicial cooperation in criminal matters - Article 69A FEU treaty
• Approximation of criminal legislation, offences and sanctions, possibly enhanced cooperation - Article 69B FEU treaty
List of the new legal bases requiring qualified majority voting:

- Election, by the European Council, of the President of the European Council – Article 9B (5) EU treaty

- Appointment by the European Council of the High Representative of the Union for Foreign Affairs and Security Policy - Article 9E (1) EU treaty

- Financial provisions in Common Foreign & Security Policy - procedures for setting up and financing the startup fund - Article 28 EU treaty

- Establishment of permanent structured cooperation in the area of defence – Article 28E EU treaty

- Admission of a Member State to the permanent structured cooperation arrangement in the area of defence - Article 28E EU treaty

- Suspension of a Member State from the permanent structured cooperation arrangement in the area of defence - Article 28E EU treaty

- Agreement for the withdrawal of a Member State - Article 49A EU treaty

- Principles and conditions for the functioning of services of general economic interest - Article 16 FEU treaty

- Measures to secure diplomatic and consular protection - Article 20 FEU treaty

- Citizens’ initiative for the tabling of a European law - Article 21 FEU treaty FUE

- Arrangements for a mutual evaluation mechanism of the implementation of the Union policies in the area of freedom, security and justice - Article 61C FEU Treaty

- Intellectual property rights and centralised schemes - Article 97a FEU treaty

- Member States whose currency is the euro, common position and unified representation on the international scene - Article 115C FEU treaty

- Sport - Article 149 FEU treaty

- Space policy - Article 172a FEU treaty

- Energy – Article 176A FEU treaty

- Tourism - Article 176B FEU treaty

- Civil protection - Article 176C FEU treaty
• Administrative cooperation - Article 176D FEU treaty
• Urgent financial assistance to third countries - Article 188I FEU treaty
• Humanitarian aid - Article 188J FEU treaty
• Arrangements for the implementation by the Union of the solidarity clause in case of terrorist attack or natural disaster, where this decision has no defence implications - Article 188R (3) FEU treaty
• List of Council configurations - Article 201b FEU treaty
• Operating rules and appointment of the members of the panel set up in order to give an opinion on candidates’ suitability to perform the duties of Judge and Advocate-General of the Court of Justice before their appointment - Article 224a FEU treaty
• Administration of the European Union - Article 254a FEU treaty
• Revision of the rules governing the nature and composition of the Committee of the Regions and the Economic and Social Committee - Article 256a FEU treaty
• Implementing measures for the system of own resources - Article 269 FEU treaty

Particular cases:

In the three cases mentioned below, the current treaties provide for a super qualified majority. The Treaty of Lisbon provides for the “ordinary” qualified majority, i.e. that applicable to acts adopted on a proposal from the Commission (even though in this instance the act is adopted on a recommendation from the Commission).

• Infringement of the Broad Economic Policy Guidelines (BEPGs) or jeopardising of the functioning of economic and monetary union (EMU) - Article 99 FEU treaty
• Establishment of the existence of an economic deficit - Article 104 (6) FEU treaty
• Measures to tackle an excessive deficit - Article 104 (13) FEU treaty

The areas that change voting systems given above clearly show that a huge number of policy areas under the Lisbon Treaty would have decisions made by the governing bodies of the European Union rather than by agreement of the national parliaments.
However, the Lisbon Treaty also creates new procedures where other areas of decision making can be moved from the national parliaments to the bodies in Brussels. This would be done through what are called the “Passerelle” and “Flexibility” clauses.

The concept of the “Passerelle” clauses are that the European Council or the Council of Ministers can agree to change decision making in a particular policy area to QMV thus getting rid of the national vetoes of each country. This would remove the need for ratification of legislation in the changed policy areas in accordance with national constitutional requirements i.e. Irish referenda. This is confirmed on the Commission website. It says that with the “bridging” (passerelle) clauses:

“it will henceforth be possible to switch from special legislative procedures to the ordinary legislative procedure without passing through the IGC (Inter Governmental Conferences) mechanism requiring ratification by all Member States.”

The “Passerelle” clauses can be found in the original Lisbon text in Articles 15B and 48 of the EU treaty and 65, 137, 175, 270A and 280H of the FEU treaty. The only area that is completely excluded from these clauses is the area of defence and military.

The other procedures created by the Lisbon Treaty that allow for decision making powers to be moved to the governing bodies of the EU are the “Flexibility” clauses. These clauses allow the Council of Ministers to give new powers to the EU that the Treaties have not already given them. This could be done if they decided that these new powers were needed to obtain the objectives of the EU set out in the Treaties. Like with the “Passerelle” clauses, the transfer of powers under the “Flexibility” clauses would not require ratification in accordance with national constitutional requirements. The areas excluded from being changed under these clauses are issues of foreign policy and the areas of deciding national policy that are excluded from harmonization in the Treaty. The “Flexibility” clauses can be found under Articles 18 and 308 of the FEU treaty.

The argument that member countries are safe from the clauses mentioned above because national governments would have to agree to moving power to the EU bodies is weak. The fact that the national governments have already agreed in Lisbon to moving from unanimous voting to QMV in over 50 areas of policy shows that they are in favour of centralizing power. By ratifying the “Passerelle” and Flexibility” clauses in Lisbon we will give the power to the governments to centralize almost all powers without having to refer to the people they represent. In the Summary it was stated that the main purpose of Lisbon is to change the voting systems to QMV. The governments of the EU believe in centralizing decision making so much that they are making the Irish people vote a second time on the Lisbon Treaty.

The purpose of this analysis is to show the huge powers that Lisbon moves and can allow to be moved in the future (without a referendum) to the governing bodies of the EU.
The main benefit for the leaders of the EU in moving these powers and changing voting systems is that it will allow them to act as a group with less accountability and limits for their actions. The main negative effect for the people of the EU is that by changing voting systems they’ll lose even more power in holding their nationally elected representatives fully responsible for the governing of their countries and will individually be unable to vote the group responsible out of power.
References

- Lisbon Treaty (non-consolidated version)

- European Commission white paper on new cases of qualified majority voting

- European Commissions explanation of Passerelle/Bridging clauses
  http://europa.eu/scadplus/constitution/majority_en.htm

Bibliography

- Treaty on European Union & Treaty on the Functioning of the European Union as amended by the Lisbon Treaty (consolidated version)
Lisbon would further militarise the EU!
The Treaty of Lisbon requires EU member-states “to progressively improve their military capabilities” (Treaty on European Union, article 42.3). It introduces a “start-up fund” for common foreign policy and military operations, to be financed by member-states outside the Union budget and to be set up by qualified majority voting (TEU, article 41.3). It contains an article (42.7) that the current Slovenian EU presidency has acknowledged is a “mutual defence clause.” The president of the European Commission, José Manuel Barroso, also referred to this in a speech on the Lisbon Treaty on 4 December 2007, saying of the treaty: “It will introduce a mutual defence clause.”

The wording of this clause is very similar to NATO’s mutual defence commitment: “If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all means in their power.” This is a new departure for the European Union and would commit all member-states, including Ireland.

This commitment to an EU “mutual defence” under Lisbon needs to be distinguished from the obligation to participate in an EU “common defence,” i.e. a common EU army with joint EU officers on the lines of the present Franco-German brigade, which the Treaty on European Union (article 42.2) states that the “progressive framing of a common Union defence policy will lead to.”

Irish participation in such a common EU army would seem to be precluded by the Irish constitutional amendment that was adopted in 2002 to enable the Nice Treaty to be ratified (the 26th Amendment of the Constitution Act). The Government is taking this out of the Constitution and putting it back in again by means of the 28th Amendment of the Constitution Bill, presumably to give Irish voters the impression that it is doing something new to meet public concerns over this aspect of the treaty.

The Lisbon Treaty would also allow sub-groups of member-states to make more binding military commitments to one another with a view to “the most demanding missions” on behalf of the European Union, without a requirement of a United Nations mandate for such missions (TEU, articles 42.6 and 46).
Lisbon restricts workers’ rights

Summary

Recent rulings in the European Court of Justice (ECJ) have allowed for the restriction of fundamental workers’ rights. These restrictions included:

- banning a blockade held by Swedish workers against a contractor that had employed workers from a different country at wages below what was agreed in collective wage agreements (Laval case, Sweden),
- stopping a local government from making sure a company from another country paid its workers in line with government contractual requirements (Rüffert case, Germany) and,
- stopping a government from bringing in laws that made sure workers from other countries had to be paid and treated the same as local workers and weren’t used to undercut the wages of workers in that country (Luxembourg case, Luxembourg).

- Lisbon will permanently make it legal for restrictions to be placed on fundamental rights as in the cases above as it includes the Charter of Fundamental Rights. The Charter would be used as a common set of rights for the whole of the EU and will be judged and interpreted by the European Court of Justice. At present the supreme court of each country decides what the rights are of the citizens in that country. However, rulings of the supreme courts will be second to rulings from the European Court of Justice in the area of rights (they are already second in many other areas) owing to the primacy or superiority of EU law over our constitution if Lisbon is passed.

- The Charter will make these restrictions permanently legal through Article 52 in the Charter and the explanations that go with it. In this article it says that restrictions on fundamental rights are acceptable if it allows the EU to reach its goals. The explanations (which section (7) of Article 52 says are to be considered in future judgements) includes the cases that have been ruled in already by the European Court of Justice and points out that rights can be restricted to allow for the organisation of the common market.

- For the Charter to make it legal to restrict fundamental human rights so as to allow the organisation of the common market means that the rights of people can be blocked or limited so as to allow companies to do business in the best way for them.
To stop a situation appearing where companies can drive down wages in all sectors by bringing in workers from other countries and exploiting them by paying them less than acceptable wages we need to reject Lisbon and get a new treaty with a social progress protocol that guarantees the rights of people above business needs.
The Lisbon Treaty will copper fasten the unacceptable practice of restricting fundamental human rights which the European Court of Justice (ECJ) has allowed in some recent cases. Lisbon will also diminish within EU member states the power of the European Court of Human Rights which is separate from the EU and has been a powerful force in defining basic human rights for the countries that recognise it (Article 6.2 TEU).

The precedence for the restricting of fundamental rights can be best seen in the three ECJ cases - Laval, Rüffert and Luxembourg.

In the Laval case Swedish unions took action against a Latvian construction company (Laval) over the working conditions of Latvian workers refurbishing a school in the town of Vaxholm, Sweden. Laval refused to sign a collective agreement, and a blockade of the work place was initiated by the trade unions as a consequence. The Swedish Labour Court referred the case to the European Court of Justice (ECJ). The ECJ ruling, announced in December 2007, indicating that the right to strike is a fundamental right, but not as fundamental as the right of businesses to supply cross-border services.

The Rüffert case concerned a conflict between the German province of Lower Saxony and a construction firm. The state law of Lower Saxony requires that in tenders for public contracts, companies and their sub-contractors must pay their employees the salary fixed according to collective agreements.

This provision was incorporated in the contract between Lower Saxony and the firm but it was broken when a Polish sub-contractor of the latter – PKZ – only paid their employees 46.57% of the fixed minimum salary. The ECJ determined that the EU rules concerning free exchange of services prevents local authorities demanding that posted workers employed by an employer from another EU state must be paid according to the agreement in force in the area where they are currently working.

With the Rüffert-judgment the EU-court has rejected the principle that municipalities or other public authorities can demand that suppliers and sub-suppliers live up to current salary and working conditions in the geographic area in question.

In the Luxembourg case, exactly one week after the Irish electorate had rejected the Lisbon Treaty, the European Court of Justice (ECJ) issued its judgment in a case brought by the European Commission. The ECJ considered that the way in which Luxembourg had implemented the Posting Directive was an obstacle to the free provision of cross-border services.

The ECJ refused to recognize the autonomous right of Luxembourg to decide which national public policy provisions are so important that they should apply to both national and foreign service providers on an equal footing in order to counter unfair competition on wages and working
conditions by cross-border service providers. It ruled that Luxembourg’s national labour laws protecting foreign workers were an obstacle to the free provision of cross-border services.

The legal obligations that the government of Luxembourg had put on foreign service providers which were dismissed by the ECJ were:

No 1. The requirement by Luxembourg for a written contract or equivalent written document for all employees.

No 2. Luxembourg’s requirement of equal treatment for part-time and fixed-term workers.

No 3. The requirement relating to the automatic indexation of wages to the cost of living.

No 4. The requirement that Luxembourg’s collective agreements are complied with by foreign service providers.

No 5. The requirement for monitoring arrangements between companies and labour inspectors.

No 6. The requirement for an ad-hoc agent of a foreign-service provider residing in Luxembourg to retain the documents necessary for monitoring.

The three ECJ rulings showed that workers rights and the right for a government to prevent exploitation of foreign workers and the undercutting of local workers could be restricted for market interests. Rather than the Charter of Fundamental Rights protecting workers from rulings like these it makes it permanently legally acceptable to continue restricting and limiting the rights of working people.

Article 52 of the Charter states:

“Article 52:
Scope and interpretation of rights and principles

1. Any limitation on the exercise of the rights and freedoms recognised by this Charter must be provided for by law and respect the essence of those rights and freedoms. Subject to the principle of proportionality, limitations may be made only if they are necessary and genuinely meet objectives of general interest recognised by the Union or the need to protect the rights and freedoms of others.

... 7. The explanations drawn up as a way of providing guidance in the interpretation of this Charter shall be given due regard by the courts of the Union and of the Member States."
Explanation

The purpose of Article 52 is to set the scope of the rights guaranteed. Paragraph 1 deals with the arrangements for the limitation of rights. The wording is based on the case law of the Court of Justice: "...it is well established in the case law of the Court that restrictions may be imposed on the exercise of fundamental rights, in particular in the context of a common organisation of the market, provided that those restrictions in fact correspond to objectives of general interest pursued by the Community and do not constitute, with regard to the aim pursued, disproportionate and unreasonable interference undermining the very substance of those rights" (judgment of 13 April 2000, Case C-292/97, paragraph 45 of the grounds). The reference to general interests recognised by the Union covers both the objectives mentioned in Article 2 and other interests protected by specific Treaty provisions such as Articles 30 or 39(3) of the EC Treaty.

It can be clearly seen that by passing Lisbon we would enshrine in law the ability for the ECJ to restrict our fundamental human rights for market interests. The key point here is that fundamental rights cannot be called fundamental if they can be restricted for such reasons.

The only solution for workers and citizens alike would be to achieve hard-law amendments, or protocols that prohibit the restrictions of rights as mentioned above instead of opting for soft-law declarations which are not legally binding. The evidence that declarations are not legally binding such as the declaration in support of worker’s rights made by the heads of state in its assurances to the Irish electorate can be seen in Article 49B of the treaty on European union as found in the original Lisbon text. It states:

“The protocols and annexes to the Treaties shall form an integral part thereof”

The omission of declarations in the above article means that in general they do not carry a legal weight and can only be seen as an interpretation by the group who made it. The fact that the decision by the heads of state did not even include the possibility of adding the protection of workers rights in a future protocol is evidence that Lisbon does not and will not include such protection for workers and public services.

There is also a need to repeal Article 52 of the Charter of Fundamental Rights. Only through campaigning for and achieving these two urgent measures will worker’s rights be vindicated.

These goals can only be achieved if we reject the Lisbon Treaty and force our government to negotiate the changes required, not just for the Irish people but for all the people of Europe.
References

- Lisbon Treaty (non-consolidated version)
  
  http://bookshop.europa.eu/eubookshop/download.action?
  fileName=FXAC07306ENC_002.pdf&eubphfUid=534817&catalogNbr=FX-AC-07-306-EN-C

- European Commission white paper on new cases of qualified majority voting
  

- European Commissions explanation of Passerelle/Bridging clauses
  
  http://europa.eu/scadplus/constitution/majority_en.htm

- Explanations for the Charter of Fundamental Rights
  

Bibliography

- Treaty on European Union & Treaty on the Functioning of the European Union as amended by
  the Lisbon Treaty (consolidated version)
  
  
The Lisbon Treaty and Healthcare

Delivery of health and other services are subject to Internal Market rules: neither Art 152 nor Protocol 26 of the Lisbon Treaty exclude delivery of health services from market rules.

The European Commission temporarily shelved until after the Irish referendum on the Lisbon Treaty a controversial legislative proposal tackling patients’ rights to receive medical treatment in another EU member state. This is a clear sign that the Commission is conspiring to keep citizens in the dark about contentious EU legislation on health which will have serious implications for the Irish taxpayer and have a damaging impact on our already beleaguered health system. Several member states are against the proposal because they think it would destroy their national health systems, with Denmark, Finland and the Netherlands being most vociferous. Member states’ biggest fear is they are going to lose control over their health budget by not being able to predict how many claims might result from the Directive.

Following the exclusion of healthcare from the Services Directive, the European Commission had announced plans for a new separate directive to open up health services to free market competition. Recent European Court of Justice (ECJ) rulings have facilitated these plans by using internal market arguments contained within the original Services Directive. The Commission argues that the Directive is necessary to put into practice principles which it argues were established by a controversial ruling of the European Court of Justice in 2006. In this ruling, known as the Watts case, an osteoporosis sufferer who had gone for treatment in France to avoid a long wait in the UK sought to recover the cost of her treatment from the NHS. The Court ruled that the lack of an established NHS procedure to seek services abroad restricts the possibilities for patients to seek treatments outside the NHS system and therefore is a restriction of their freedom to receive services. The Court found that medical services are not exempt from the scope of the EC Treaty and that Mrs Watts was entitled to receive such a service and be reimbursed by the NHS. The fact that the NHS is an entirely public body, funded by the state and providing health care free at the point of delivery, was irrelevant for determining whether the situation fell within the scope of the Treaty. At the time, The Financial Times reported that the court’s decision was a further step towards the establishment of a single market for healthcare in the EU. The Commission argues that as a result of the rulings of the court it is necessary to ‘clarify’ the altered role of the member states. However, the Directive is not just a ‘response’ to the Watts ruling. In its explanation the Commission also explicitly acknowledges that the Directive aims to fill a ‘hole’ made in the Services Directive which was created when healthcare was excluded from its scope. Interestingly, its proposed legal basis is under the internal market (article 95) rather than the health articles of the treaty.

The ECJ’s Watts ruling of 2006 established that Article 49 (right to provide services) should apply in the provision of health services. The Commission’s current policy, based on a number of ECJ rulings, is that Member States are free to define ‘the mission’ of a public
service and its ‘objectives and principles’ but when ‘fixing the arrangements for implementation’ the Treaty rules (Art 43 and 49) should apply. In other words, the actual provision/delivery of healthcare – as distinct from general policy making – is now subject to internal market rules. Taking its lead from the ECJ, the Commission’s view is that any service for which payment is usually made, is an ‘economic activity’ within the meaning of Art 43 and 49 TEC. Any operator from within the EU must be allowed bid to provide the service. In its 2006 policy communication on Social Services of General Interest (social services), the Commission declared:

‘With regard to the freedom to provide services and freedom of establishment, the Court has ruled that services provided generally for payment must be considered as economic activities within the meaning of the Treaty. However, the Treaty does not require the service to be paid for directly by those benefiting from it. It therefore follows that almost all services offered in the social field can be considered “economic activities” within the meaning of Articles 43 and 49 of the EC Treaty.’

**Lisbon: more of the same, only worse**

The Lisbon Treaty does not reverse Watts or similar ECJ rulings by explicitly declaring that market rules should not apply to the delivery of health, education or social services; nor does it exclude these services from being categorised as ‘economic activities’ in situations where charges or fees are involved – a category that the Commission says includes ‘almost all’ or ‘the vast majority’ of services. Market rules apply to all ‘economic activities’. The principles established in this case-law in the ECJ will remain as the legal framework for any EU legislation arising in a post-Lisbon scenario.

In a speech outlining his concerns about the Lisbon Treaty given in the House of Commons on 6 February 2008, former UK health secretary Frank Dobson (Labour) highlighted the concern of many social democrats at these developments:

‘Appearances would suggest that our national health service is and will remain the exclusive responsibility of the UK Government, but it is not and, under the Lisbon treaty, it will not. All the apparent protection for our sovereignty that was provided in the old and new treaties does not exist.

In a recent ECJ decision, now followed up by the European Commission, the neo-liberals who hold powerful positions on the Court and the Commission decided to open everything to do with health care up to internal market forces … I am very dubious about supporting a treaty that has not done something to set aside the Watts decision. I should warn the House that I think that there are very powerful forces at work behind the proposition, and they are in this country now. Those forces are the US health corporations …’

The European Parliament has already made clear that it accepts the legal definitions and framework set out by the ECJ and the Commission. In 2006, a resolution from the Parliament declared that it does not matter whether public services are provided by state or private operators; there must simply be ‘fair’ competition and adequate regulation. The trajectory of EU policy is to reinforce liberalisation and cast the state in the role of regulator and provider
of funding – as long as the level of funding (public spending) does not threaten ‘price stability’ and free market competition.

According to Comm 1195/4 on health 2006, two clarifications were provided by the Watts ruling on 16 May 2006:

‘First, some Member States with systems based on integrated public funding and private provision of health services had argued that the Treaty provisions on the freedom to provide services did not apply to them; the Watts judgment confirmed that they do’.

Two features of the Directive – at least as currently drafted – are particularly problematic and would potentially favour higher income groups. Firstly that people would spend money on treatments abroad, and then be reimbursed later, and secondly, that the system would operate on a top-up basis – patients could get a certain proportion of the cost of a treatment reimbursed by the HSE, but make up the difference themselves. These features would lead to the diversion of resources towards higher income groups. People who are able to travel can go and get their procedure and because the HSE has a fixed budget, that effectively means they can get first call on the HSE resources; one of the concerns that a number of people have – and not just in this country – is the impact that this has on trying to run an equitable system. There could be an effect where those who are able to travel and pay up-front can to some extent push to the front of the queue. It would establish a system that would favour the young, mobile and relatively affluent. Advocates of patient choice suggest that giving everyone equal choice about how and where they are treated will create greater equality. However, this argument doesn’t work if patients need to have enough money to exercise that choice (i.e. the top-up-and-reimbursement based model now being proposed by the Commission).

The current minister of health, Mary Harney, introduced the National Treatment Purchase Fund (NTPF) to help reduce waiting lists in the public health system by allowing public patients access treatment in private hospitals. Though the fund enabled waiting lists to be reduced it was strongly criticised because it diverted much needed resources from the public health budget. The NTPF is strictly controlled and funded by the Irish government through the HSE. Under the EU Health Service Directive patients’ ability to travel abroad for treatment will be greatly extended with the funding coming from the Irish health budget but the HSE will have little control over this area of expenditure. Thus Irish taxes will be used to enhance the German, French, Dutch, British etc. health service while funding for chronic and long-term health care in Ireland will be further depleted. As democrats we can reject Mary Harney in the next general election for removing funding for such services as the cervical cancer vaccine program. Who do we hold to account for the EU Health Service Directive and the budgetary implications therein?

Other aspects of the Directive also raise longer term questions about the role of the European Union in health policy. In particular proposals in the Directive that the Commission should designate specialist centres for particular treatments; its proposal for a new EU health committee chaired by the Commission; and the end of the veto over public health issues in the Lisbon Treaty all suggest that the Commission sees a much greater role for itself in running health policy in the future. Health economist Professor Ray Kinsella says the issue of the Lisbon Treaty is a constitutional one ‘the Lisbon Treaty is a constitutional artefact that I will be voting against. They had a European Constitution that they just could not get by. People
did not buy into it so they redressed it and put it into the form of a Treaty and they are now cheating people across Europe out of a referendum.’

The Lisbon Treaty was negotiated between 2001 and 2004 at the peak of the global economic bubble. Free market, neo-liberal principals are enshrined in what is basically an EU constitution. However the near-obsessive determination by EU bureaucrats to privatise all-manner of public services seems to be out of step with current criticism of the free-market driven private sector, which daily gets louder and harsher. This criticism is no longer restricted to the traditional ‘left wing’ but is increasingly to be heard from major ‘establishment’ players. In a recent interview with the Financial Times (23 February) Frank-Walter Steinmeier, vice-chancellor and foreign minister of Germany said: ‘It will take many years of work to restore people’s confidence in this economic system and its rules’. Steinmeier, who is the SPD challenger to replace Angela Merkel as chancellor at the general election in September, has drawn up a programme aimed at ending the focus on short-term returns among businesses and investors: ‘The turbo-capitalism of the past few years is dead, irrevocably so. We must now create a new order for the future.’

May 2009
Lisbon Treaty to bind us to Euratom

The Lisbon Treaty has a binding protocol attached which was added without debate at the last minute. This protocol, Protocol No. 12, links the provisions of the European Atomic Energy Treaty to the Lisbon Treaty and applies the financial provisions of the Union to the European Atomic Energy Community. The Euratom Treaty binds EU member states to ‘create the conditions necessary for the speedy establishment and growth of nuclear industries’ while ‘facilitating investment to develop nuclear energy’. So, for the first time, these provisions are legally and constitutionally binding on those member states that accept Lisbon. The EU Commission is responsible for the financing of Euratom through the EU budget and decisions on loans etc. are made in secret. There is absolutely no public consultation and the Commission is pro-nuclear.

John Gormley, who was an alternate member of the convention that drew up the Constitution warned during the debates that the inclusion of Euratom in the Treaty would ‘put a bomb’ under the Constitution/Treaty. The argument was advanced that the complexities of the Treaty would be reduced to the question, ‘are you for or against nuclear energy?’ He was supported by his fellow Green member, the Austrian Johannes Voggenhuber.

Two major concerns arise from the addition of Protocol 12: with the recent accession of the new member states, a majority now have nuclear reactors but there are no common safety rules that can be enforced and, secondly, there is now a danger that the balance of forces in the EU in favour of the aggressive promotion of nuclear power may change, through the dual effect of the accession of the new pro-nuclear member states and the powerful binding Protocol 12. This could result in the diversion of larger portions of the EU budget to the development of nuclear power. Furthermore, the Lisbon Treaty at Title XVI, ‘Energy’, states that ‘the Council may unanimously adopt measures ... significantly affecting a Member State’s choice between different energy sources and the general structure of its energy supply’. With a pro-nuclear Commission, a legally binding Euratom Treaty and the majority of member states using nuclear power, it doesn’t take a genius to guess that Minister Ryan will come under extreme pressure to acquiesce in the drive for a nuclear-powered EU, especially as the Lisbon Treaty is a self-amending treaty.

Public opinion in Sweden and Germany has achieved a phase-out of nuclear power. These hard won outcomes may now be reversed by the Euratom protocol. Indeed, the first signs of such a shift is beginning to appear in Ireland with the ICTU, through the urgings of the ETUC, calling for a debate on the desirability of nuclear power, as has the government and business interests.
The Green Party leadership makes much of Declaration 44 which states in full that ‘Germany, Ireland and Austria note that the core provisions of the Treaty establishing the European Atomic Energy Community have not been substantially amended since its entry into force and need to be brought up to date. They therefore support the idea of a Conference of the Representatives of the Governments of the Member States, which should be convened as soon as possible’. Of course, if there are any changes resulting, they will not affect the relationship between Euratom and the Lisbon Treaty, and it should be remembered that a Declaration is only aspirational, not binding.

But it is the support extended by our Green Minister for Energy for the Treaty which is most puzzling. Eamon Ryan’s brief includes co-ordination of a campaign to close Sellafield and his party policy states clearly its opposition to the use of nuclear power. As Minister, he could hardly have been unaware of the issues as even John Bruton had pleaded at the convention for Euratom to be re-focused on safety and be used as an instrument to close Sellafield. Maybe he should consult ‘Previous Generation – ten reasons why nuclear power makes no sense for Ireland’ and available on the Green Party website!
The Lisbon Treaty is a re-run of the European Constitution, already rejected by French and Dutch voters.

Except that this time they’re not being given the chance to vote again.

Lisbon is about increasing the power of the centre — of the Commission and the big member-states.

And it’s the small countries, like Ireland, that would lose out.

Our voting strength would be halved, while that of the big countries would be doubled.

And if we vote Yes, future treaty changes could be made by the Council of Ministers without reference to us: no more referendums.

The EU would be superior to its member-states and would take a major step towards being a state itself, recognised in international law, while Ireland became a mere province within it.

Cad atá cearr le Liospóin?

Mhéadódh Liospóin cumhacht an láir agus lagódh sé tionchar na hÉireann.

Cheanglódh Liospóin le mileatachas na hÉorpa muid — go dtúth.

Cheana taimid faoi ionsaí i dtaoibh tálllú uisce, brú nüílícéach agus dichur an chomhpholasai talmhalo-chta ag Mandelson. Bheadh sé níos measa má ghlacaimid le Liospóin.

Ar son na Saoirse

Vótáil NÍL

WHAT SORT OF EUROPE DO YOU WANT?

A Europe where control is centralised, where small countries have no influence?

Or a Europe where the small countries, like Ireland, have an equal voice and would have a greater say?

The campaign needs money and workers.
If you can help, give us your name.
Ainm & slóinne / Name

Phone ____________________________

E-mail ____________________________

I can help / I give a donation
Return to: People’s Movement, 3 Talbot Street, Dublin 1
Phone: 087 230 8330    E-mail: info@people.ie

www.people.ie

People’s Movement Account number 06330039
Sort Code 98-50 10 Ulster Bank, College Green, Dublin 2.

VOTE NO to a centralised Europe

VOTE NO to Lisbon
Why you should **VOTE NO to Lisbon**

1. Ireland would lose more influence, as power would be centralised in Brussels.

2. We would lose the power to stop a “race to the bottom,” as EU “competition” laws would take legal precedence over established standards in workers’ wages and conditions.

3. We would give powers to the EU to raise its own taxes from citizens of the member-states, leaving their governments with less to spend.

4. It would become obligatory to have competition in public services in such areas as health and education. This would lead to further privatisation and increased inequality.

5. For five out of every fifteen years Ireland would not have a Commissioner: no-one at the table where all EU laws are proposed.

6. Ireland’s voting strength would be halved, while the big countries’ strength would be doubled.

7. Population size would be the new basis for voting in the Council of Ministers.

8. We would lose the power to block laws we don’t want in more than thirty new areas, including foreign affairs.

9. Ireland would become active in EU military policy. A European armaments agency would be enshrined in the treaty.

10. For the first time ever, this treaty contains a “mutual defence” clause.

11. We would be obliged to spend more on defence—at a time when we need more money to develop our public services.

12. The treaty would make us part of the nuclear option: a legally binding protocol commits us to support Euratom.

13. At WTO talks our influence on trade will be further weakened.

14. The new EU would be able to negotiate treaties binding on Ireland—and we would have reduced voting rights to control this in the Council of Ministers.

15. Future Treaty amendments could be made by the Council alone, without any need for a referendum.

---

**VOTE NO TO RESTRICTIONS ON WORKERS RIGHTS.**

**VOTE NO MILITARISATION.**

**VOTE NO TO PRIVATISATION.**
LISBON: PEOPLE HAVE A RIGHT TO SAY NO

The following is a final campaign statement by the People’s Movement at their press conference in Dublin today. The press conference was chaired by independent TD Tony Gregory and participants included, Senator David Norris, Finian McGrath TD, Cllr Bronwen Maher, former TDs Joe Higgins & Dr. Jerry Cowley, Cllr Declan Bree, Robert Ballagh and Patricia McKenna.

Irish voters do have the right to say ‘no’ to the Lisbon Treaty if they wish. The threats and bullying by the powerful EU leaders is a disturbing interference in our decision making process demonstrating the lengths the political elite will go to get their own way. These threats are just that, empty threats. If we vote ‘no’ nothing will change, we will still be full members of the EU and will not be isolated as is claimed. This is not about being In or Out of Europe but about the type of Europe we want.

Yesterday on liveline, it was repeatedly said, “If you don’t know, vote NO”. The Lisbon treaty is confusing, this is not by accident, it is deliberately so as the architects have openly admitted and planned it to be.

The reason for this is simple; the political elite of Europe want to bring into force the failed EU constitution that takes Europe in a new direction without the knowledge or approval in referendums of the Peoples of Europe.

In Ireland the treaty is being sold as a necessary “tidy up” that is needed to make Europe more democratic & efficient this is a lie. This hard sell is coming from an unholy alliance of some of the most incompetent politicians in Europe and vested interests that are being
supported by public figures who have been bought and paid for through political appointments.

In recent weeks our democracy has witnessed elements of the media abandon all pretence of journalism in an open attempt to sell this constitutional treaty.

The Referendum Commission we now know has been receiving it’s legal advice from a law firm that provides services to those campaigning for a YES vote while the public information campaign is being run by consultants who were appointed by a tender offered by the department of foreign affairs. Despite this the recent opinion polls have shown the people are rightly suspicious that the Lisbon treaty is a step too far, whereby too much power will be handed over to the unelected bureaucracy in Brussels. Lisbon provides the framework for moving the EU from an economic community to a political union.

This new EU is designed not for the benefit of its 490 Million people; Lisbon is designed to facilitate the privatisation of public services and the militarisation of Europe.

With panic now setting in the hard sell has turned from a con job to the bullying of the Irish people by both local and EU politicians. This referendum has exposed a democratic deficit not just in Ireland but also across the EU where the political elite and their supporters are increasingly held in contempt.

Many people cannot understand or believe that our politicians would want to give up so much of their remaining power, as this is normally an unnatural act for politicians, but for those that have run out of ideas and vision it is a completely natural act.

The Irish people are now the only people who can defend the European project and protect Irish sovereignty, a no vote will not provoke a “crisis” in Europe, a no vote provides the basis of a cure for the EU’s democratic deficit. We believe that on June 12th the Irish nation will speak for the people of Europe who have been silenced and in doing so reclaim the EU for the people of Europe.

ENDS
A review of the provisions of the Treaty of Lisbon
May 2008
The cover of this booklet is a copy of an original evocative fine art print "Mise Éire" designed by Irish artist Robert Ballagh, signed, numbered and blind-stamped by the artist in a limited edition of two hundred and fifty, is available.
For details of its cost and delivery, contact post@people.ie <mailto:post@people.ie> today.
A review of the provisions of the Treaty of Lisbon
May 2008
The People’s Movement campaigns against any measures that further develop the EU into a federal state and to defend and enhance popular sovereignty, democracy and social justice in Ireland.

Patrons:

www.people.ie
## CONTENTS

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>How was it drawn up?: An undemocratic process</td>
<td>1</td>
</tr>
<tr>
<td>An analysis of the principal articles of the Treaty of Lisbon</td>
<td>3</td>
</tr>
<tr>
<td>EU law would have primacy over the law of member-states</td>
<td>3</td>
</tr>
<tr>
<td>The European Union acquires legal personality</td>
<td>4</td>
</tr>
<tr>
<td>The double majority rules for EU law-making and decision-making by the Council</td>
<td>4</td>
</tr>
<tr>
<td>An increase in power for both Parliament and Commission</td>
<td>5</td>
</tr>
<tr>
<td>The national veto would be abolished in more than sixty further areas</td>
<td>5</td>
</tr>
<tr>
<td>The competence of the Commission and the European Court of Justice would be extended</td>
<td>5</td>
</tr>
<tr>
<td>The unelected Commission could make laws</td>
<td>6</td>
</tr>
<tr>
<td>We would lose Ireland’s commissioner for one-third of the time</td>
<td>6</td>
</tr>
<tr>
<td>The European Court of Justice would decide on the allocation of powers</td>
<td>6</td>
</tr>
<tr>
<td>The Lisbon Treaty could be amended without further treaties or referendums</td>
<td>7</td>
</tr>
<tr>
<td>The European Union would be given the constitutional form of a supranational federal state</td>
<td>8</td>
</tr>
<tr>
<td>The end of an independent foreign policy</td>
<td>9</td>
</tr>
<tr>
<td>The European Union could be financed from its own resources</td>
<td>9</td>
</tr>
<tr>
<td>The corporation tax issue</td>
<td>10</td>
</tr>
<tr>
<td>Neo-liberalism would become EU economic policy</td>
<td>10</td>
</tr>
<tr>
<td>A president for the European Union</td>
<td>11</td>
</tr>
<tr>
<td>An EU Foreign Ministry would be created</td>
<td>11</td>
</tr>
<tr>
<td>The creation of an EU Interior Ministry</td>
<td>12</td>
</tr>
<tr>
<td>A common defence policy</td>
<td>12</td>
</tr>
<tr>
<td>We would be committed to a mutual defence policy</td>
<td>13</td>
</tr>
<tr>
<td>There would be a solidarity clause in the treaty</td>
<td>13</td>
</tr>
<tr>
<td>The EU military-industrial complex would be strengthened</td>
<td>14</td>
</tr>
<tr>
<td>A two-tier defence?</td>
<td>14</td>
</tr>
<tr>
<td>The European Court of Justice would decide our rights</td>
<td>14</td>
</tr>
<tr>
<td>“Fundamental rights” would not be fundamental</td>
<td>15</td>
</tr>
<tr>
<td>Subcontracting asylum policy</td>
<td>16</td>
</tr>
<tr>
<td>Civil and criminal law and procedures would be harmonised throughout the European Union</td>
<td>16</td>
</tr>
<tr>
<td>The Irish opt-out</td>
<td>17</td>
</tr>
<tr>
<td>Co-option as “participatory democracy”</td>
<td>17</td>
</tr>
<tr>
<td>The Protocol on the Role of National Parliaments</td>
<td>17</td>
</tr>
<tr>
<td>The climate-change article</td>
<td>18</td>
</tr>
<tr>
<td>The Euratom protocol</td>
<td>18</td>
</tr>
<tr>
<td>Could we voluntarily leave the European Union?</td>
<td>18</td>
</tr>
<tr>
<td>What happens if we vote No?</td>
<td>19</td>
</tr>
<tr>
<td>Conclusion</td>
<td>19</td>
</tr>
<tr>
<td>Footnotes</td>
<td>21</td>
</tr>
<tr>
<td>Some other publications</td>
<td>21</td>
</tr>
</tbody>
</table>
Introduction

Regardless of your traditional support for or allegiance to any political party in general elections, it is important that you approach the Lisbon Treaty vote with an open mind. It is essential that after having analysed all the arguments for and against the Lisbon Treaty you make up your own mind, free from party political pressure, on whether or not you want to amend the Irish Constitution to allow the Government to ratify this Treaty which will give away a number of those powers to Brussels. Remember that it is you alone as citizens of this State who have the power to amend our Constitution. We are fortunate in that our Constitution is a document of the people and for the people, and only the people can decide to give away any rights or powers enshrined within it. Political parties regardless of their electoral strength must respect the Constitution, the people’s ownership of it and their sole right to amend it.

During this debate you will hear much about the benefits of the EU membership and how it would be impossible for us to “Go it alone”. However, there is no question of going it alone and the benefits of EU membership are not the issue, no one disputes that fact. What is at issue is whether or not the Lisbon Treaty will result in a more democratic, accountable, transparent and demilitarised EU. We in the People’s Movement believe it will not. The EU has been moving in the wrong direction for many years. It has become more powerful, less democratic, less accountable and extremely more militarised despite claims and assurance to the contrary by our own political establishment.

In the run-up to this referendum the Government has used taxpayers’ money to influence public opinion. Earlier this year during question time in the Dáil, Minister Dermot Ahern said ‘the McKenna judgment does not kick into place until the legislation (i.e. Referendum Bill) is passed and signed by the President’. These words indicated the Government’s intention to abuse their position and circumvent the principles of the McKenna judgment by delaying calling the referendum until they had influenced people to support the Treaty. The Government’s engagement in an advocacy campaign, with the use of public money, prior to the calling of the referendum is, I believe, in breach of the Supreme Court ruling. The fact that the Government has circulated, at the taxpayer’s expense, its own very one-sided 22-page explanatory pamphlet to every house in the country is clear evidence of this.

It has also been widely reported in the European press that the Irish Government has warned the EU to hold off on anything controversial until after the Irish people have voted. Two leaked memos published by the press suggest that the Irish government and Brussels are going to great lengths to suppress bad news that might encourage a No vote. An internal email from a British diplomat in Dublin let slip that the commission’s vice-president, Margot Wallstrom, had promised the Irish government to “tone down or delay messages that might be unhelpful”. The second memo, from Jo Leinen, the German chairman of the European Parliament's committee on constitutional affairs, warned that "politically sensitive" aspects of the treaty should not be discussed until it was in force.

Many of the controversial consequences of the Lisbon Treaty are hidden from the Irish until after we vote. The French daily, Le Monde has said: “The Commission doesn't want to do anything that would risk jeopardising the ratification procedure of the Lisbon Treaty, notably in Ireland, where the text must be submitted to a referendum.” According to Le Monde: "The work on a common company tax base has therefore been swept under the carpet, so as not to inflame the Irish debate, even though it will be re-launched under the French Presidency."
According to the paper Commission President Jose Barroso has asked his colleagues to avoid “provocations”.

† Our Government and those on the Yes side have invited European politicians to Ireland telling them what to say to dispel our fears. Interestingly, the French government was told to “keep out of Irish politics and to stop interfering with the Lisbon referendum” by Europe Minister Dick Roche and Labour Leader Eamon Gilmore when the French said things that we were not supposed to hear.

Following a recent statement from the French Economics Minister, Christine Lagarde, that “France would push for a common system of assessing company tax (common consolidated corporate tax base or CCCTB) across the EU” during their EU presidency which begins in July, Minister Roche said: ‘They threw their own referendum, but we do not want any further inappropriate interference in our referendum’.

He said her intervention was inappropriate, especially coming just 10 days after the French Defence Minister’s statements on military policy saying, “France would use its EU presidency to move on common defence policies and institutions.” In this referendum voters will NOT be given Yes and No information from the Referendum Commission because that function of presenting the arguments for and against the Lisbon Treaty, as well as the function of fostering and promoting debate or discussion on it has been removed from the Commission by the Government. Why this was done is clear – the political establishment are afraid of the public hearing both sides of the debate so they have emasculated the role of this important independent body.

Patricia McKenna Chairperson
What is the People’s Movement?

The People’s Movement is a non-partisan political movement that seeks to extend popular sovereignty and to promote democratic values in Irish life. It opposes EU supranational control at all levels of society and seeks to counteract its dominance in Irish political life.

The People’s Movement campaigns to defend and enhance Irish national democracy and accountability and to ensure that the maximum power and decision-making will be in the hands of the Irish people.

The long-term aim of the People’s Movement is to campaign for an end to the European Union as it is at present constructed and to establish more equal and democratic relationships between all the nations and peoples of Europe, from the Urals to the Atlantic.

Concerned by the progressive transfer of powers from the elected representatives of the Irish people to unaccountable supranational institutions, the People’s Movement, to advance its long-term objectives, supports the following:

1. the development and enhancement of national and local democracy;
2. close co-operation with neighbouring countries and with EU member-states;
3. moves to a socially desirable, environmentally aware and sustainable model of development;
4. opposition to proposals that increase the competence of the European Union or reduce the influence of member-states;
5. the devolution of powers from the European Union back to national and from national to local level in order to increase democratic control and accountability and to promote a culture of political participation;
6. opposition to all measures of liberalisation involving the transfer of services or utilities from public to private ownership;
7. the promotion of Irish neutrality and opposition to membership of any military alliance;
8. the development of an independent foreign policy, based on support for human rights, national self-determination, and economic solidarity with the exploited peoples and countries of the world.

The People’s Movement
For more information, please visit www.people.ie
email info@people.ie
or phone 087-230 8330.

A review of the provisions of the Treaty of Lisbon I vi
**How was it drawn up? An undemocratic process**

This rejected EU Constitution was drafted before the provisions of the Treaty of Nice came into force, mainly on the grounds advanced by the member-states that it was needed to facilitate the enlargement of the European Union to twenty-seven states or more. This provides a good demonstration of how the process of EU centralisation has developed a momentum of its own, which has virtually disconnected the process from external events or objective justification. Issues such as enlargement are merely used as a pretext to justify an agenda that is pursued with quasi-religious enthusiasm for its own sake. The Lisbon Treaty is the rejected EU Constitution’s successor.

As the Chancellor of Germany, Angela Merkel, has stated, “the fundamentals of the rejected constitution have been maintained in large part... We have renounced everything that makes people think of a state, like the flag and the national anthem,” 1 – a view echoed by Bertie Ahern when he said, “Thankfully, they haven’t changed any of the substance.” 2

The Laeken Declaration of the heads of state and government of December 2001 set out the following objectives for the European Union: the union must be brought closer to its citizens; the division of competence must be more transparent; the union should behave less bureaucratically; and there must be more transparency and efficiency. An intergovernmental conference was established to put these laudable objectives into effect.

In this context it is important to note that the Laeken Declaration suggested only the possibility of a constitution: “The question ultimately arises as to whether this simplification and reorganisation might not lead in the long run to the adoption of a Constitutional text of the Union.” Dick Roche, the Minister for European Affairs was later to correctly assert that the Laeken mandate did not authorise the intergovernmental conference to deal with institutional issues. 3

This suggestion was rapidly seized on by the Euro-fedéristes, who set about undemocratically drafting a constitution. Some members of the convention were even refused the right to have their amendments translated, distributed, discussed, or voted on. 4 The convention that drafted the constitution was fundamentally undemocratic. Ireland was represented by three politicians: Dick Roche TD, Proinsias de Rossa TD, and John Bruton TD. John Gormley (Green Party) and Pat Carey (Fianna Fáil) were substitute members.

John Gormley refused to endorse the constitution but instead signed an alternative report that was appended to it. The opening paragraph of this states:

*The European Union shall not have a constitution. Instead, Europe should be organised on an inter-parliamentary basis by means of a Treaty on European Cooperation. This will create a Europe of Democracies in place of the existing EU.*

The convention consisted of 105 members, and the constitution was adopted “by consensus.” No votes were taken on more than a thousand amendments submitted by the governments of member-states, and only a few were even considered. This is the “convention method,” which enables new measures to be taken to advance integration without their desirability having been considered by the votes of the member-states or by their national parliaments. A similar non-elected convention was used to draft the EU Charter of Fundamental Rights.

However, an even more secretive procedure was followed in the case of the Lisbon Treaty, in which the intergovernmental conference operated in secrecy. Members of national parliaments, as well as members of the European Parliament, were excluded, with the exception of the special admission restricted to the three largest groups in the European Parliament, while the five other groups were left...
out – including the Green Party.

Following the “period of reflection” announced following the rejection of the constitution, this intergovernmental conference on the Lisbon Treaty was given a detailed mandate by the prime ministers and presidents to draw up a treaty that would have more or less exactly the same legal effect as the rejected constitution but that would do the job indirectly by amending the two existing treaties. There were therefore no real negotiations at this intergovernmental conference.

The first page of the IGC mandate notes:

As far as the content of the amendments to the existing treaties is concerned, the innovations resulting from the 2004 IGC [on the Constitution] will be integrated into the TEU [Treaty on European Union – essentially the Treaty of Maastricht] and the TEC [Treaty Establishing the European Community – essentially the Treaty of Rome and the subsequent amendments to it]. The SEA, Maastricht, Amsterdam and Nice also added substantially to the TEC, which was then renamed the Treaty on the Functioning of the European Union (TFEU) as specified in this mandate.

Further on the mandate states:

The amendments as agreed in the 2004 IGC will be inserted into the Treaty by way of specific modifications in the usual manner.

There can be little doubt but that this is the renamed constitution.

Valéry Giscard d’Estaing, architect of the original EU constitution, told members of the European Parliament that the new Constitutional Treaty is essentially the same as the rejected EU constitution. He said:

What was [already] difficult to understand will become utterly incomprehensible, but the substance has been retained . . . Why not have a single text? The only reason is that this would look too much like the constitutional treaty. Making cosmetic changes would make the text more easy to swallow.

Dr Garret FitzGerald, former Taoiseach, has said that

the idea of a new and simpler treaty containing all the provisions governing the Union has now been dropped in favour of a huge series of individual amendments to two existing treaties. Virtuall incomprehensibility has thus replaced simplicity as the key approach to EU reform. As for the changes now proposed to be made to the constitutional treaty, most are presentational changes that have no practical effect. They have simply been designed to enable certain heads of government to sell to their people the idea of ratification by parliamentary action rather than by referendum.

And, before the ink was dry in Lisbon, a committee of “wise men” was being formed to “reflect on future challenges facing the Union.” Up to twelve “highly respected personalities” will be mandated to produce “a plan for the development of the EU until the year 2030,” in time for the 2009 elections to the European Parliament.

Felipe González, the former Spanish prime minister, was named chairperson of this “reflection group,” which will be excluded from considering any future reforms to the European institutions. However, on past experience we can hardly expect that the group will allow itself to be so confined. One’s suspicions are strengthened by the fact that several EU states – including Ireland – asked that the “reflection group” should not begin work until the ratification of the Lisbon Treaty is complete. Bertie Ahern has said that the treaty would be “the last reform for some considerable time,” and the reflection group “should not cut across the reform treaty ratification process in any way” – in other words, raise the legitimate suspicions of voters.

In any bureaucracy, certainly a bureaucracy as big as the Commission, an idea never finally dies. It may be

A review of the provisions of the Treaty of Lisbon
left aside for some time, but it always comes back. – Charlie McCreevy, EU Commissioner, “This Week,” RTE, 22 July 22 2007

An analysis of the principal articles of the Treaty of Lisbon

Public opinion will be led to adopt, without knowing it, the proposals that we dare not present to them directly ... All the earlier proposals will be in the new text, but will be hidden and disguised in some way. – Valéry Giscard d’Estaing (chairperson of the convention that drew up the EU Constitution), Le Monde, 14 June 2007, and Sunday Telegraph, 1 July 2007

The Treaty of Lisbon amends the Treaty on European Union (essentially the Treaty of Maastricht) and the Treaty Establishing the European Community (essentially the Treaty of Rome with amendments), which is then renamed the Treaty on the Functioning of the European Union.

EU law would have primacy over the law of member-states

In the “Declaration Concerning Primacy” 6 it is noted that,

in accordance with well settled case law of the EU Court of Justice (ECJ), the Treaties and the law adopted by the Union on the basis of the Treaties have primacy over the law of Member States, under the conditions laid down by the said case law.

The statement of the Council Legal Service of June 2007 is added:

It results from the case-law of the Court of Justice that [the] primacy of EC law is a cornerstone principle of Community law. According to the Court, this principle is inherent to the specific nature of the European Community.

As the Legal Services statement says, ECJ case law is legally binding. That is the relevant fact. The case law contains all sorts of statements about the European Union being primary and superior to national law, about it having direct effect from the date on which directives are supposed to be implemented (even if member-states have not implemented them), and about the European Union itself being a new “constitutional order.” The statement of the Legal Service gives a clear indication of the principles guiding decisions of the ECJ – the final ruling body in disputes between member-states and the European Union.

This is the first time that an EU treaty has explicitly drawn attention to the principle of the primacy or superiority of EU law over national law. This was already proposed in the constitution rejected in France and the Netherlands, 7 and it is a doctrine diligently developed over the years in the case law of the Court of Justice of the European Communities (commonly called the European Court of Justice).

The primacy of the ECJ has not been disputed by the member-states and governs their legal practice. The ECJ would be supreme de facto and de jure, and national courts would be required to be totally compliant with its provisions so far as EU law is concerned, although in various case judgements the ECJ has stated that national law should be brought into line with EU law if it is incompatible with it in the relevant areas.

An important point to note is that EU governments accepted the ECJ’s affirmation of the superiority of EU law in the 1960s, when the then EEC dealt with a narrow range of issues. But it is one thing for member-states go along with a principle applied to a restricted range of matters like customs duties or tariffs; it is quite another to forfeit national sovereignty to a revamped constitution whose writ covers everything from monetary policy to fundamental human rights. As the Minister for Foreign Affairs, Dermot
Ahern, has said, “The substance of what was agreed in 2004 has been retained. What is gone is the term ‘constitution’.”

**The European Union acquires legal personality**

The Treaty on European Union states that the union will have legal personality and thus alters the legal relationship between the European Union and its member-states. It also abolishes the existing European Community, which Ireland joined in 1973 and are still members of, and transfers all its powers and functions to the constitutionally new European Union, which the Lisbon Treaty would give legal personality to. It makes the European Union an international entity in its own right, with its own legal personality and independent corporate existence, separate from and superior to its members. This position is underlined by the requirement that,

pursuant to the principle of sincere (“loyal” in the rejected constitution) cooperation, the Union and the Member States shall, in full mutual respect, assist each other in carrying out tasks which flow from the Treaties.

This article continues:

The Member States shall facilitate the achievement of the Union’s tasks and refrain from any measure which could jeopardise the attainment of the Union’s objectives.

National governments must give priority to EU objectives, even in areas of policy that have not been transferred to the European Union, because of the all-encompassing range of the union’s objectives – even if these conflict with democratically decided national policy objectives.

**The double majority rules for EU law-making and decision-making by the Council**

As from 1 November 2014, a “qualified majority” will be at least 55 per cent of the members of the Council, comprising at least 15 of 27 and representing member-states that comprise at least 65 per cent of the total population of the union. A blocking minority must include at least four Council members, constituting more than 35 per cent of the European Union’s population, failing which the qualified majority will be deemed attained.

A number of other arrangements govern the qualified majority

> From 1 November 2014 . . . where the Council does not act on a proposal from the Commission or from the High Representative of the Union for Foreign Affairs and Security Policy, the qualified majority shall be defined as at least 72% of the members of the Council, viz. 20 out of 27 representing Member States comprising at least 65% of the population of the Union.

This “double majority” rule would make EU laws much easier to pass, provided the bigger states with large populations agree with them. They would also find it easier to assemble a blocking minority – at least four member states up to 2014, with 35 per cent of the population. France and Germany between them have nearly a third of the total. From that point onwards a blocking minority must include the minimum number of Council members representing 35 per cent of the population of the participating member-states. Germany, Poland and any other of a range of countries, including France, Italy, and Britain, could assemble a blocking minority to prevent the enactment of measures they disagreed with.

Under the Nice Treaty rules, Ireland has 2 per cent of the weighted votes, while under the Lisbon Treaty’s population criterion it would have 0.8 per cent. In effect, our relative power would be reduced to a third of its present level. When Ireland joined the EEC in 1973 it had 3 votes in European law-making.

A review of the provisions of the Treaty of Lisbon I 4
as against 10 each for the big states. Under the Nice Treaty we have 7 votes, as against their 29 each. Under Lisbon’s population-weighted voting system, Germany’s 82 million and approximately 60 million each for France, Italy, and Britain, as against Ireland’s 4.7 million, would give the big states almost total control of the new European Union.

As the union enlarges, each individual state must have less influence in the whole. But what is happening with the Lisbon Treaty is a totally disproportionate increase in the weight of the big states, and a diminution of influence for the small ones.

Under the revamped constitution, some 45 per cent of the power to make EU laws would be held by the four largest states: Germany, France, Britain, and Italy. In an European Union of twenty-seven states, twelve could be outvoted and have a measure imposed on them by fifteen, as long as the latter contained 65 per cent of the EU population. In future, Germany and France, because of their joint population, would be able to block any EU law if they could get two other countries to vote with them.

**An increase in power for both Parliament and Commission**

Under the Lisbon Treaty the Commission – with its monopoly in proposing EU laws and setting the legislative agenda – would have a wider range of measures to propose. The European Parliament, with its power to amend EU laws emanating from the Council of Ministers, would get more laws that it could amend. The treaty also extends the range of laws coming from the Council of Ministers that the Parliament is given power to amend under the so-called “co-decision procedure.” This gives the Parliament the power to block EU laws if the Council does not accept its amendments. The European Parliament increases its legislative power in more than forty new areas in this fashion – but at the expense of national parliaments.

**The national veto would be abolished in more than sixty further areas**

Under the Lisbon Treaty, majority voting in the Council of Ministers would replace unanimity – the veto system – in more than sixty new policy areas or matters, in addition to the thirty-five areas agreed in the Treaty of Nice (2002). It is important to remember that in the first decades of the EEC, majority voting was confined largely to trade matters. Over time it has been extended to more and more policy areas, while the threshold for a blocking minority has also come down, making it easier to pass EU laws. The Lisbon Treaty would extend majority voting much further.

*(A list of the new areas where the national veto would be abolished can be seen on the People’s Movement website at www.people.ie.)*

**The competence of the Commission and the European Court of Justice would be extended**

The Lisbon Treaty would give the legally new European Union a unified constitutional structure. It proposes abolishing the present “three-pillar” structure of the European Union and setting all areas of EU policy in “a single institutional framework.” It would give the European Commission and the European Court of Justice competence in the former “second-pillar” area of security and foreign policy and the “third-pillar” area of justice and home affairs, where they did not possess them before. The treaty thus seeks to eliminate “intergovernmental” policy areas between member-states, where EU law has not applied up to now and where the Commission and the ECJ have had no function. In practice there would be a presumption that the member-states would be permitted to exercise power only in the
residual areas left to them under the treaty. But even in those areas they would have to fit in with any
over-arching EU policies or foreign policy imperatives, in accordance with their general duty to “facilitate
the attainment of the Union’s tasks and [to] refrain from any measure that could jeopardise the
objectives set out in the TEU [Treaty on European Union].” 13

The unelected Commission could make laws
The unelected Commission’s monopoly in proposing laws is clearly spelled out:

Union legislative acts may be adopted only on the basis of a Commission proposal, except where the
Treaties provide otherwise. 14

But there is a further extension of the Commission’s power, in that

a legislative act may delegate to the Commission the power to adopt non-legislative acts of general
application to supplement or amend certain non-essential elements of the legislative act.

As the ordinary legislative procedure consists in the joint adoption by the European Parliament and
the Council of a regulation, directive or decision on a proposal from the Commission, in effect it is the
unelected Commission that will decide, within the terms of this article what is “essential.” This measure
would greatly extend the powers of a body that already proposes some two-thirds of our laws.

We would lose Ireland’s commissioner for one-third of the time
From November 2014, Ireland would be without a commissioner for a third of the time, and we would
find ourselves bound by EU laws – superior to national law – proposed by a Commission in which no
Irish person participates in making decisions. 15 Furthermore the Government would not have the final
say in who represents us, even when Ireland had a representative on the Commission, but merely make
“suggestions,” instead of actually deciding. 16 The commissioners would then be decided by a super-
qualified majority of 20 of the 27 prime ministers.

In practice, the individual commissioners would be decided by the new Commission president who
would be appointed by the prime ministers, taking into account the outcome of the elections to the
European Parliament. However, the European Council would not vote on each individual commissioner
but on the list of candidates as a whole. The complete Commission would then be put to a vote in the
European Parliament which must accept or reject it in toto.

This means that the power to appoint the European “government” in reality would go to an alliance
of Christian democrats and social democrats, who would be able to align 20 of the 27 prime ministers
in the case of each individual commissioner and 376 of the 751 members of the Parliament to endorse
their collective choice. It can be seen that neither national parliaments nor the European Parliament – let
alone citizens – would have a say in electing the new Commission, which would now be acting in
effect as the government of the European Union, with greatly increased legislative, executive and judicial
authority.

The European Court of Justice would decide on the allocation of powers
The Lisbon Treaty extends the area of exclusive competence of the European Union by providing that it
alone would conclude any international treaties that are necessary “to enable the Union to exercise its
competence internally, or [that] affects an internal Union act.” 17 The European Union would also
exercise its competence externally by signing treaties, operating its own diplomatic corps, having its own
voice at the United Nations, operating its own international currency, and in countless other ways.

A review of the provisions of the Treaty of Lisbon I 6
At present the European Community negotiates international treaties on behalf of its members only in relation to trade and tariff matters. This article would give the European Union power to negotiate and sign, on its own behalf, international treaties and conventions in all areas of its competence. Together with the common foreign and security policy articles, this article would deprive the member-states of most of their present treaty-making powers. The areas of shared competence between the European Union and member-states are clearly set out, 18 while the Lisbon Treaty provides that the Member States shall exercise their competence to the extent that the Union has not exercised, or has decided to cease exercising, its competence. 19

So it is the European Union, not its member-states, that would have primacy even in these shared areas. In cases of dispute it is the European Court of Justice that would decide the policy boundaries and whether it is the union or national states that would make the laws – national supreme courts having already been rendered subordinate to the European Court of Justice.

The European Union would also have the power to promote and co-ordinate the economic and employment policies of the member-states and

the competence to define and implement a common foreign and security policy, including the progressive framing of a common defence policy. 20

The European Union, on its own initiative, could take supporting, co-ordinating or supplementary action with regard to the actions of its member-states and could ensure the co-ordination of their social policies. 21 The areas for such action at the European level would include “industry; education, vocational training, youth and sport; culture, and civil protection.”

This “action” would affect vast areas of public policy. One is reminded of the much-trumpeted principle of subsidiarity from the Maastricht Treaty, repeated in the Treaty on European Union (article 3b), and might expect large-scale repatriation of power. The opposite is the case, as the revamped constitution would rapidly accelerate the pace of centralisation in Brussels and strip national parliaments of further powers.

The Lisbon Treaty could be amended without further treaties or referendums

The “simplified revision procedures” 22 or “escalator clause” provides that

where the Treaty on the Functioning of the European Union or Title V of this Treaty provides for the Council to act by unanimity in a given area or case, the European Council may adopt a decision authorising the Council to act by a qualified majority in that area or in that case.

This provision enables a summit meeting of EU presidents and prime ministers to move policy areas from unanimity to majority voting, without having to draw up new treaties and get them ratified by parliamentary vote or referendum. The provision also allows the European Union to abolish national vetoes on any item, without the agreement of national parliaments, following unanimous agreement between presidents and prime ministers. This would probably eliminate the need to hold referendums on any further amendments to EU policies or to the Treaty of Lisbon itself. National parliaments would be given six months’ notice before this is done, and in the absence of objections the Council could proceed.

It is true to say that the likelihood of objection is rather slim, given the consensus among the EU elite. Inevitably, horse-trading and veiled threats would carry the day, and any domestic opposition would be swamped by the Government should it ever come to a Dáil vote.

Peter Hain, leader of the Labour Party in the British House of Commons, during the debate on the
rejected constitution dubbed this escalator clause “a formula for permanent revolution,” while Valéry Giscard d’Estaing, president of the convention, called it “a central innovation” of the constitution. However, it should be noted that this provision would not apply under the Lisbon Treaty to decisions with military implications or those in the area of defence.

In addition, the “flexibility clause” states that if the treaties have not given the European Union enough power to attain one of its very wide objectives, the Council of Ministers, acting unanimously on a proposal from the Commission, will take the appropriate measures. The Commission would draw the attention of national parliaments to such proposals, but the only means of blocking the measures would be based on an appeal to subsidiarity before the European Court of Justice. 123

This provision effectually permits the European Union to do what it likes, as long as the Council of Ministers acts unanimously and as long as no national parliament claims a breach of subsidiarity and rebels. It would enable the European Union to take extra powers to itself without further treaty negotiation, ratification by national parliaments, or referendum. This article is blatantly undemocratic and potentially reduces Dáil Éireann to the status of little more than a county council. Legally, the European Union already has these powers, except that they are not being exercised by qualified majority voting but unanimously. That would change if the Lisbon Treaty is ratified.

**The European Union would be given the constitutional form of a supranational federal state**

The result would turn Ireland and the other member-states into regions or provinces of this federation. It would do this in three legal steps: (1) giving the new European Union that it would bring into being its own legal personality and independent corporate existence for the first time, separate from and superior to its member-states; (2) abolishing the European Community that Ireland has been a member of since 1973 and replacing it with the new European Union; and (3) bringing all spheres of public policy either actually or potentially within the scope of the new union.

From the inside, this new post-Lisbon European Union would seem to be based on treaties between states; from the outside it would look like a state in itself. It would have all the normal powers of a federal state, except the power to force its member-states to go to war against their will. The Lisbon Treaty would make us all real citizens of this new federal European Union for the first time. We would owe it the normal citizen’s duty of obedience to its laws and loyalty to its authority.

We would still retain our Irish citizenship, but the rights and duties attached to that would be subordinate to those of our EU citizenship in any case of conflict between the two. We would be like citizens of Virginia vis-à-vis the United States of America, or citizens of Bavaria vis-à-vis the Federal Republic of Germany. This new federal European Union would sign treaties with other states, would have its own political president, foreign minister and diplomatic service, its own foreign and security policy, its own voice at the United Nations, and its own public prosecutor. It would make most of our laws and would decide what our basic rights are in all areas of EU law.

If the EU’s politicians are intent on creating an EU federation, that federation should be run along normal democratic lines, with its laws being both proposed and made by people who are elected to make them, either in the European Parliament or national parliaments, and not by the EU Commission, Council of Ministers, and European Court of Justice. But that is not on offer in the Lisbon Treaty. Lisbon means less democracy at the EU level, not more.
The end of an independent foreign policy

The all-encompassing article 11 of the Treaty on European Union provides that
the Union’s competence in matters of common foreign and security policy shall cover all areas of foreign policy
and that
the Union shall conduct, define and implement a common foreign and security policy, based on the development of mutual political solidarity among Member States, the identification of questions of general interest and the achievement of an ever-increasing degree of convergence of Member States’ actions.

“Mutual political solidarity” would become an unequivocal obligation in relation to EU foreign policy, ending any possibility of an independent Irish foreign policy and sounding the death knell of the remaining vestiges of neutrality. We would be obliged to support an EU common position in the UN General Assembly, should the big states agree one. The rejected constitution required that Member States shall actively and unreservedly support the Union’s common foreign and security policy in a spirit of loyalty and mutual solidarity and shall comply with the acts adopted by the Union in this area, and there can be little doubt that this is what is intended by the slightly revised wording in the Lisbon Treaty.

The European Union could be financed from its own resources

Under the heading of “the Union’s Resources” the European Union would provide itself with the means necessary to attain its objectives and carry through its policies, and it could also establish new categories of “own resources.” Though these measures require unanimity in the Council and would not enter into force until they are “approved by the Member States in accordance with their respective constitutional requirements,” it is clear that it opens the way for an EU taxation system, which would make the EU budget wholly independent of its member-states.

The Union shall provide itself with the means necessary to attain its objectives and carry through its policies. The Council, acting in accordance with a special legislative procedure, shall unanimously and after consulting the European Parliament adopt a decision laying down the provisions relating to the system of own resources of the Union. In this context it may establish new categories of own resources or abolish an existing category. That decision shall not enter into force until it is approved by the Member States in accordance with their respective constitutional requirements. 24

This article would allow the EU Council of Ministers to finance the attainment of the new European Union’s very wide objectives by means of “new categories of own resources.” These could include virtually any kind of tax – income tax, sales tax, company tax, property tax, carbon tax – as long as it was unanimously agreed and approved by the member-states in accordance with their respective constitutional requirements, which in Ireland’s case, if the Lisbon Treaty is ratified, would mean majority Dáil approval.

The Lisbon Treaty would therefore give permission to the Taoiseach and Government to agree to various EU taxes in the future, without having to come back to the Irish people in a referendum; and it is unlikely that the EU prime ministers and presidents would resist for very long the possibility of endowing the new European Union that they would be running with its own tax resources. Such provisions as
The common foreign and security policy (CFSP) shall be put into effect by the High Representative and by the Member States using national and Union resources. 25
are especially ominous in this regard. At present Irish personnel on EU missions – unlike UN missions – are paid for by the Irish taxpayer, and with the expansion of the common foreign and security policy this burden is likely to increase substantially.

The corporation tax issue
Article 93 (TFEU) of the Lisbon Treaty proposes an important amendment to Article 113 of the Consolidated EU Treaties, which at present makes harmonised company tax laws across the EU a mandatory requirement, although that must be done by unanimity. This amendment states that such harmonisation must take place if it is necessary “to avoid distortion of competition”, allowing a country or business firm to take a case before the EU Court of Justice alleging that, for example, Ireland’s 12.5% rate of company tax constitutes a “distortion of competition” as compared with Germany’s 30% rate.

It would then be open to the Court to apply the EU’s internal market rules on competition matters, to issues of company taxation. The Court could then require Member States to harmonise their company taxes over a specified period of time, although Governments would still decide the actual rates. Lisbon would therefore open a clear way around the present unanimity requirement for matters of company taxes.

And there is another method in that the “general escalator clause” in article 48 of the Lisbon Treaty could be applied to the new article 93 in the Treaty on the Functioning of the European Union:

The Council shall, acting unanimously on a proposal from the Commission and after consulting the European Parliament and the Economic and Social Committee, adopt provisions for the harmonisation of legislation concerning turnover taxes, excise duties and other forms of indirect taxation to the extent that such harmonisation is necessary to ensure the establishment and the functioning of the internal market and to avoid distortion of competition.

That national differences in company taxes constitute “distortions of competition” would undoubtedly be the main argument for Lisbon for harmonising indirect taxes on companies, an issue that is especially sensitive in Ireland. The mandatory “shall adopt” makes it clear that there would be an obligation on member-states to harmonise company taxes, even though there is now a requirement of unanimity, and some states, including Ireland, are against any change.

If the Lisbon Treaty were to be ratified the general escalator clause or “simplified revision procedure” would be the practical way around the unanimity problem on taxes. At present there could be no shift towards qualified majority voting on indirect taxation, because the Constitution of Ireland would have to be changed to permit it. But if we ratify the Lisbon Treaty the Constitution would be changed, so that only the Taoiseach of the day would stand in the way of the European Council moving to harmonise taxes on companies – at least as far as Ireland is concerned.

At present the Irish people have a veto on EU indirect taxes. After Lisbon it would be the Taoiseach alone who would exercise this veto, or the Dáil majority that he and his Government would control. The veto that the Irish people at present have on EU company taxes would be replaced by reliance on the Taoiseach’s determination to say No indefinitely.

Neo-liberalism would become EU economic policy
The principle of an open market economy with free competition is reinforced by the fact that “the internal market as set out in Article 3 of the Treaty on European Union includes a system ensuring that competition is not distorted.” So, undistorted competition would become one of the European
Union’s organising principles.

The Commission’s objective is to make offers opening “a market” in all public services – including health and education – to transnational corporations through the General Agreement on Trade in Services (GATS). At present, and under the Lisbon Treaty, neither the European Parliament nor the Dáil is informed which services are “offered” for trade until the deal is completed. It is this process that leads to the privatisation of services, such as water and sewerage, and increased costs to the average citizen – as well as pressuring developing countries to privatise such services through EU trade agreements.

These changes conform to a general policy of “the achievement of uniformity in measures of liberalisation,” 29 or deregulating the provision of goods and services. EU trade policy seeks to “encourage the integration of all countries into the world economy, including through the progressive abolition of restrictions on international trade.” 30 This objective is reinforced and expanded through the commitment to “contribute, in the common interest, to . . . the progressive abolition of restrictions on international trade and on foreign direct investment, and the lowering of customs and other barriers.” 31

State aids or subsidies to industries or services “which distort or threaten to distort competition” continue to be forbidden. 32 The European Central Bank, which has “price stability” as its sole objective, 33 could, together with the Commission, take action with regard to members of the euro zone “to strengthen the coordination and surveillance of their budgetary discipline” and “to set out economic policy guidelines for them . . .” 34 In essence this would result in their reducing budget deficits, in turn leading to further cuts in public spending and general pressure to pursue a deflationary economic policy. 35

A president for the European Union

There would be a political president of the European Union, elected by qualified majority vote of the Council, to “drive forward the work” of the EU summit meetings and to represent the European Union internationally. 36 The president would receive ambassadorial status with the European Union, and important laws in its name. Selected for a term of two-and-a-half years (renewable once), he or she would in effect be head of state of the European Union, superior to the heads of state of the member states. The rotating EU presidency confirmed by the Nice Treaty would be abolished. Ireland insisted that the terms of the Nice Treaty should be adhered to, and Dick Roche said that opening Nice would cause an “allergic reaction” and would “open Pandora’s box.” 37 No doubt his allergy will have receded in time for the referendum campaign and his powers of recollection will have faded with his “allergy.”

An EU Foreign Ministry would be created

The European Council, acting by a qualified majority, would appoint the “High Representative of the Union for Foreign Affairs and Security Policy,” in other words, a minister for foreign affairs. The high representative would conduct the European Union’s common foreign and security policy and the common security and defence policy. 38

As he or she would be appointed by majority vote of the presidents and prime ministers at an EU summit meeting, it is possible that under this treaty Ireland could be represented internationally by an EU foreign minister whom we do not want. The union foreign minister would “express the Union’s position in international organisations and at international conferences.” 39

The foreign minister’s position is strengthened by an article that proposes that

Member States shall coordinate their action in international organisations and . . . uphold the Union’s
positions in such fora [forums].

This position is further elaborated:

When the Union has defined a position on a subject which is on the United Nations Security Council agenda, those Member States which sit on the Security Council shall request that the High Representative be asked to present the Union’s position.

The EU foreign minister would organise this co-ordination, and we would be precluded from putting an independent position. This must be the end of an independent foreign policy.

The creation of an EU Interior Ministry

Though there is no overt reference to an Interior Ministry in the proposed treaty, further articles dealing with the area of security, freedom and justice can only lead to the conclusion that such an institution is being established. Operational co-operation on “internal security” would be promoted and strengthened through a permanent standing committee. Internal security in the European Union would extend to non-military crisis management, external border management, and the maintenance of public order. There is every possibility that the term “operational” would be used to exclude the committee from all normal mechanisms of democratic and judicial control and rules on access to documents.

Article II-5 of the rejected EU Constitution gave more information on this committee, referring to it as “a co-ordinating committee of non-elected senior officials from home/interior ministries” whose remit was to be internal security, among which was included operational co-ordination for “demonstrations on a European scale.” No decision-making procedures were proposed in article II-5, though the European Parliament would be informed of its work, as in the case of the proposed standing committee. This means that the new standing committee would operate outside any parliamentary scrutiny or accountability.

This co-ordinating committee would become the centre of EU-wide operational decision-making and implementation for policing, public order and external border management. It would also organise ad hoc, informal and unaccountable meetings at the EU and international levels. This committee would be the emerging Interior Ministry of the European Union, overseeing the coercive powers of the emerging EU state.

A common defence policy

The Lisbon Treaty states unambiguously that the “common security and defence policy” it proposes “shall include the progressive framing of a common Union defence policy. This will lead to a common defence, when the European Council, acting unanimously, so decides.” This is an example of the incremental “policy creep” that has characterised each successive EU treaty.

This step-by-step approach is best illustrated by referring back to a similar article in the Nice Treaty. One of the most contested articles in that treaty stated that the progressive framing of a defence policy “might lead to a common defence, should the European Council so decide.” “Might” has now been transformed into the imperative “will,” and there can no longer be any doubt regarding the intention.

It is made clear that the European Union could use both “civilian and military means” and that the tasks undertaken shall include joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilization. All these tasks may contribute to the fight against terrorism,
including by supporting third countries in combating terrorism in their territories. 44

“Combat forces in crisis management,” “peace-making” and “supporting third countries in combating [undefined] terrorism” implies a high level of engagement and combat and must be a cause for concern.

Member-states must also “make civilian and military capabilities available to the Union for the implementation of the common security and defence policy . . .” and “undertake progressively to improve their military capabilities.” This means there would be a treaty obligation on Ireland to provide military resources to the European Union for its security and defence policies and to increase military spending as necessary in order to ensure such compatibility.

Should the Irish people decide to accept the Lisbon Treaty in the referendum, what remains of our military neutrality would finally disappear and we would be committed to the EU objective of a common defence. While it is likely that a referendum would be necessary before we actually joined a common defence, we would be making a political commitment to work towards the objective in accepting the Lisbon Treaty.

**We would be committed to a mutual defence policy**

This “common defence policy” is reinforced by a mutual defence clause:

> If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power . . .” 45

This is immediately followed by the statement that “this shall not prejudice the specific character of the security and defence policy of certain Member States,” which is being presented by some commentators as protecting the specific character of Irish neutrality. But this qualification is followed in turn by a reassurance for the majority of member-states, including the big states that are members of NATO, that commitments and cooperation in this area shall be consistent with commitments under the North Atlantic Treaty Organisation . . .

As Ireland would also be bound by the same “commitments and cooperation” under its mutual defence commitments, we would be drawn closer into NATO operational planning and execution. In this way the European Union has devised a mutual defence clause that the neutral states claim does not prejudice them and that at the same time the NATO members say will be consistent with their commitments to NATO!

However, the rapporteur of the European Parliament’s Foreign Affairs Committee on the Treaty of Lisbon, Andrew Duff, let the cat out of the bag when he proposed recently that the Western European Union, the military grouping linked with NATO and based on nuclear weapons, should be dissolved.46 “The only surviving objective of the WEU,” he wrote, “is to ‘afford assistance to each other in resisting any policy of aggression’ also known as ‘collective self-defence’ . . . However, this objective will soon be covered by Article 28 A(7) of the Treaty of Lisbon. The Treaty of Lisbon has taken the final step in exporting all WEU competences into the European Union.”

**There would be a solidarity clause in the treaty**

The Union and its Member States shall act jointly in a spirit of solidarity if a Member State is the object of a terrorist attack 47 or the victim of a natural or man-made disaster. The Union shall mobilise all the instruments at its disposal, including the military resources made available by the Member States . . . 48

If the solidarity action has military or defence implications, decisions must be taken by unanimity.
However, this is a very broad mandate, as it covers the threat of terrorism as well as an actual terrorist attack, leaving the way open for pre-emptive military actions against arbitrarily defined terrorists.

A non-binding declaration was attached during the Irish presidency that states: “Without prejudice to the measures adopted by the Union to comply with its solidarity obligation towards a member state . . . none of the provisions of Article 188R is intended to affect the right of another Member State to choose the most appropriate means to comply with its own solidarity obligations towards that Member State.”

In fact the attached non-binding declaration gives the Irish Government no more leeway than it would have as a member of NATO. The NATO treaty doesn’t require an automatic military response from all its members to an attack. Indeed article 5 of the North Atlantic Treaty states that in case of attack each NATO member “will assist the party or parties so attacked by taking forthwith, individually and in concert with the other parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.”

**The EU military-industrial complex would be strengthened**

Under the Lisbon Treaty the European Defence Agency would identify operational requirements, would promote measures to satisfy those requirements, would contribute to identifying and, where appropriate, implementing any measure needed to strengthen the industrial and technological base of the defence industry, would participate in defining a European capabilities and armaments policy, and would assist the Council in evaluating the improvement of military capabilities in support of a common defence.  

Clearly the intention is the establishment of a military-industrial complex – first anticipated in the Amsterdam Treaty – to rival that of the United States. Among the tasks of the agency would be “to promote [the] harmonisation of operational needs and [the] adoption of compatible procurement methods” while the Agency benchmarks envisage significant increases in military spending.

The Treaty of Lisbon further provides that civil and military assets may be used for foreign interventions under the common security and defence policy. These interventions ominously include “peacemaking and post-conflict stabilization” and “supporting third countries in combating terrorism in their territories.”

**A two-tier defence?**

The Treaty of Lisbon extends the principle of “enhanced co-operation,” first introduced by the Treaty of Nice, to security and military matters. This is to be called “structured co-operation” and points the way to a two-tier Europe in defence and military affairs. It provides for a minority of EU members, led by the big states and even against the wishes of some other EU members, using the common foreign, security and defence policy for their own purposes, as well as the EU agencies set up to serve it.

**The European Court of Justice would decide our rights**

The Lisbon Treaty proposes that the European Court of Justice in Luxembourg be given a human rights competence in areas of policy affected by EU law. This would include member-states when implementing EU law. This would remove the final decision regarding rights in a large range of areas from national supreme courts and from the European Court of Human Rights in Strasbourg. It would give the ECJ the power to rule on human rights issues coming before it and to take essential elements of that power away from national supreme courts. This would impose a uniformity of human rights standards throughout the European Union, despite significant differences in social values between
various countries.

The Treaty of Lisbon would give the EU Charter of Fundamental Rights – at present a political declaration attached to the Treaty of Nice – binding legal force. Article 51 of the Charter states: "The provisions of this Charter are addressed to the Institutions, bodies and agencies of the Union" and to the member-states "when they are implementing Union law." The ECJ is thus given the power to decide rights under the Charter, while the language used throughout is so unclear that it will inevitably be interpreted at the discretion of the highly politicised judges, who are committed to widening their remit in the cause of ever closer centralisation of power in the European Union.

If the proposed Lisbon Treaty is accepted it would over-rum a previous ECJ decision that stated that the European Union lacked competence in the area of fundamental rights. Many new areas of competence would be established: the protection of personal data (article 8), conscientious objection to military service (article 10), academic freedom (article 13), freedom of conscience and religion (article 10), and the right to education and health services (articles 14 and 35). Yet article 51 states: "This Charter does not . . . establish any new power or task for the Union, or modify powers and tasks defined in other Parts of the Constitution." If the European Union has no power or resources with which to provide or to oblige the provision of these benefits, why include them in the Constitution?

On past experience, the absence of a treaty basis for some of these rights may not be sufficient to prevent the ECJ from imposing obligations on member-states to apply all the provisions of the Charter. There is widespread consensus on what constitutes people's core human rights, but there is wide divergence in practice among the member-states. Ireland has habeas corpus, trial by jury, and the presumption of innocence until proved guilty. On the other hand, some EU states permit preventive detention, without the right to be brought before a court. Property rights, rights of succession, family law, rights relating to children, the treatment of refugees, legal aid, environmental controls, neutrality and the censorship of publications are some other examples of areas of difference.

There is provision for derogations from the Charter:

Any limitation on the exercise of the rights and freedoms recognised by this Charter must be provided for by law . . . limitations may be made only if they are necessary and genuinely meet objectives of general interest recognised by the Union or by the need to protect the rights and freedoms of others. 57

The Charter continues by asserting:

Nothing in this Charter shall be interpreted as restricting or adversely affecting human rights and fundamental freedoms as recognised, in their respective fields of application, by Union law . . . and by the Member States' constitutions. 58

It would be the ECJ that would decide "the fields of application" on the grounds of human rights cases that came before it. It would have the scope to decide the boundaries between the EU and national levels, and is already notorious for "competence creep," that is, for using its case law to extend EU power and the boundaries of its own jurisdiction to the utmost extent possible, thereby reducing the power of national courts and constitutions.

"Fundamental rights" would not be fundamental

Limitations on the rights and freedoms recognised by the Charter are permitted in order to "meet objectives of general interest recognised by the Union." This offers wide scope for limitation by the European Union of the "rights" set out in the Charter. If a right is "fundamental" it must be valid in all circumstances. The Constitution of Ireland regards fundamental rights as superior to human-made law,
and as being based on natural law. This principle is not accepted in the EU treaties. Our fundamental rights are adequately catered for in the Constitution of Ireland. The proposed Charter on Fundamental Rights, in widening the remit of the European Court of Justice, could conceivably diminish our rights in the future. This seems especially so as the Lisbon Treaty records the accession of the European Union to the European Convention on the Protection of Human Rights and Fundamental Freedoms, 61 but Protocol 5 qualifies this by stating that “the accession of the Union [to the Convention] shall not affect the competences of the Union or the powers of its institutions.”

(There is a substantive critique of the Charter on the People’s Movement web site at www.people.ie)

Subcontracting asylum policy
The Lisbon Treaty provides for “partnership and cooperation with third countries for the purpose of managing inflows of people applying for asylum . . .” 62 While it might be desirable to co-operate on the development of resettlement schemes or burden-sharing, this provision is open to misuse through member-states subcontracting their protection duties to third countries. Such activity would be inconsistent with the meaning of the Geneva Convention of 1951 relating to the status of refugees and with its 1967 protocol. Above all, it conflicts with the European Union’s stated commitment to the protection of human rights in its relations with the rest of the world.

Civil and criminal law and procedures would be harmonised throughout the European Union
The “three-pillar” structure of the existing European Union would be abolished by the Lisbon Treaty. Under the Nice Treaty, justice and home affairs, as well as foreign and security matters, were treated as “intergovernmental” rather than supranational matters. Community law governed only the European Union’s economic “pillar.” The Lisbon Treaty would bring the European Court of Justice and the Commission into these policy areas for the first time. The treaties would give the European Union the power to harmonise civil law and procedures 63 and criminal law and procedures 64 in the member-states, with a view to bringing about an EU “area of freedom, security and justice.” The European Council would be empowered to establish an EU public prosecutor to bring charges against people for serious offences affecting more than one member-state. 65 This prosecutor could take cases in the Irish courts.

A dangerous prospect is opened up by extending the powers of the ECJ through its new fundamental rights jurisdiction, while the Commission’s role in “approximating” civil and criminal law and procedure could lead to moves to limit habeas corpus and trial by jury. Habeas corpus refers to the requirement that one be brought speedily before a court if one is arrested. It exists in common law legal systems, such as those of Ireland and Britain, but not in most Continental countries. These articles could also affect regulations regarding oral hearings, the use of live witnesses in civil cases, legal aid, the disposition of property under succession law, and many other matters of substantive civil and criminal law. At present these are entirely within the power of EU members, and many important differences exist between them.

The Irish opt-out
The changes in the Lisbon Treaty to EU justice and home affairs law (which concerns immigration and

A review of the provisions of the Treaty of Lisbon | 16
asylum, civil law, policing, and criminal law) are more far-reaching than the changes this treaty would make to any other areas of EU law.

These changes entail a shift to “qualified majority voting” by the member-states in the EU Council as regards legal migration and most areas of criminal law and policing, along with much-increased powers for the Commission, the European Parliament and the ECJ in this area, as well as revised EU competences in this field – which would in many cases increase the powers of the European Union.

In the areas of policing and criminal law, Ireland is in most instances giving up a veto in return for an opt-out in the Lisbon Treaty. We secured the opt-out from policing and criminal law proposals as part of the deal to negotiate the Lisbon Treaty; this opt-out was not part of the treaty, and at no point was such an opt-out even the subject of discussion as part of the negotiations for the treaty.

Nevertheless, we would be subject to the expanded jurisdiction of the European Court of Justice as regards asylum and civil law, legislation that we have already opted into (or would opt into in future), as well as any future policing and criminal law legislation that we opt into. Member-states would not be subject to the expanded jurisdiction of the ECJ as regards existing policing and criminal law legislation for a period of five years after the entry into force of the new treaty. The Council, acting by a qualified majority on a proposal from the Commission, could determine that Ireland could bear the direct financial consequences incurred as a result of the cessation of its participation in an existing measure. 66

Co-option as “participatory democracy”

“The principle of participatory democracy” is alluded to by the Lisbon Treaty.

The Union Institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views on all areas of Union action. 67

These associations, many subsidised by the EU Commission, are at present nominally consulted by the appropriate EU institutions. They have little real power but provide a façade that masks the undemocratic nature of the decision-making process in the European Union.

Not less than one million citizens who are nationals of a significant number of member-states could take the initiative of inviting the Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the European Union is required for the purpose of implementing the treaties. The procedures and conditions required for such a “citizens’ initiative,” including the minimum number of member-states from which such citizens must come, would be determined by the Parliament and the Council. The Commission, in a most democratic manner, could respond to or ignore such a petition as it saw fit. The provision is therefore practically useless but, by mirroring the initiation process for a popular referendum, gives the illusion of democracy.

The Protocol on the Role of National Parliaments

A “Protocol on the Role of National Parliaments” proposes that national parliaments be informed of proposals for EU laws at the same time as the Council of Ministers and the European Parliament. Most of this information is already freely available on the web, and no procedures are specified should a national parliament be unhappy with a proposal other than to “send to the Presidents of the European Parliament, the Council and the Commission a reasoned opinion on whether a draft European legislative act complies with the principle of subsidiarity.”

A “Protocol on Subsidiarity” states that national parliaments may send to the presidents of the European Parliament the Council and the Commission a reasoned opinion on whether a draft legislative
act complies with the principle of subsidiarity. If one-third of national parliaments complain within eight weeks of learning about it, the draft must be reviewed and the Commission could decide to maintain, amend or withdraw its proposal, but it could not be forced to withdraw or change the proposal. So only in exceptional cases – if at all – would this measure bring about any changes.

It is also difficult to see how this provision can be reconciled with the requirement of the Treaty on European Union that member-states respect in full the acquis communautaire or body of EU law, which now fills 120,000 pages.

The climate-change article
The Lisbon Treaty commits the European Union to “promoting measures at [the] international level to deal with regional or worldwide environmental problems, and in particular combating climate change.”

The laudable sentiments expressed are just that, but this article is being “spun” in a way that suggests specific measures. This does not give the EU new powers internally and adds no new legal powers to the existing article on the environment. Any internal actions on environmental problems would have to be reconciled with the EU’s rules on distorting competition, safeguarding the internal market and sustaining the energy market.

Important questions, such as the priority to be accorded if such measures should interfere with “the functioning of the energy market,” might involve state aid to industries or entail services that “distorted threatened to distort competition.” If this is-as proposed-a significant reason for accepting the treaty, it could only be so if the European Union intended to ignore the issue of climate change altogether the treaty be rejected, and that is hardly credible.

The Euratom Protocol
The Lisbon Treaty has a binding protocol attached, which was added without debate at the last minute to the original EU Constitution and has been carried over. This protocol links the provisions of the European Atomic Energy Treaty to the Lisbon Treaty and applies the financial provisions of the Union to the European Atomic Energy Community. The Euratom Treaty binds EU member states to “create the conditions necessary for the speedy establishment and growth of nuclear industries” while “facilitating investment to develop nuclear energy”.

The pro-nuclear lobby have been arguing for years that nuclear power is the solution to climate change and this Protocol will be of great benefit to their campaign. France and the UK are already planning a new generation of nuclear power plants.

We could see the diversion of larger portions of the EU budget to the development of nuclear power. Furthermore, the Lisbon Treaty at Title XVI ‘Energy’ states that ‘...the Council may unanimously adopt measures ... significantly affecting a Member State’s choice between different energy sources and the general structure of its energy supply.’ With a pro-nuclear Commission, a legally binding Euratom Treaty and the majority of member states using nuclear power, we will come under extreme pressure to acquiesce in the drive for a nuclear – powered EU

Could we voluntarily leave the European Union?
There is provision for a member-state to withdraw voluntarily from the European Union and for the European Union to negotiate and conclude an agreement setting out the arrangements for its withdrawal and for its future relationship with the European Union. 71 The Lisbon Treaty would cease to

A review of the provisions of the Treaty of Lisbon l 18
apply to a state wishing to withdraw after the entry into force of the withdrawal agreement or, failing the successful negotiation of that, two years after the notification of its intention to withdraw. If a state was unhappy with the terms of its withdrawal agreement, the suspension of its rights under the treaty in this way could be used to put it under pressure to agree to measures that were not in its interests. The European Union is unlikely to be magnanimous in these circumstances, and the withdrawing state would probably have to pay billions for the privilege of bilateral agreements – as Norway does at the moment. A more prudent course of action would be to reject this treaty now.

What happens if we vote No?
The Lisbon Treaty, embodying the rejected EU Constitution, must be ratified by all the EU member-states “in accordance with their respective constitutional requirements” in order for it to enter into force. This is normal with all EU treaties. This treaty would enter into force on 1 January 2009 provided that all the instruments of ratification had been deposited or, failing that, on the first day of the month following the deposit of the instrument of ratification by the last signatory state to take that step.\(^2\)

There would be a formal procedure for member-states to leave the European Union, under which the remaining member-states would have a majority vote regarding agreement with the withdrawing state. However, there is no mechanism for expelling a state or states from the European Union on the grounds that they are reluctant to refund it on the new legal basis of this proposed treaty and give the EU Constitution primacy over their own constitutions and laws. Just as when France and the Netherlands voted No, therefore, there is no other option but to go back to the drawing-board, as unanimity is necessary for acceptance of the treaty.\(^3\)

Conclusion
The legal criteria for statehood are set out in article 1 of the Montevideo Convention. “The state as a person in international law should possess the following qualifications: a permanent population; a defined territory; a government and the capacity to enter into relations with the other states.”

It is clear that the European Union already possesses the first two attributes. Under the Treaty of Lisbon it would fully acquire the final attribute, as it would have international legal personality, a president and foreign minister, and a diplomatic service.

The attribute of “government” is made up of many elements. Among them would be a citizenship of the European Union, which is defined and made legally binding in the Lisbon Treaty. It has a clearly defined external frontier, with free movement of citizens inside that frontier; and the Lisbon Treaty would provide it with a central immigration policy. It would have a fully developed executive (the president of the Council as head of state, with the Foreign Service and the Commission), a legislature (the European Parliament, in conjunction with the Council of Ministers), and a developed three-tier judicial system, with the European Court of Justice as supreme court, a lower Court of First Instance, and a developing further tier of specialist courts and judicial bodies. The European Union also has its own currency and would have a common economic policy, with legally binding guidelines on the member-states’ conduct of macro-economic policy and on budget deficits. It has a common foreign and security policy, it is developing its own armed forces, and the Treaty of Lisbon would in effect provide it with a system of federal criminal law.

The European Union would become a classic federal state. Deleting the word “federal” from article I-1 of the EU Constitution and carrying the deletion into the Lisbon Treaty – as was insisted upon by
British and Irish representatives – will not change the situation. EU law is recognisable as a classic federal system of law. Sovereignty is exercised within certain fields by the European Union, to the exclusion of the authorities of the subordinate units of government, the member-states. Power at the federal level has been conferred or surrendered by the lower levels, as is normal in the classical federal states; but there is no provision for power, once surrendered, being devolved again. These federal laws would apply directly within all parts of the federal state and would override any local laws that conflict with them. The subordinate units of government – the national governments – could be punished with fines if they disobey the federal laws.

What is left of our independence, self-government and sovereignty would be extinguished if the Lisbon Treaty is accepted in a referendum by the Irish people.

They decided that the document should be unreadable. If it is unreadable, it is not constitutional, that was the sort of perception. Where they got this perception from is a mystery to me. In order to make our citizens happy, to produce a document that they will never understand! But, there is some truth [in it]. – Giuliano Amato, former prime minister of Italy and vice-chairperson of the convention that drew up the EU Constitution, recorded by Open Europe, London Centre for European Reform, 12 July 2007.

Andrew Duff – a member of the British Liberal Democrats and one of the European Parliament’s three representatives to the intergovernmental conference that drew up the Lisbon Treaty – told an audience in Brussels that the intergovernmental conference was a giant exercise to make obscure what has previously been straightforward. Certain issues we’re suppressed. We need to remind ourselves that the greater part of the 2004 treaty [the EU Constitution] has been satisfactorily salvaged, and will find itself in the amended treaty.
Footnotes
2 RTE news, 23 June 2007.
3 4 June 2003.
4 Gisela Stewart (representative of the British Parliament on the Convention) reported: “Not once in the 16 months that I was on the Convention did representatives question whether deeper integration is what the people of Europe want, whether it serves their interests or whether it provides the best basis for a sustainable structure for an expanding Union.”
5 Irish Times, 30 June 2007.
6 Declaration 17.
7 Art. I-6.
9 Treaty on European Union, article 46a.
10 Treaty on European Union, article 3a (3).
11 Treaty on European Union, article 9c (4).
12 Not to be confused with the Court of Human Rights in Strasbourg under the auspices of the Council of Europe, with forty-six member-states. The Convention for the Protection of Human Rights and Fundamental Freedoms entered into force in September 1953. Taking as their starting point the Universal Declaration of Human Rights (1948), the framers of the convention sought to pursue the aims of the Council of Europe through the maintenance and further realisation of human rights and fundamental freedoms.
13 Treaty on European Union, article 4 (3).
14 Treaty on European Union, article 9d (2).
15 Treaty on European Union, article 9d (4).
16 Treaty on European Union, article 9d (7).
17 Treaty on the Functioning of the European Union, article 3.
18 Treaty on the Functioning of the European Union, article 4.
19 Treaty on the Functioning of the European Union, article 2.
20 Treaty on the Functioning of the European Union, article 2a (4).
21 Treaty on the Functioning of the European Union, article 2e.
22 Treaty on the Functioning of the European Union, article 48 (7).
23 Treaty on the Functioning of the European Union, article 308.
24 The amendments inserted by the Treaty of Lisbon in article 269 of the Treaty Establishing the European Community are shown in bold type. The complete article is now article 269 of the Treaty on the Functioning of the European Union.
25 Treaty on the Functioning of the European Union, article 13c (3).
26 Where majority voting applies.
27 Outlining the objectives of the union.
29 Treaty on the Functioning of the European Union, article 188c.
30 Treaty on European Union, article 10A.
31 Treaty on the Functioning of the European Union, article 188b.
32 Treaty on the Functioning of the European Union, article 87.
33 Treaty on the Functioning of the European Union, article 245a.
34 Treaty on the Functioning of the European Union, article 114.
35 Treaty on the Functioning of the European Union, article 104.
36 Treaty on European Union, article 9b.
37 At a meeting in Brussels between Giscard and government representatives, 4 June 2003.
38 Treaty on European Union, article 9e (1).
39 Treaty on European Union, article 13a (2).
40 Treaty on European Union, article 19a.
41 Treaty on European Union, article 19b (3).
Treaty on the Functioning of the European Union, article 65.

Treaty on European Union, article 28a.

Treaty on European Union, article 28b.

‘….. in accordance with Article 51 of the United Nations Charter’ This is the self defence clause. The article makes no mention of a UN mandate

In a letter to the chairperson of the Foreign Affairs Committee of the European Parliament on 9 January 2008. Note: Previous EU treaties had already incorporated most of the WEU’s provisions.

This vaguer formulation replaces the term ‘victim of terrorist attack,” used in the rejected constitution.

Treaty on the Functioning of the European Union, article 188R.

Declaration 37.

Treaty on European Union, article 27.


Treaty on European Union, article 28d.


Treaty on European Union, article 28b.


Treaty on European Union, article 6.

Charter of Fundamental Rights, article 52 (1).

Charter of Fundamental Rights, article 53.

Charter of Fundamental Rights, article 2.

Outlined in the Treaty on European Union, article 3.

Treaty on European Union, article 6.

Treaty on the Functioning of the European Union, article 69 (a).

Treaty on the Functioning of the European Union, article 69 (d).

Treaty on the Functioning of the European Union, article 69 (e).

Treaty on the Functioning of the European Union, article 69 (i).

Protocol 20 (4a).

Treaty on European Union, article 8b.

Treaty on the Functioning of the European Union, article 174.

Treaty on the Functioning of the European Union, article 176a.

Treaty on the Functioning of the European Union, article 87.

Treaty on European Union, article 35.

Treaty on the Functioning of the European Union, 188n (3).

The Vice President of the European Commission, Margot Wallstrom has said that: ‘It means the leaders will have to think again if there is a No vote... the leaders will have to sit down and say well what do we do now, what steps to take...’ (Interview with Matt Cooper 28/2/08).

Some other publications

● Campaign Against the EU Constitution (www.caeuc.org) Lisbon Treaty: Vote No.

● Peace and Neutrality Alliance (www.pana.ie), Irish Independence or European Superstate?


A review of the provisions of the Treaty of Lisbon | 22
I WOULD LIKE TO SUPPORT
THE PEOPLE’S MOVEMENT CAMPAIGN

Name

Address

Phone. No

Email

I enclose the following contribution payable to The People’s Movement

Contributions can also be made by credit transfer to The People’s Movement account.  
Name of account, People’s Movement,  
Account number 0630039, Ulster Bank 33 College Green Dublin 2.

Please return this form to The People’s Movement  3 Talbot Street, Dublin 1.  
For more information, please visit www.people.ie  e-mail info@people.ie  
or phone 087-230 8330.
A review of the provisions of the Treaty of Lisbon | 24

People’s Movement
Glúiseacht an Phobail
If we Vote NO nothing changes!

* Ireland will not be thrown out of the EU
* Farm payments will not cease
* The Germans will not take back our motorways
* The world will not end

Embarrassed Irish politicians will merely have to go to Brussels and report that the Irish people refused to behave in the expected sheep-like manner and actually voted 'No'.

In fact to Vote NO in an informed and concerned manner says a lot more for the intelligence of Irish voters and their respect for democracy.

Ireland is the only EU state out of 27 where the people have a vote on the Lisbon Treaty. The decision we make will impact on ourselves, our families, our communities - and 500 million of our fellow European Citizens!

More information on the Peoples Movement and the Lisbon Treaty at:

www.people.ie
or e-mail
post@people.ie

Peoples Movement/ Gluaiseacht An Phobail,
3 Talbot Street, Dublin 1
Ph. 087-230 8330

Take a Stand - Demand a Better Deal!

Vote No to the Lisbon Treaty

The government that we as a nation elected - just one year ago - now treat the people like idiots and refuse to supply us with facts regarding a treaty which WILL be our last chance to make our voice count on issues which will affect how we govern ourselves.

They refuse even to give us sight of the actual treaty, a copy of which should be delivered to every home in the state.

Politicians on the 'Yes to Lisbon' side constantly argue that we voted to join the EEC in 1973 and since then agriculture in Ireland has received 40 billion euros from the EU.

In fact what the Irish people voted for then was a European ECONOMIC Community, not a huge bureaucratic superstate building up its own army to intervene in world politics.

In 1973 there were 300,000 farmers in Ireland. 35 years later there are just over 100,000. Small mixed family farms have all but disappeared and only a lucky few can make an income and raise a family solely from the land.
lead to a further flight from the land and a loss of up to 50,000 jobs in the animal feedstuff and food processing sectors.

This is why it does not matter if the Agriculture Minister creates some 'Yes' spin as a result of meeting with Mandelson and presenting a fudge to get farmers behind the 'Lisbon Agenda'.

What matters is that the seeds of the future EU destruction of Irish agriculture are sown within the Lisbon Treaty itself and the only way to delay it is to Vote No.

Genetically Modified Foods

In 1999 Austria imposed a national ban on the importation and production of GM maize. The European Commission attempted to challenge the ban on the basis of an existing Directive. In 2006 the Commission sought to overturn the ban on importation only.

At the Environmental Council meeting in December last year Austria sought to defend their position, but lost a Qualified Majority Vote and now faces the prospect of having their national import ban - supported by the Austrian people - lifted by the European Commission.

Irish Law or EU Directive?

Over 80% of Ireland's domestic laws now come from the EU, the Dail just rubber stamps decisions already made in Brussels.

A good example is the recent debate about the water charges forced on schools, which is an EU imposed extra tax. The Irish government admitted that they are powerless to stop the ridiculous situation where schools have to pay for their water, like commercial businesses.

Farmers already have to pay for water for agricultural use and everyone will have to pay domestic water charges by 2010. Politicians and councils are attempting to keep this under wraps due to the upcoming local elections in 2009. It should be made a major issue in those elections, but it will be fobbed off as being an EU Directive that cannot be opposed.

We have also seen the effective banning of family turf cutting on bogs, again due to an 'EU Habitat Directive'. 2008 will be the last year turf will be permitted to be cut on many bogs in the Midlands and the West. This ban relates to small family owned turf banks, not to the massive industrial peat harvesting of Bord Na Mona. Families will be put the extra expense - and much greater environmental damage - of using imported oil, coal or other fuels. This same Directive also bans the grazing of sheep in certain mountain and hill areas.

There have been several calls on the Irish government to provide extra funding for rural Post Offices to ensure these essential public services remain open. However Protocol 6 of the Lisbon Treaty mandates the EU to ensure that "competition is not distorted" in the open market. This gives the EU a mandate to remove "distortions" from the provision of services. Such "distortions" could include state aid, public funds, protective markets, health, environmental and workers' rights regulations and state "monopolies". This means that the postal system - and many other public services - cannot be protected for the public good.

The Lisbon Treaty gives 105 additional powers to the EU on issues such as international relations, security, trade and economic policy. In 68 of these areas Ireland will lose our right to stop laws not in our national interest (the 'veto'). Lisbon cuts our voting strength on the Council of Ministers by more than half and ends Ireland's automatic right to a Commissioner.

This could have very serious consequences in the future. We should refuse to give the EU a blank cheque on the future of our families and our country.
MAYDAY! MAYDAY!
SUPPORT IRISH FISHING COMMUNITIES
VOTE NO TO LISBON TREATY

The Lisbon Treaty is bad for the EU. It is bad for Ireland. It is particularly bad for the Irish fishing industry.

We’re not getting the full story about the Lisbon Treaty

The Referendum Commission urges us to ‘get the complete picture’ about Lisbon, yet does not inform us that a post-Lisbon European Union would be fundamentally different from the present EU.

If people vote ‘yes’ they will be turning the European Union into a federal state.

This would turn Ireland into a regional state within the new Union with the EU’s constitution and laws being superior to the Irish constitution and laws in any case of conflict between the two.

Lisbon would turn us into real citizens of the new EU owing obedience to its laws and loyalty to its authority over and above our obedience and loyalty to Ireland, the Irish constitution and laws.

An EU supreme court, the European Court of Justice, would have the power to decide our rights as EU citizens and Ireland’s Supreme Court would no longer have the final say.

Already as far back as 1989, the Court struck down quite mild measures introduced by the Irish government to prevent ‘quota hopping’ by requiring nationals of other Member States to set up an Irish company before obtaining a licence to fish at sea.

The Court found that this was not permissible as it conflicted with the fundamental EU principles of ‘freedom of establishment’. Lisbon will now copper-
fasten this type of approach and extend the rules of the EU internal market to fisheries.

This will have increasingly serious consequences as an already ideological but now more powerful European Court applies EU internal market rules to legal questions arising from the operation of the industry.

Lisbon represents the final nail in the coffin for coastal communities and the populations that depend on our indigenous fishing industry. Control of national fisheries was handed over to Brussels on our accession to the EEC in 1973 in exchange for what was believed to be a good deal for farming within the CAP. The division of quotas has led to a situation where Ireland’s fishing waters account for around 12% of the EU fishery but Irish fishermen are currently allowed only around 4% of the EU quota.

The Common Fisheries Policy is one of the worst examples of a centralised EU policy. It is backward-looking, inflexible and completely detrimental to the survival, let alone, the development of fishing communities of Ireland.

Lisbon carries this centralising process to new extremes. Each shift of power to Brussels increases the power of the non-elected Commission, which has the monopoly of proposing European laws to the Council of Ministers by giving it many new policy areas to propose laws for. Each shift of power from national level to the EU also entails a further shift of power from the Dáil and the people to Irish government ministers at EU level where they can use the EU system to make laws in a less accountable and more secret way.

This process hollows out our national democracy even further. It ensures that the future of fishing communities will be determined in an EU system in which it is a condition of making proposals that you’re not elected.

**Under the Lisbon Treaty:**

The un-elected Commission has the sole right to propose legislation relating to all aspects of fisheries.

But there wouldn’t be an Irish commissioner for five out of every fifteen years and Ireland would lose the right to decide who Ireland’s commissioner would be when it comes to our turn to be on the Commission;

The Irish government would lose what remains of its ‘competence’ (power to take decisions) in the fisheries area. This is because Lisbon includes fisheries as an area of ‘shared competence’ between the Union and Member States. So EU legislation would not only come to replace the content of Irish fisheries law but also the right of Ireland to legislate in the area;

Fisheries issues would be dealt with in a secret and unaccountable system where 85% of all EU laws are adopted by civil servants drawn from the Member States and the Commission operating in 300 secret working groups under the Council of Ministers in Brussels. The laws themselves are drawn up by 3000 other secret working groups attached to the Commission, with only 15% of EU laws actually adopted at meetings of the Council of Ministers where the ministers themselves may be present.
Lisbon shifts influence over law making and decision making on fisheries and other matters towards the big EU states and away from smaller countries like Ireland. It does this by replacing the voting system for making EU laws since the 1957 Treaty of Rome by a primarily population-based system which gives most influence to Member States with big populations and reduces the influence of smaller ones.

The conservation of marine biological resources under the Common Fisheries Policy would be an exclusive competence of the EU. This will have consequences in areas such as the fixing of quotas, their allocation between different member states, the making of policies affecting the marine environment, fishing policies and perhaps the 12-mile limit itself.

Measures on the allocation and fixing of fishing opportunities would also be exempted from the application of the so-called ‘co-decision’ procedure involving the European Parliament and would be decided by the Council using the Qualified Majority Voting system in which Ireland’s voting weight in relation to the other Member States would have fallen to one-third its present level – from 2% to 0.8%

Lisbon provides that if one-third of national parliaments object to the Commission’s proposal for a EU law, the Commission must reconsider it, but not necessarily abandon it: it might reword the law or just ignore the objection.

The European Parliament cannot propose a single EU law, but it gets more influence under the Lisbon structures. Co-decision involving the EU Parliament would in future apply to framework legislation e.g. long-term cod recovery plan which sets the boundaries within which decisions on the allocation and fishing opportunities are taken. But Ireland only has 12 members out of 750 in the European Parliament. When Ireland was part of the UK in the 19th Century it had 100 members out of 600 at Westminster where all UK laws were both proposed and made.

We need to send the Lisbon Treaty back to the EU prime ministers and presidents and tell them we want a better deal – for Ireland’s sake and the EU’s sake. The fishing community is overwhelmingly opposed to the Lisbon Treaty, it can see through the misrepresentations of what it is about and will not be intimidated by bullying and threats. It wants a better deal for the country and it certainly wants a better deal for Irish fishing.
The Lisbon Treaty and taxation

Indirect taxes

If the Lisbon Treaty is ratified, the European Union could establish new categories of “own resources.” Though these measures require unanimity in the Council and would not enter into force until they were “approved by the Member States in accordance with their respective constitutional requirements,” it is clear that this opens the way for an EU taxation system, which would make the EU budget wholly independent of its member-states.

“The Union shall provide itself with the means necessary to attain its objectives and carry through its policies. The Council, acting in accordance with a special legislative procedure, shall unanimously and after consulting the European Parliament adopt a decision laying down the provisions relating to the system of own resources of the Union. In this context it may establish new categories of own resources or abolish an existing category.” [Treaty on the Functioning of the European Union, article 269.]

This article would allow the EU Council of Ministers to finance the attainment of the new European Union’s very wide objectives by means of “new categories of own resources,” and we would be left depending on our minister having the fortitude to consistently resist all the other states in order to exercise our veto. These “resources” could include virtually any kind of tax—income tax, sales tax, company tax, property tax, carbon tax—as long as it was unanimously agreed and approved by the member-states in accordance with their respective constitutional requirements, which in Ireland’s case, if the Lisbon Treaty is ratified, would mean majority Dáil approval.

The Lisbon Treaty would therefore give permission to the Taoiseach and Government to agree to various EU taxes in the future, without having to come back to the Irish people in a referendum; and it is unlikely that the EU prime ministers and presidents would resist for very long the possibility of endowing the new European Union that they would be running with its own tax resources. Such provisions as

“The common foreign and security policy (CFSP) shall be put into effect by the High Representative and by the Member States using national and Union resources” [Treaty on the Functioning of the European Union, article 13c (3)]

are especially ominous in this regard. At present Irish personnel on EU missions—unlike UN missions—are paid for by the Irish taxpayer; and with the expansion of the common foreign and security policy this burden is likely to increase substantially.

Company taxation

Article 93 of the Lisbon Treaty proposes an important amendment to article 113 of the Consolidated EU Treaties, which makes harmonised company tax laws throughout the European Union a mandatory requirement, though this requires unanimity. This amendment states that harmonisation must take place if it is necessary “to avoid distortion of competition,” allowing a country or firm to take a case at the EU Court of Justice alleging that, for example, Ireland’s 12½ per cent company tax constitutes a “distortion of competition” compared with Germany’s 30 per cent rate.

It would then be open to the court to apply the EU’s internal market rules on competition matters, where majority voting applies, to issues of company taxation. The court could then require member-states to harmonise their company taxes over a specified period, although governments would still decide the actual rates. Lisbon would therefore open a clear way around the present unanimity requirement for matters of company taxes.

And there is another method, in that the “general escalator clause” in article 48 of the Lisbon Treaty could be applied to the new article 93 in the Treaty on the Functioning of the European Union:

“The Council shall, acting unanimously on a proposal from the Commission and after consulting the European Parliament and the Economic and Social Committee, adopt provisions for the harmonisation of legislation concerning turnover taxes, excise duties and other forms of indirect taxation to the extent that such harmonisation is necessary to ensure the establishment and the functioning of the internal market and to avoid distortion of competition.”

That national differences in company taxes constitute “distortions of competition” would undoubtedly be the main argument for harmonising indirect taxes on companies, an issue that is especially sensitive in Ireland.

If the Lisbon Treaty were to be ratified, the general escalator clause or “simplified revision procedure” would be the practical way around the unanimity problem on taxes. At present the Irish people have a veto on EU indirect taxes. After Lisbon it would be the Taoiseach alone who would exercise this veto, or the Dáil majority that his Government would control. The veto that the Irish people at present have on EU company taxes would be replaced by a reliance on the Taoiseach’s determination to say No indefinitely.


People’s Movement · 25 Shanowen Crescent · Dublin 9 · www.people.ie
Contact: 087 2308330 · info@people.ie
1 mai 2008 - [www.sinnfein.ie/contents/12464](http://www.sinnfein.ie/contents/12464)

Speaking on the Lisbon Treaty in the Seanad today Sinn Féin Senator Pearse Doherty criticised Fine Gael for calling on the Government to veto the WTO proposals but failing to tell the people that if the Lisbon Treaty is passed that this will be the last time Ireland will have a veto.

Senator Doherty said, "Like the vast majority of people on this island I believe that Ireland's place is in Europe. Many benefits have come as a result of our membership of the EU and continued co-operation with our European partners is essential if we are to meet the challenges facing us in the time ahead. And one thing is certain regardless of the outcome of the referendum Ireland's place in the EU will be secure.

"However, the Lisbon Treaty is not a good deal for Ireland and Irish negotiators should be sent back to negotiate a better deal on behalf of the Irish people. This can only be done if we vote no on June 12th.

"Last week Fine Gael leader Enda Kenny speaking at the National Forum on Europe called on the Irish government to use its veto at the Council if the current outcome of the WTO trade talks is bad for Irish farming. What Enda Kenny didn't tell farmers is that if the Lisbon Treaty is passed, that veto will be gone and in future rounds of WTO talks farmers will be asking why Fine Gael urged them to support a Treaty which was so clearly no in their interests. This is highly misleading of Enda Kenny and the Fine Gael party.

"And to make matters worse under the terms of the Treaty Ireland will not have a Commissioner for five out of every fifteen years. This means when critical matters are being discussed, such as international trade agreements or reform of the Common Agricultural Policy Ireland may not even have a voice at the Commission table.

"Government claims that it is not practical or efficient to have 27 Commissioners is nonsense. In the Dáil there are 15 Ministers and 20 Junior Ministers for a population of less than 5 million people. It seems more than credible and necessary to have 27 Commissioners to represent more than 500 million people.

"And of course the government don't want people to know that in addition Ireland's voting strength on the Council of Minister's will be reduced by over 50%. In comparison Germany, France, Britain and Italy will each nearly double their own voting strength."
"I believe that the Treaty should be rejected and Irish negotiators sent back to do a better deal for Ireland and the EU. There are huge challenges ahead but we will face these challenges as full members of the EU." ENDS

2 mai 2008 - https://www.sinnfein.ie/contents/12481

Speaking ahead of the Annual May Day carnival parade in Belfast, organised by the Irish Congress of Trade Unions, Sinn Féin MLA Paul Maskey has said that it is disappointing that SDLP leader, Mark Durkan continues to support the Lisbon Treaty despite the fact that it will fundamentally undermine workers' rights.

Paul Maskey also used the occasion of May Day to repeat his party's call for the introduction of corporate manslaughter legislation as well as legislation to ensure the protection of agency workers north and south.

He said,

"On May Day 2008 it is disappointing to see the SDLP supporting a treaty will fundamentally undermine workers' rights across the EU.

"The Lisbon Treaty seeks to open up public services such as healthcare and education to 'new economic and financial conditions', essentially paving the way for the privatisation of these fundamental services.

"The Treaty also mandates the EU to remove any distortion to competition within these services. These 'distortions' could include workers' rights regulations meaning there would be nothing stopping the driving down of the pay and conditions that workers have strived to win for decades.

"Even at this late stage I would call on the SDLP to re-look at article 16(b) of the Treaty, The Protocol on the Internal Market and the Competition Protocol within the Lisbon Treaty and to ask themselves if these parts of the treaty really represent a good deal for workers and if they represent the ideals for which political parties in the Labour tradition have historically stood for.

"This year on May Day I also want to repeat my call on the Government to bring forward corporate manslaughter legislation. For too long employers have been getting away with very minimal fines for safety negligence which results in the deaths of workers. Legislation must be brought forward which puts a significant incentive on employers to take heed of safety regulations by applying a
charge of corporate manslaughter to those who do not. Just this week two workers died in their workplaces. How many more must die before this legislation is brought forward north and south.

"Of equal importance is the need for domestic and EU legislation to protect agency workers from exploitation. More and more employers are seeing the benefits of employing agency workers because they do not enjoy the same rights and entitlements as directly employed workers. This has led to the exploitation of these workers and the driving down of pay and conditions of directly paid workers." ENDS

3 mai 2008 - https://www.sinnfein.ie/contents/12485

Sinn Féin TD Aengus Ó Snodaigh has today criticised Fine Gael for misleading its own base as well as the wider farming and agricultural communities on the implications of the Lisbon Treaty to their livelihoods.

Ms McDonald said:

"Enda Kenny recently urged the Irish government to use its veto at the European Council of Ministers if the outcome of the WTO trade talks is bad for Irish farming. Sinn Féin agrees with the Fine Gael leader on this issue, the Irish government should use its veto. But this then begs the question, why on earth are Fine Gael in tandem urging farmers to give up this veto?

"Currently the Trade Commissioner goes to WTO negotiations with a mandate agreed at the Council of Ministers. The Trade Commissioner then returns to the Council who have to agree by unanimity to the negotiations outcomes. If the deal negotiated is a bad one for Ireland the government can veto it.

"This ability for Ireland to veto decisions not in the interests of Irish farmers will be lost with the Lisbon Treaty. Article 188 of the Treaty replaces unanimity decision making on the Council of Ministers with qualified majority voting (QMV) on trade decisions. This removes Ireland's ability to veto decisions. This is a fact.

"It is scandalous that Fine Gael refuses to outline this simple truth to its own base and the wider framing communities, pandering instead to a faceless bureaucracy who is happy to sacrifice European farming in exchange for access to global markets."
Sinn Féin Dublin MEP Mary Lou McDonald has described claims by media commentators that the Lisbon Treaty does not allow the European Commission or Council to increase and extend its own powers without the need for referendum as false. The Dublin MEP said “the Lisbon Treaty does contain a self amending clause, it’s called Article 48.”

Ms McDonald continued: Article 48 of the Lisbon Treaty gives the EU powers to amend its own treaties, without recourse to an intergovernmental conference or a new Treaty. It is also unclear whether this ‘simplified revision procedure’ would be subject to a referendum. Up to now revisions of EU treaties required such stages so as to ensure that member state parliaments, and in the case of Ireland, populations can have a say in the decision making process of the EU. Article 48 dispenses with this and allows the European Council to make amendments by unanimity and in certain cases by qualified majority voting, without the guarantee of any process of member state ratification. In real terms this means that in the future significant changes could be made to the structure, procedures or competencies of the EU without the guarantee of a referendum. Commentators hold a heavy weight of responsibility during this debate on Lisbon. Therefore it is incumbent on them not to simply act as conduits for the Yes Campaign. They must consider and engage with the alternative view of what this Treaty means for the people of this state.”

Sinn Féin Dublin MEP Mary Lou McDonald has today welcomed the Technical Engineering and Electrical Union (TEEU) decision to reject the Lisbon Treaty. Responding to the announcement the Dublin MEP said "Sinn Féin shares the TEEUs analysis that the Lisbon Treaty fails to address the biggest issue facing workers in Europe, protection of their rights and entitlements."

Ms McDonald said:

"I share the concerns raised by the TEEU and welcome their decision to call for a No vote in next month's referendum. The Irish government had the opportunity during the Treaty negotiations to secure these rights but failed to do so. Instead they are now urging Irish workers to vote for a Treaty that will fundamentally undermine their rights and accelerate the race to the bottom. Vulnerable workers are being pitted against each other by unscrupulous employers who seek to undermine..."
national pay agreements by bringing in 'cheap labour' from member state with lesser entitlements. Recent ECJ judgments have supported this practice and the Treaty will further underpin it.

"The Protocol on the Internal Market and Competition Protocol within the Lisbon Treaty mandates the EU to ensure that 'competition is not distorted'. This provides the EU with a mandate to remove 'distortions' from the provision of services. Such distortions could include workers rights regulations, as well as protective markets, state 'monopolies and public funding.

"The Charter of Fundamental Rights offers no extension of EU law in relation to fundamental rights as stated by Minister of State for Europe Dick Roche on the 4th of March 2008. He added that the Charter 'does not extend the field of application of Union law or establish any new power or task for the Union'. The Charter does not guarantee the right to strike and states (Article 28) that workers have the right to collective bargaining and to take strike action only 'in accordance with national laws and practices' In light of the recent ECJ judgments this already weakened 'right' is further undermined.

"The Lisbon Treaty is a bad deal for workers. Europe deserves better." CRÍOCH

7 mai 2008 - https://www.sinnfein.ie/contents/12511

Sinn Féin MEP and European Agriculture Spokesperson Bairbre de Brún has today called for the SDLP to explain their support of the forthcoming Lisbon Treaty.

Ms de Brún said,

"The Lisbon referendum in the 26 counties next month not only disenfranchises voters in the North but is also a bad deal for Ireland.

"What the SDLP is advocating is the reduction of the Irish government's influence and an anti-farmer and anti- third world approach to international trade

"Why is the SDLP advocating strengthening EU Trade Commissioner Peter Mandelson's hand as he plays havoc with the future of the Irish beef industry with no recourse for Irish farmers, and does so not for the sake of the third world but for his international trade power plays?

When critical agricultural matters are being discussed Ireland will not even have a voice at the Commission because of the loss of a permanent Irish Commissioner. This loss of power has very
serious implications for the farming community north and south, alongside the fact that Ireland's influence in the Council of Ministers will be cut in half.

"The Lisbon Treaty is bad for Irish farmers and bad for rural communities and will show no progress for Irish fishing communities.

"I ask the SDLP to reconsider their position. It is possible to be in support of the EU and not support the Lisbon treaty which is bad for rural Ireland." ENDS

8 mai 2008 - [https://www.sinnfein.ie/contents/12521](https://www.sinnfein.ie/contents/12521)

Sinn Féin Dáil leader Caoimhghín Ó Caoláin TD, Martin Ferris TD and Senator Pearse Doherty today launched the party's 'Rural Ireland Deserves Better - Vote No to Lisbon' state wide leafleting campaign. Today's event in Dublin is the beginning of a national role out of the campaign targeting rural constituencies to highlight why Sinn Féin believes the Treaty is bad for rural Ireland.

Speaking at the launch this afternoon in Buswell's Hotel Martin Ferris TD said, "Sinn Féin is ambitious for Europe and it is with this vision that we come to the Lisbon Treaty debate. After serious analysis and internal debate we believe the Treaty is a bad deal for Ireland, for Europe and the wider world. Ireland must see its role in Europe as a champion of shared prosperity, fair trade and global justice. We may be a small country but we must think big.

"Sinn Féin is ambitious for Europe and it is with this vision that we come to the Lisbon Treaty debate. After serious analysis and internal debate we believe the Treaty is a bad deal for Ireland, for Europe and the wider world. Ireland must see its role in Europe as a champion of shared prosperity, fair trade and global justice. We may be a small country but we must think big.

"There are a number of Articles in the Treaty that are currently causing the farming community genuine concern. For example, Article 188 of the Treaty replaces unanimity decision making on the Council of Ministers, who mandate the Commission on its trade negotiations, with qualified majority voting (QMV) on trade decisions. This removes Ireland's ability to veto decisions not in its interest. Why would any government or political party urge its citizens to vote in favour of a Treaty that contains such a change to how the EU does business? To suggest, as some proponents of the Treaty have, that the current WTO negotiations have nothing to do with the Treaty is disingenuous.
Senator Pearse Doherty added "The most recent opinion poll on voting intentions in the referendum showed that 43% of farmers intend to vote no to the Treaty. Whilst this indicates concern over the current WTO negotiations it also reflects the negative impact EU policy has had on rural Ireland. The sugar beet industry has closed; the decimation of the Irish fishing sector through unfair quotas is set to continue and the provision of vital services to rural communities including post offices has been undermined. EU policy has become synonymous with red tape and bureaucracy.

"The most recent opinion poll on voting intentions in the referendum showed that 43% of farmers intend to vote no to the Treaty. Whilst this indicates concern over the current WTO negotiations it also reflects the negative impact EU policy has had on rural Ireland. The sugar beet industry has closed; the decimation of the Irish fishing sector through unfair quotas is set to continue and the provision of vital services to rural communities including post offices has been undermined. EU policy has become synonymous with red tape and bureaucracy.

"To keep Ireland at the heart of Europe we need to keep a permanent EU Commissioner and maintain our voting strength. I believe the Treaty must be rejected and European leaders sent back to renegotiate a better deal for their peoples."

Sinn Féin wants to see a Europe that:

· Protects and promotes civil, political, social, economic and cultural rights

· Assists member states in building prosperity and equality

· Combats poverty, inequality, discrimination and social injustice

· Pursues environmentally responsible and sustainable development policies

· Promotes conflict resolution, peace building and global stability internationally

· Protects neutrality, opposes militarisation and the arms trade." ENDS
Sinn Féin President Gerry Adams today met with party leadership in Dublin to discuss the final phase of Sinn Féin's Vote No to Lisbon Campaign.

The party President also outlined to the media the roll out of Sinn Féin's campaign which will include national and regional press events, door to door canvassing, public debates and a state wide leadership tour. Part of today's meeting was taken up with reviewing the various Yes campaigns arguments to date.

Mr. Adams was particularly critical of Fine Gael leader Enda Kenny who he charged with "selling out rural Ireland to appease faceless EU bureaucrats."

Speaking in Dublin Mr. Adams said: "Fine Gael leader Enda Kenny is urging rural Ireland to vote in favour of a Treaty that will remove the Irish government's right to veto EU trade negotiation agreements that are not in the interest of Irish farmers.

"Recently Mr. Kenny urged the government to use its veto at the EU Council of Ministers if the outcome of the WTO trade talks is bad for Irish farming. Yet it is this very veto that will be lost with the Lisbon Treaty.

"Article 188 of the Treaty replaces unanimity decision making on the Council of Ministers with qualified majority voting (QMV) on trade decisions. This removes Ireland's ability to veto decisions not in its interest.

"Farmers are right to compare the future of Irish farming to that of the Irish sugar beet industry. The approach of the current Trade Commissioner Peter Mandelson is part of a pattern that emerged under his predecessors Pascal Lammy and Leon Brittan and will continue after he is gone. It is an agenda that aggressively promotes free trade irrespective of the costs to European family farms and rural communities, or the world poorest communities and countries.

"The Lisbon Treaty contains new provisions that will considerably strengthen the Commission in its pursuit of free trade over fair trade.

"Article 10(a) mandates the 'progressive abolition of restrictions on international trade' to be one of the EUs guiding principles in its interaction with non-EU member states. Restrictions would include agricultural subsidies, preferential treatment for developing world companies in government procurement contracts or environmental and workers protections. END
Sinn Féin Dublin MEP Mary Lou McDonald has this afternoon voiced her deep concern that two senior government Ministers appear unaware of key facts relating to the Lisbon Treaty, both of which have serious implications for Irish business and farming and EU militarisation.

The Dublin MEP said:

"During two RTE radio debates this morning senior government Ministers appeared unaware of key information relating to the implications of the Lisbon Treaty for Ireland. Former Enterprise Minister Micheal Martin denied Ireland is losing the veto over the outcome of international trade agreements. Defence Minister Willie O’Dea appeared unaware that Ireland will be unable to stop other EU states coming together in mini military alliances and operating in the name of the EU.

"I find it unbelievable that a former Minister for Enterprise would be unaware of something that is so critically important to Irish business and farming. The fact is that Ireland will lose its veto on trade agreements under article 188.

“During Fianna Fáil’s Lisbon Treaty campaign launch today Taoiseach Cowan charged the No campaign with seeking to confuse the electorate rather than persuade them on the issues. This is a little hard to swallow from a government leader whose own Ministers do not appear to have a grasp on key elements and implications of the Treaty for the Irish people.

“Sinn Féin is ambitious for Europe and believes Ireland’s place is in the EU. That place is secure and uncontested. To suggest otherwise is a clumsy attempt by the Yes Campaign to distract from the actual content of this Treaty and what it means for Ireland, Europe and the wider world.

“I believe in a democratic social Europe that supports the needs of member state citizens. This Treaty undermines democracy, erodes workers rights and public services, deepens EU militarism and will not deliver for the economy. Ireland and EU deserve better. This Treaty can be renegotiated. We need to get it right.” CRÍOCH

Sinn Féin Dublin MEP Mary Lou McDonald has once again called on the government to engage in a truthful and transparent debate on the Lisbon Treaty.
The Dublin MEP said:

“Is it any wonder that over a third of the electorate remain disengaged from the Lisbon Treaty debate when government Ministers refuse to debate in a mature robust manner on the Treaty contents and its implications for the Irish people. Sinn Féin is ambitious for Europe and it is in this spirit that we come to the debate. Ireland’s place is in Europe. This is a given and uncontested fact.

“It is astonishing to me that Micheál Martin appears unaware that Ireland will be unable to stop other EU states coming together in mini military alliances and operating in the name of the EU.

“While Ireland will retain the right to opt out of military interventions, a new procedure contained in Lisbon, called ‘structured cooperation’ would allow a smaller number of member states to agree a foreign policy or military intervention to be carried out with the imprimatur, finance and logistical resources provided through the EU. The Minister is incorrect when he states that these mini alliances need the unanimous approval of all member states. Member states do not have a veto, Article 28E clearly states this.

“With just over four weeks to go to the referendum I am putting it to the government that perhaps now is the time to end the school yard name calling and let’s simply debate the facts.”

13 mai 2008 - https://www.sinnfein.ie/contents/12570

Sinn Féin Agriculture Spokesperson Martin Ferris TD has this afternoon criticised Fine Gael's support of the Lisbon Treaty. Deputy Ferris said "this Treaty will impact negatively on rural Ireland, particularly for the farming and agriculture communities. I find it astounding that any political party would urge rural Ireland to vote for the loss of key vetoes and a Commissioner for five out of every fifteen years. Enda Kenny recently urged the Irish government to use its veto at the European Council of Ministers if the outcomes of the WTO trade talks are bad for Irish farming. Sinn Féin agrees with the Fine Gael leader on this issue, the Irish government should use its veto. But what we disagree on is the giving up of the ability to veto trade agreements not in Ireland's interests. Currently the Trade Commissioner goes to WTO negotiations with a mandate agreed at the Council of Ministers. The Trade Commissioner then returns to the Council who have to agree by unanimity to the negotiations outcomes. If the deal negotiated is a bad one for Ireland the Irish government can veto it.
"This ability for Ireland to veto decisions not in the interests of Irish farmers will be lost with the Lisbon Treaty. Article 188 of the Treaty replaces unanimity decision making on the Council of Ministers with qualified majority voting (QMV) on trade decisions. This removes Ireland's ability to veto decisions. This is a fact.

"We also firmly believe that agreeing to lose a Commissioner for five out of every fifteen years is an act of political recklessness. Each Commissioner brings his or her unique perspective of the social and economic needs of their own member state. The Commission is the power house of the EU; to lose you voice at the table for any length of time does not make sense." CRÍOCH

15 mai 2008 - https://www.sinnfein.ie/contents/12609

Sinn Féin Dublin MEP Mary Lou McDonald said today that any political party who suggests Ireland’s position as a military neutral will not be affected by the Lisbon Treaty either doesn’t understand the document or worse still doesn’t care.

The Dublin MEP said:

“Ireland for generations has prided itself on its position as a military neutral and also as a symbol of peace keeping in conflicts through its commitment to the United Nations. Successive EU treaties and government policy have gradually undermined this position with efforts to create an EU common defence policy. The case has yet to be made for why the EU must have common EU foreign, security or defence policies or a diplomatic service, yet this is exactly what the government are asking us to sign up to.

“The Lisbon Treaty will result in greater amounts of Irish taxpayers’ money being spent on Irish and EU military capabilities. It will further consolidate the EUs control over foreign and security policy. It will allow for the emergence of mini military alliances of member states and for the first time the EU will have its own Foreign Minister with a diplomatic corps who will oversee such policies.

“Any political party or government who argues that all of this does not affect Ireland’s neutrality either does not understand the Treaty or simply does not care. I believe Ireland should play a positive role on the international stage. But we must do so with reasonability and in line with the values and aspirations of the Irish people.” CRÍOCH
Sinn Féin Spokesperson on Workers' Rights Arthur Morgan TD has criticised trade union leader David Begg for misleading workers by claiming that the Charter of Rights contained in the Lisbon Treaty will give legal status for collective bargaining and strike action in Ireland.

Morgan said that Article 28 of the Charter states that these rights are only 'in accordance with national laws and practices' and that domestic law would have to change before Irish workers could avail of these rights.

He said, "It is wrong to suggest that this Charter will give workers the right to collective bargaining and strike action. It is misleading and irresponsible. The Charter is made up of rights that are already in existence in most states and the clause on workers' rights states that workers will only have the right to collective bargaining and strike action 'in accordance with national laws and practices'. As SIPTU General President Jack O'Connor has argued, "in the light of the Laval decision, the charter now only has the validity in the context of what the Government does here."

"Sinn Fein has been arguing for some time now for domestic law to enshrine the right of workers to strike and take collective action. We will not get what we need on this issue from the Lisbon Treaty or the Charter.

"There is much for workers to worry about in this Treaty, not least the Protocol on the Internal Market and Competition, which provides the EU with a mandate to remove 'distortions' - which are likely to include important workers' rights, regulation, state aid and public funding - from the provision of services. Additionally, the fact that the European Court of Justice managed to make the Laval and Ruffert rulings after the Treaty was signed is a cause of concern for trade union policy makers both here and abroad.

"I applaud the stands of UNITE and the TEEU who are advising their members to vote No to Lisbon. I hope other trade unions take stock of the reasons why these two unions have made their decision and advise their members accordingly." ENDS
16 mai 2008 - https://www.sinnfein.ie/contents/12615

Sinn Féin Agriculture Spokesperson Martin Ferris TD has said Fine Gael leader Enda Kenny is wrong when he says Ireland will be better able to deal with the consequences of the conclusion of the WTO if Lisbon is passed.

Deputy Ferris said he is amazed at Enda kenny's lack of understanding of the Treaty.

He said, "Article 188 of the Treaty replaces unanimity decision making on the Council of Ministers, the body that mandates the Commission on its WTO negotiations, with qualified majority voting (QMV) on trade decisions. This unquestionably removes Ireland's ability to veto decisions not in its interest.

"I am amazed at Enda Kenny's lack of understanding of the Treaty and at how any Irish political leader could encourage the Irish people to vote away their veto on such important issues.

"There is extreme concern at the proposals coming from the WTO. Enda Kenny has called on the Government to use its veto if the proposals are not in Ireland's interest yet this is the very veto that will be lost if Lisbon is passed.

"There is also a big possibility that the WTO negotiations will not be complete ahead of the referendum date as Dick Roche admitted in the Seanad last week. If this is the case and the Lisbon Treaty is passed we will not be in a position to veto these proposals if they are not in our interest."

ENDS

19 mai 2008 - https://www.sinnfein.ie/contents/12632

Sinn Féin MEP Mary Lou McDonald speaking at the launch of the party's campaign against the Lisbon Treaty said 'it is possible to get a better deal in Europe if the Irish people vote no on June 12th and send the government back to the negotiations."

Ms. McDonald said:

"On 12th June the Irish people will go to the polls and whatever happens on that day Ireland's place in Europe is secure. The government has cynically tried to play on people's fears in an effort to avoid real debate on the contents of the treaty. Because the fact is that the Lisbon Treaty is a bad deal for Ireland. It will reduce our political strength, further undermine neutrality and is bad for the economy and workers rights.
"The Lisbon Treaty will significantly reduce the influence of smaller states within the EU. There are three key areas where this will happen: loss of a permanent Commissioner and 50% reduction in our voting strength at Council, additional powers for EU institutions including the removal of more than 60 vetos for member states and Article 48's new procedure which will allow the European Council to amend existing treaties without recourse to referenda.

"Combined, these changes mean that Ireland will have less influence in the design of future proposals, less votes in key decisions, and a reduced ability to block decisions that are not in Ireland's interests.

"Government ministers have tried to argue that this stream lined approach will be good for Ireland. I believe that this loss of power will put us on the margins of Europe.

"For a small country like Ireland it is vital to have a permanent Irish voice at the European Commission especially when you consider that this state will only have 12 MEPs and our voting strength on the Council of Ministers will be halved if Lisbon is passed.

"While the larger states will also be rotated on the Commission, Britain, Germany and Italy almost double their voting strength on the Council of Ministers and have far more MEPs than Ireland. The Commission is the one place where each country regardless of size has an equal say.

"Ireland's representatives on the Commission have played a crucial role over the years. And no matter how good a relationship the Irish government builds with EU Commissioners from other states it is no substitute for an Irish voice at the table.

"For generations this state has prided itself on its position as a military neutral and also as a symbol of peace keeping in conflicts through its commitment to the United Nations. Successive EU treaties and government policy have gradually undermined this position with efforts to create an EU common defence policy. The case has yet to be made for why the EU must have common EU foreign, security or defence policies or a diplomatic service, yet this is exactly what the government are asking us to sign up to.

"The Lisbon Treaty will result in greater amounts of Irish taxpayers' money being spent on Irish and EU military capabilities. It will further consolidate the EUs control over foreign and security policy. It will allow for the emergence of mini military alliances of member states and for the first time the EU will have its own Foreign Minister with a diplomatic corps who will oversee such policies.
"Any political party or government who argues that all of this does not affect Ireland's neutrality either does not understand the Treaty or simply does not care.

"The Lisbon Treaty is also bad for the Irish economy, for agriculture, for business and for public services. Contrary to the government's claims, Article 48 removes an important protection against Tax harmonisation. Article 188 removes the government's veto to block the kind of international trade agreements currently being negotiated by Peter Mandelson at the WTO. And both Articles 188 and 16 give the EU new powers to compel member states to open up their public services, such as health and education, to competition, bringing with it both privatisation and inequality.

"At a time when our indigenous businesses, especially small and medium sized businesses need support, the Lisbon Treaty will hamper their development. At a time in which rural Ireland needs a fair deal at the WTO, the Lisbon Treaty will undermine our ability to protect the farming economy. And at a time when our public services are crying out for investment, the Lisbon Treaty promotes the kind of approach that has led to the two tier systems already in place in this country.

"There are those who argue that there is no Plan B. This is nonsense. It is possible to get a better deal in Europe if the Irish people vote no on June 12th and send the government back to the negotiations. Essential to any new Treaty for Ireland is to keep a permanent EU Commissioner and maintain our voting strength, a specific article protecting neutrality, protocols reserving this state's right to continue making its own decisions on taxation, an article specifically exempting health and education from competition and privatisation and protections for workers' pay and conditions.

"For a better deal for Ireland and for a better deal in Europe Sinn Féin is urging voters to say No to the Lisbon Treaty on June 12th." ENDS

20 mai 2008 - https://www.sinnfein.ie/contents/12637

For immediate release

Sinn Féin Agriculture Spokesperson Martin Ferris TD has today challenged the European Commission to publicly state where in the text of the Lisbon Treaty does it say that the veto on international trade agreements is retained by member states.

The Kerry TD said:

"It is simply not sufficient for the Irish government, political parties and the EU Commission to refute the loss of the veto on international trade agreements without references to the Treaty text
itself. Expecting the farming community to blindly accept the EU Commission's word is a shocking display of arrogance.

"Following a statement issued last week by the EU Commission Sinn Féin submitted a number of detailed questions to their Dublin office seeking clarification on the loss of veto and in turn made a number of follow up calls. The Commission office has yet to respond.

"The Lisbon Treaty text clearly states that Article 188 of the Treaty replaces unanimity decision making on the Council of Ministers, the body that mandates the Commission on its WTO negotiations, with qualified majority voting (QMV) on trade agreements. The veto is lost.

"In addition Article 10(a) mandates the 'progressive abolition of restrictions on international trade' to be one of the EU's guiding principles in its interaction with non EU member states.

"Combine these two factors and what you have is the strengthening of EU Commission's ability to pursue aggressive trade deals not in Ireland's interest and the removal of the Irish government's ability block such deals. This is bad for Ireland.

"I want European Commission Spokesman for Trade Peter Power to tell me where exactly in the Lisbon Treaty text does it say that member states retain the right to veto international trade agreements. It is simply not good enough for the Commission to issue statements on such an important element of the Treaty without backing up their view with reference to the Lisbon Treaty text itself." CRÍOCH

21 mai 2008 - https://www.sinnfein.ie/contents/12665

Sinn Féin Councillor Tomás Sharkey said today he hopes local authorities throughout the state will take inspiration from Louth County Council's refusal to support the nuclear industry and reject Euratom.

Cllr. Sharkey said, "Following Louth County Council's recent decision to unanimously support a motion put forward by Sinn Féin which opposes the Nuclear Industry and the Euratom Treaty which promotes that industry I put it to my Fine Gael, Fianna Fáil and Labour that you cannot support Lisbon and be against nuclear power.

"Support for EURATOM is written into the Lisbon Treaty. Protocol 2 of the Lisbon Treaty dealing with the European Atomic Energy Commission states that EURATOM 'should continue to have full effect'. One of the primary goals of EURATOM is the promotion of nuclear energy. Irish people
reject nuclear energy. The Lisbon Treaty like its predecessors mandates the EU to promote nuclear energy. At present Ireland contributes in the region of €8 million of Irish taxpayers money into EURATOM every year.

"This week Fianna Fáil tabled a motion calling on Louth County Council to support the Lisbon Treaty. I noted to the Council that support for the Treaty would contravene the Council's opposition to the Nuclear Industry.

"Jimmy Mulroy, Fianna Fáil Councillor and former Senator agreed with this position and ruled that the Council would not be able to carry support for the Lisbon Treaty.

"Louth County Council is a committed opponent of nuclear power. I am calling on Louth Councillors of all political party's who reject nuclear energy to also reject the Lisbon Treaty."

CRiOCH

21 mai 2008 - https://www.sinnfein.ie/contents/12663

Sinn Féin Senator Pearse Doherty speaking during a Seanad debate on the WTO talks said that if the Lisbon Treaty is passed Ireland will lose its veto on international trade agreements.

He said, "Given the agenda being pursued by Peter Mandelson and the EU Commission this loss of veto will have serious consequences for Irish farming. And the situation will be made worse with the loss of a permanent Irish Commissioner."

Senator Doherty called on rural communities to come out and vote no so that the government can be sent back to negotiate a better deal for Ireland in Europe.

Mr. Doherty said:

"On June 12th the Irish people will go to the polls and whatever happens on that day Ireland's place in Europe is secure. Over the last number of weeks there has been a lot of commentary but very little debate about the facts in relation to the Lisbon Treaty. I welcome the opportunity to make some comments about the current WTO talks and the implications for Irish farming in future talks if the Lisbon Treaty is passed.

"It is clear that there is a great deal of confusion about the contents of the Lisbon Treaty including among senior government Ministers. Yesterday the Tanaiste incorrectly stated that larger states had two members on the EU Commission, a few days before that the Taoiseach was forced to admit that
he had not read the Treaty in full, Defence Minister Willie O'Dea incorrectly said that this state has a veto on other EU states coming together in mini military alliances and Foreign Minister Michéal Martin incorrectly said that Ireland will retain a veto on international trade agreements.

"And to make matters worse on Questions and Answers last week Government Chief Whip Pat Carey and Fine Gael TD Simon Coveney when asked was there a link between the Lisbon Treaty and the WTO talks contradicted themselves repeatedly.

"Irish farmers and families across rural Ireland are rightly concerned at the agenda being pursued by European Trade Commissioner Peter Mandelson in the WTO talks. Mandelson's approach is part of a pattern that emerged under his predecessors Pascal Lammy and Leon Brittan and will continue after he is gone. It is an agenda that aggressively promotes free trade irrespective of the costs to European family farms and rural communities, or the world poorest countries.

"The IFA have estimated that the European Commission's trade agenda will cost €4 billion in lost revenue to the state as well as 50,000 farm livelihoods and 50,000 jobs. It would totally undermine the CAP, and the European model of farming based on preserving family farming and food security.

"Sinn Féin shares the IFA's analysis. We are also concerned that this bad situation will be made worse by a number of specific provisions in the Lisbon Treaty.

"Because of the confusion in this chamber last week I would like to set out in some detail the facts in relation to the loss of veto on international trade agreements if the Lisbon Treaty is passed.

"Article 188 of the Lisbon Treaty deals with the EU's Common Commercial Policy. It outlines the remit and rules for the negotiation and conclusion on international trade agreements with non-EU countries and international organisations such as the World Trade Organisation. This article makes a number of important changes from the current situation.

"Article 188c details the specific rules for the opening and conclusion of such agreements.

"At present qualified majority is the general rule for such agreements except if they include services such as health, education, social services, culture and audio-visual services and intellectual property.

"The current round of WTO trade talks include agriculture and such services. This means that the kind of international trade deal currently being negotiated by Peter Mandelson at the WTO could be blocked by the Irish government if it bad for Irish agriculture.
"If the Lisbon Treaty were ratified this veto would be lost. It would be replaced by a much more limited veto on health, education etc which could only be used if the agreement could be proved to risk seriously disturbing the national organisation of such services.

"So what does all of this mean for Irish agriculture. The WTO negotiations are unlikely to conclude before the Lisbon Treaty referendum. Article 188 removes the grounds on which such a veto could be used. If the Treaty is ratified no veto will be available to the Irish government and they will be powerless to block the deal.

"As if all of this was not bad enough, the loss of an Irish Commissioner for five out of every fifteen years from 2014, and the reduction in Ireland's voting strength by 50% at the European Council will further reduce our influence. Further review of the Common Agricultural Policy is likely after 2013. This means that future discussions at Commission could take place without an Irish voice at the table. It also means that our voting strength at Council will be reduced while states such as Britain and Germany will increase. How could any of this be good for Irish agriculture?

"In recent years the European Union has overseen the destruction of the Irish fishing and sugar beet industries. Many people are now asking if they intend to do the same to Irish farming.

"The Lisbon Treaty is a bad deal for rural Ireland. I would call on rural communities to come out and vote no on June 12th so that the government can be sent back to negotiate a better deal for Ireland in Europe.

26 mai 2008 - https://www.sinnfein.ie/contents/12689

Sinn Féin Dublin MEP Mary Lou McDonald today launched an information guide outlining why the Lisbon Treaty is a bad deal for Irish businesses. Dublin Cllr. Daithí Doolan and Campaign Director of Policy and Dun Laoghaire Representative Eoin Ó Broin joined the MEP who addressed the negative implications of the Lisbon Treaty on taxation, investment in infrastructure, jobs and economic development.

The Dublin MEP said:

“Ireland’s place is in Europe. That place is secure and uncontested. We have played a important role in European affairs and will continue to do so regardless of the outcome of the referendum on June 12th. However it is vital that we continue to have a strong voice at the EU table.
“We are entering into a period of great economic uncertainty. The most pressing task facing the government is to develop a strategy to deliver the next generation of jobs. Supporting small to medium size enterprises is central to this task. This means investment in research and development, information technology, education, infrastructure, and public services.

“The Lisbon Treaty puts significant pressure on member states to reduce public expenditure. It limits the range of options available to governments in times of economic slowdown, particularly by placing more stringent limitations on borrowing. It fails to address the heavy restrictions of state aid. It actively undermines public services. And it opens the door to tax harmonisation. All of this reduces the Irish government’s ability to invest its own future.

“Articles 104 and 115 impose new restrictions on member states borrowing ability and empower the Commission to issue budgetary guidelines aimed at curbing public expenditure. The existing restrictions on annual budget deficits are too rigid. The Lisbon Treaty will make this situation worse.

“Article 16(b) of the Lisbon Treaty places new “economic and financial conditions” on the provision of services, including health care and education. This empowers the Commission to compel member states to open such services to the rules of competition and private operators.

“The Protocol on the Internal Market & Competition of Treaty mandates the EU to ensure that “competition is not distorted”. Such “distortions” include state aid and public funding. Again this limits the tools available to respond to a downturn in the economy.

“Article 2 (b) gives the EU exclusive competence over commercial policy including the negotiating of international trade agreements. The treaty will also give the EU more power by providing for qualified majority voting on laws governing foreign direct investment and international agreements on foreign investment.

“The Treaty also opens the door to tax harmonisation. Sinn Féin has never argued that the veto on taxation is gone. What we have argued is that Article 48 makes it easier to remove this veto in the future. At present we have two lines of defence to prevent tax harmonisation, the veto and the fact that such changes could only happen in the context of an overall treaty revision, which in this state requires a referendum. Article 48 allows for individual treaty changes, which while requiring unanimity at Council, would not automatically require a referendum. Tax is one issue which would not require a referendum. Thus the Lisbon Treaty removes this important additional line of defence.
“The government says that it would use the veto if required. However we have seen them buckle under pressure before, with respect to the loss of a permanent Commissioner, and have no reason to believe that they would not do so in the future.

“In a time of economic uncertainty governments need to be free to choose the best course of action to stimulate the economy and drive balanced and sustainable economic growth. The Lisbon Treaty restricts government’s choices, imposing a “one-size-fits-all” approach to the economy. By rejecting the Lisbon Treaty on June 12th we can get a better deal. Protect our position in Europe. Protect your business interests. Vote No on June 12th for a better deal in Europe.” CRÍOCH

28 mai 2008 - https://www.sinnfein.ie/contents/12744

Speaking from Leinster House Sinn Féin Dáil leader and Health Spokesperson Caoimhghín Ó Caoláin TD outlined to media the consequences of the Lisbon Treaty on Ireland's public services. Deputy Ó Caoláin was joined by South West Representative Seán Crowe.

Deputy Ó Caoláin said

"There is a clear desire within the European Commission and a large number of EU governments to open member state markets in vital public services such as health and education to competition.

"The EU does not argue directly for privatisation and has no objection to member states competing "freely" with private operators in "open" markets. However there are clear consequences when vital public services are opened up to competition

"Treating health care or education as commodities to be traded on the market creates inequalities in access to public services services. The Institute of Public health estimate that 5000 people from low-income families die prematurely each year because of unequal access to health care in this state.

"Opening public services to competition actively undermines universal access to healthcare, and forces reliance on private insurance. It also puts downward pressure on wages, particularly for those involved in front line services such as nurses and ancillary services while putting pressure on budgets forcing health managers to seek cost reductions."
"It also undermines the long term viability of the public sector, as the private sector cherry picks the most "profitable" sectors, thus undermining vital revenue streams through which the public sector subsidies the "unprofitable sectors."

"The European Commission has been attempting to get greater powers to compel member states to open up their markets in vital public services to such competition.

"Article 16 of the Lisbon Treaty gives the EU new powers to apply "economic and financial conditions" to the provision of Services of General Economic Interest. These conditions are the rules of competition and restrictions on state aid.

"The European Commission and the European Court of Justice clearly regard large aspects of public services, such as health and education as economic in nature and therefore subject to Article 16.

"Article 188 allows for the inclusion of health, education and social services in international trade agreements, including at the World Trade Organisation. Again confirmation that the EU sees such activities as economic in nature.

"These two articles will provide the European Commission with the tools to progressively open up areas of European public services such as health and education to both internal market competition and international trade.

"Advocates of the Lisbon Treaty argue that the Protocol on Services of General Interest protects public services. However the article clearly only protects non-economic services. However as the European Commission, the European Court of Justice and Article 188 explicitly recognise public services such as health and education are economic in nature, and therefore not provided any protection under the protocol.

"The impact of these changes on Ireland would be twofold. Firstly it would accelerate the already unequal two-tier nature of our vital public services. Secondly it would made reversal of the existing policy direction even more difficult as such changes would have to be secured at an EU as well as a domestic level.

"The Lisbon Treaty is a bad deal for public services. Sinn Féin has called for a specific protocol exempting vital public services such as health and education from any form of liberalisation, and promoting universal access to public services based on need and not ability to pay." ENDS
Sinn Féin Senator Pearse Doherty speaking during a debate with Minister Eamon Ó Cuiv today said, "The Lisbon treaty represents a significant loss of power for Ireland. In addition to losing a Commissioner for five out of every fifteen years, our voting strength at the Council of Ministers is significantly reduced. As the Council takes many of the key decisions, any reduction of voting strength is bad for Ireland."

Senator Doherty said, "The Lisbon Treaty represents a significant loss of power for Ireland. In addition to losing a Commissioner for five out of every fifteen years, our voting strength at the Council of Ministers is significantly reduced. As the Council takes many of the key decisions, any reduction of voting strength is bad for Ireland.

"No matter what spin Eamon Ó Cuiv puts on the new voting procedure and how it is calculated the simple fact is that it involves a reduction of Ireland's voting strength. And nobody can argue with any credibility that this would be a good thing.

"Most votes at the Council of Ministers are taken by qualified majority. Each country is given a weighted vote partly based on population size. At present Ireland has seven votes, while Germany, France and Britain have 29 votes each. A majority requires 255 votes, or 74% of the total. Ireland seven votes constitute 2.74% of this total.

"The Lisbon treaty proposes replacing this procedure with what is called a double majority. The new system would require 55% of member states (15) containing 65% of the EU's population to secure a qualified majority.

"This new system is bad for Ireland in two respects. Firstly it reduces the threshold for qualified majority decisions, making it easier for qualified majorities to be achieved. Secondly the weighting of each member state becomes more proportionate to population size, with Ireland having our voting strength halved by 50%, while large member states see their voting strength increase by more than 50%.

"In both cases this is bad for smaller member states such as Ireland, as our ability to block decisions that are not in our interests will be reduced, while the strength of larger states will be significantly increased.

"Fianna Fail are trying to cloud the issue by challenging the precise level of the reduction. What they cannot deny is that the proposed changes under the Lisbon Treaty reduce our voting strength.}
Sinn Féin Louth TD Arthur Morgan said that the Lisbon Treaty will involve a serious loss of power for Ireland. He said "No matter how the government tries to spin it the loss of a permanent Commissioner and a 50% reduction in our voting strength will put Ireland at a serious disadvantage within Europe."

Deputy Morgan said:

"The Lisbon Treaty significantly undermines the role of smaller states within the EU’s decision-making process. The Government is being totally disingenuous in relation to the implications of the loss of a permanent Irish Commissioner for five out of ever fifteen years from 2014. No matter how they try to spin it the loss of a permanent Commission will put Ireland at a serious disadvantage within Europe.

"For a small country like Ireland it is vital to have a permanent voice at the European Commission table especially when you consider that this country only has a small number of MEPS and our voting strength on the Council of Ministers will be halved if Lisbon is passed.

"While the larger states will not have a permanent seat on the Commission, Britain, Germany and Italy almost double their voting strength on the Council of Ministers and have far more MEPs than Ireland. The Commission is the one place where each country regardless of size has an equal say.

"And no matter how good a relationship the Irish government builds with EU Commissioners from other states it is no substitute for an Irish voice at the table.

"We are told that despite these changes, proposals with respect to citizens and parliaments in member states, as well as increased powers to the European parliament, will make the EU more democratic.

"This is not the case. The proposed measures are minimalist. Member states will be given an extra two weeks to scrutinise proposals coming from the Commission and if a third of member states believe the proposal breaches the principle of subsidiarity they can object. Of course the Commission is not obliged to do anything other than "consider" the objection.

29 mai 2008 - https://www.sinnfein.ie/contents/12757
The orange card is an even less effective tool, as its application requires the support of half the member state parliaments and either the European Parliament or Council.

"The citizens initiative is similarly weak. While as a lobbying tool it has merit, and is already being used, once again there would be no obligation on the Commission to do anything other than "consider" any proposal.

"On balance, when you weigh up the increased centralisation of powers, the self amending articles, the loss of influence of smaller member states and the weak measures offered to member state parliaments and citizens, there is no doubt that the Lisbon Treaty is a bad deal both for Irish and EU democracy, and if ratified will deepen the existing democratic deficit. »ENDS

30 mai 2008 - https://www.sinnfein.ie/contents/12776

Sinn Féin MEP Mary Lou McDonald called on workers and trade unionists to reject the Lisbon Treaty on the basis that it fails to provide essential protections for workers rights. Ms. Donald said that only following negotiations that redressed these shortcomings could the treaty be in any way acceptable to Irish workers. Ms McDonald was joined at the press conference by party President Gerry Adams MLA, Bairbre de Brun MEP and Dublin Cllr. Larry O'Toole.

Ms. McDonald said:

"Sinn Féin does not dispute the fact that in the past much progressive social legislation has had its origins in the EU. The EU has played a positive role in terms of the struggle to improve workers' rights.

"However while we acknowledge the positive measures in terms of workers rights that have come from Europe in the past, workers should not feel compelled to vote for this Treaty out of gratitude for past action. It is the present and future direction of the EU that counts. Unfortunately, in the last decade these gains have been undermined by developments that have sought to sacrifice a progressive social agenda in favour of a narrowly defined focus on competitiveness. We have seen this in the judgements in the Laval, Viking and Ruffert cases.

"There is no question but that the protection of workers' rights to prevent displacement of workers in 'old' Europe and to prevent the exploitation of workers from 'new' Europe, as well as to prevent further downward pressure on wages, is the greatest challenge facing us. How this issue would not
be at the heart of any 'reform' of the EU is inexplicable. It is one of a number of key reasons why the Treaty must be sent back for renegotiation. The protection of workers' rights and public services should be at the heart of what the EU is about. Unfortunately this is not the case at present and this is not the direction in which the Lisbon Treaty takes the EU.

"Sinn Féin is disappointed that a number of senior trade unionists continue to regard the Charter of Rights as the basis on which workers should support the Lisbon Treaty. Exaggerated claims in relation to the Charter will be exposed if and when Irish workers seek to vindicate their supposed new rights under this Charter. The Charter of Fundamental Rights does not guarantee the right to strike. Article 28 of the Charter appended to the Lisbon Treaty states that workers have the right to collective bargaining and to take strike action only "in accordance with national laws and practices". This means that this provision is meaningless if these rights are not protected in the Irish Constitution.

"The key reasons why this Treaty is a bad deal for workers include:

- It fails to block the gaps in the protection of workers rights exposed by the recent ECJ judgements and fails to include specific measures to prevent the displacement and exploitation of workers.

- It gives the EU too much power and reduces our ability to stop decisions that are not in Ireland's interest, while also cutting our voting strength on the Council of Ministers by more than half and ending our automatic right to a Commissioner.

- The Treaty Protocol on the Internal Market and Competition provides the EU with a mandate to remove "distortions" to service provision - which are likely to include important protective workers' rights regulations.

- Article 16 and 188 will provide the European Commission with the tools to progressively open up areas of European public services such as health and education to both internal market competition and international trade.

- The Lisbon Treaty hands powers to the EU to complete the internal market in services as envisaged under the widely opposed Services' Directive. It would allow service providers to operate outside the laws of the country where the service is being provided, allowing them to further race to the bottom in terms of pay and conditions.

"What Sinn Féin says to Trade Unionists is: as you go to cast your vote on the 12 June you must have no illusions - if we vote in favour of this Treaty we will face a future of greater liberalization,
more competition and privatization, and fewer rights for workers. People should have no fear of rejecting this Treaty and sending it back for renegotiation. The Lisbon Treaty must be rejected."

ENDS

1 juin 2008 - https://www.sinnfein.ie/contents/12780

Dublin Sinn Féin TD Aengus Ó Snodaigh, speaking after canvassing for a no vote in Crumlin today, accused the Government of failing to engage in a real debate on the content of the Lisbon Treaty. Deputy Ó Snodaigh said it is obvious from talking to the public that there are huge concerns with the treaty.

He said, "It is quite obvious from talking to members of the public that there are huge concerns about the content of the treaty particularly among those who have yet to decide how to vote. People who would normally follow the line of their preferred party are very cautious and cannot understand why they are being asked to support this treaty.

"People are wondering why trade unions, small businesses and farmers have not come out in support of the treaty.

"This is because the Government is failing to engage in a real debate on the content of the treaty and are instead resorting to scare tactics in a desperate attempt to win this referendum campaign.

"People should realize that this referendum is not a question of whether we like Europe or not. Our place in Europe is secure. This is a referendum about the direction we would like Europe to go in.

"Sinn Féin wants to see Ireland's hand strengthened in Europe and therefore we cannot accept the loss of a permanent Irish commissioner and the weakening of our voting strength at the Council of Ministers. We are therefore asking people to vote no to Lisbon to send the Government back to the negotiation table to demand a better deal." ENDS
Sinn Féin Louth Cllr. Tómas Sharkey today took part in a street theatre protest organised by Ógra Shinn Féin outside the EU parliament building on Dawson Street to highlight the commitment made to EURATOM in the Lisbon Treaty.

Cllr. Sharkey was recently successful in securing unanimous support by Louth Council for a motion opposing nuclear energy and reject the European Atomic Energy Commission, also known as EURATOM.

Speaking from Dublin today Cllr. Sharkey said:

“Support for EURATOM is written into the Lisbon Treaty. Protocol 2 of the Lisbon Treaty dealing with the European Atomic Energy Commission states that EURATOM 'should continue to have full effect'.

“One of the primary goals of EURATOM is the promotion of nuclear energy. Irish people reject nuclear energy. The Lisbon Treaty like its predecessors mandates the EU to promote nuclear energy. At present Ireland contributes in the region of €8million of Irish taxpayers’ money into EURATOM every year. The Irish government could have secured an opt-out from this commitment. It did not seek to do so.

"Recently Fianna Fáil tabled a motion calling on Louth County Council to support the Lisbon Treaty. I noted to the Council that support for the Treaty would contravene the Council's opposition to the Nuclear Industry. Fianna Fáil agreed with this position and ruled that the Council could not carry support for the Lisbon Treaty. This is just one example of the contradictions of the political parties who on one hand support the treaty yet would reject much of its outworking.

“On June 12th the electorate will have to make a significant decision. Regardless of what the YES Campaign would have you believe the Lisbon Treaty referendum is a decision on Ireland’s place in Europe. This is untrue. It is about the content and implications of the treaty for Ireland’s democracy, public services, workers rights, and position as a military neutral. That is what we are voting on.

“The fact is Ireland’s place in Europe is secure regardless of what democratic decision the people of this state take. The question is whether the Lisbon Treaty is in Ireland’s interests or whether we should send the government back to negotiate a better deal. I believe Ireland and Europe deserves better.” CRÍOCH
As the IFA prepares to decide its stance on the referendum Sinn Féin Spokesperson on Agriculture Martin Ferris TD has this morning urged farmers to vote No to the Lisbon Treaty.

Deputy Ferris said: "The IFA has set out ten solid reasons why farmers should not support Lisbon. Not only do the current WTO proposals threaten the future of Irish farming but they also undermine the future of CAP. Something that farmers were assured was secure when they agreed to the 2003 Fischler reform.

"But most importantly for rural Ireland the Treaty means giving up our ability to veto international trade agreements not in our interest, such as the current Doha round of negotiations. Interestingly the Taoiseach made no commitment to the ICMSA that the Irish government would veto the current round of negotiations. Of course he could not because the veto is lost with Lisbon.

"The only safe option for Irish farmers, on behalf of all European farmers and all European citizens, is to vote NO on June 12th and mandate the Irish Government to go back to Brussels and renegotiate a better deal for Ireland and Europe." ENDS

Speaking following the announcement by the IFA that it would recommend support for the Lisbon Treaty to its members Sinn Féin Spokesperson on Agriculture Martin Ferris TD said that the government, despite its last minute capitulation, will not be able to fulfil its commitment to Irish farmers as the veto will be lost with Lisbon.

Deputy Ferris said:

“Assurances from Brian Cowan on the use of Ireland’s veto on international trade agreements not in Ireland’s interests are simply not worth the paper they are written on. The Irish government cannot commit to using a veto if in fact that veto does not exist.

“I put it to Brian Cowan that the reason the government has spent months hand wringing on this issue and has made today’s commitment to the IFA at the eleventh hour is because he knows that the treaty text does not support his claim on the veto."
“Sinn Féin stands over its argument that the Lisbon Treaty removes Ireland's ability to veto the kind of international trade agreement currently being negotiated by Peter Mandelson at the WTO. Article 188 removes the general veto on services such as health, education and social services. It is replaced with a restricted veto, which could only be applied if this state could prove that the inclusion of such services risked 'seriously disturbing the national organisation of such services.' Such a restricted and conditional veto could not be used to block the current WTO trade deal.

"The veto which could be used today to block a bad WTO deal will be gone if we ratify the Lisbon Treaty. Sinn Féin’s message to the farming community is if you want to keep Ireland's veto on trade agreements the best course of action is to vote no on June 12th to send the government back to renegotiate a better deal. Rural Ireland deserves better." ENDS

5 juin 2008 - https://www.sinnfein.ie/contents/12834

Speaking at a press conference in Dublin today, Sinn Féin MEP for Dublin Mary Lou McDonald has said that, "It is possible to get a better deal for Ireland in Europe if the Irish people vote no on June 12th and send the government back to the negotiations with a strong mandate."

Ms McDonald said:

"With one week left to go, Sinn Féin is urging the electorate to ask themselves why we should support a deal which is so obviously not in the interests of Ireland or the European Union. To date the government has yet to give a single convincing reason why people should support the Lisbon Treaty.

"They have yet to explain how it is in Ireland's interests for Ireland to lose a Commissioner and reduce our voting strength at Council.

"They have yet to explain how undermining public services and workers rights is in the best interests of our economy or how losing key vetos on public services and international trade will benefit anyone.

"They have yet to explain how increased military expenditure and continued support for nuclear power is in the interests of the people."
"Rather they are trying to bully and cajole people into accepting a deal which is clearly not in our interests.

"In recent weeks the government has been exposed on a number of fronts. They are wrong on tax. They are wrong on the trade veto. They are wrong on neutrality. They are wrong on the loss of a commissioner. And they are wrong on the loss of voting strength on the Council.

"All of these issues are bad for Ireland and will result in Ireland having far less power. It should be rejected on June 12th and the Irish government should be sent back to get a better deal in Europe.

6 juin 2008 - [https://www.sinnfein.ie/contents/12846](https://www.sinnfein.ie/contents/12846)

Speaking today at the unveiling of a building wrap banner at the party's Parnell Square offices, Sinn Féin MEP for Dublin Mary Lou McDonald said: “A strong no vote on June 12th would create a huge opportunity for the Irish government to address those issues which are clearly of concern to the public.”

Ms. McDonald said:

"The Irish government can secure a better deal. A strong no vote on June 12 would create a huge opportunity for the government to address those issues which are clearly of concern to the public.

"Sinn Féin has argued from the beginning of this campaign that the Lisbon Treaty is a bad deal for Ireland. A no vote on June 12 would give the government a strong mandate for new negotiations.

"In any re-negotiation the government must secure a permanent Irish commissioner. The government also needs to secure the absolute right of Irish citizens to have the final say in any significant changes to EU treaties.

"The government also needs to ensure that key strategic vetoes on issues such as tax, public services and international trade are strengthened. They need to secure measures to prevent workers pay and conditions from being undermined. They need to secure a protocol protecting our neutrality and opt outs from military spending.

“Brian Lenihan this morning raised the issue of nuclear power and queried what the government could do about the fact that millions of Euro of Irish tax payers money is used to fund this industry. The solution is simple. The Irish government should secure an opt-out from EURATOM as advocated by environmentalists.
"I have no doubt that the response of the government and other yes campaigns to today’s Irish Times poll will be to increase their efforts to scare and bully the electorate into voting yes. Sinn Féin is asking voters to come to this debate in a calm and reasoned way, to listen to the arguments being put forward by both sides and to make up their mind. The Irish people need to decide what is in the best interests of Ireland and the EU.

"In politics, as in life, there is always a plan B. A strong no vote on June 12th will give the government a mandate to secure a better deal, for Ireland, the EU and the developing world."

CRIOCH

GERRY ADAMS adresses National Forum on Europe (01/05/2008)  https://www.sinnfein.ie/contents/12457

I would like to thank the Forum on Europe for the invitation to speak here today. On June 12th the people of this state will take a decision of immense importance. Whatever side of the debate you are presently on, and particularly for those who have yet to make up their minds, it is important that the debate on the Lisbon Treaty is open, honest and frank. Sinn Féin is committed to such a debate and we welcome the opportunity to discuss these important issues today and in the coming weeks.

It is disappointing that we will not have a referendum in the North. Despite the fact that the Lisbon Treaty will affect all of us on this island, those of us who live in the North are being denied the right to a referendum.

I am particularly pleased to be addressing the Forum on May 1st, international labour day. Workers rights have been a central focus of Sinn Féin's political efforts. At a time of increasing economic uncertainty, rising prices, rising unemployment and recession, the issue of workers rights is more important than ever. The issue of workers rights is also central to our party's analysis of the Lisbon Treaty, I will return to this later.

Republicanism and Europe

At the core of my approach to politics is a deep belief in the republican ideas of liberty, equality and fraternity. These ideas emerged from one of the foundational moments of modern Europe, the French Revolution. Every generation of Irish republican political thinkers has sought inspiration from the progressive currents of European political thought. Republicanism, from its origin to the present day is a European political movement, committed to creating a society based on popular sovereignty, personal liberty and social, economic and cultural equality.

These values form the benchmark against which Sinn Féin assesses the Lisbon Treaty not only in establishing the impact of the treaty on Ireland, but also on the European Union and the wider world.

Ireland's place is in Europe
Sinn Féin believes that Ireland’s place is within the EU. Irish membership has brought social and economic benefits to Ireland, north and south. We are also aware that not everything has been good news, and often proposals that emerge from within the EU institutions have negative effects on Ireland. So we believe that the best approach to the EU is to critically assess each proposal on its merits. When something is in Ireland’s interests, or indeed the interests of the European Union as a whole, we support it. However when something is clearly not in our interests or that of the wider EU, we oppose it and campaign to change it. Our MEPs have demonstrated the value of this approach by supporting progressive proposals on the floor of the European Parliament aimed at combating poverty, inequality and social exclusion, promoting human rights and tackling climate change, while opposing attempts to undermine public services, workers’ rights and environmental sustainability.

Today in Ireland and within the European Union institutions Sinn Féin is playing an active role in the ongoing movement to build a European Union, which deepens meaningful democracy and meets the highest standards of accountability and;

- Protects and promotes civil, political, social, economic and cultural rights
- Assists member states in building prosperity and equality
- Combats poverty, inequality, discrimination and social injustice
- Pursues environmentally responsible and sustainable development policies
- Promotes conflict resolution, peace building and global stability internationally
- Protects neutrality, opposes militarisation and the arms trade

And which assists the developing world overcome global poverty, inequality and disease

These are the positive policies that we stand for and which any proposal must contain if it is to secure our support.

Lisbon Treaty

It is in this context that we come to the Lisbon Treaty. Does it advance the interests of the Irish people, the European Union and the wider world? Does it promote equality and sustainable economic development? Does it promote greater democracy and transparency within the EU institutions? Does it seek to play a constructive role in ending conflict and building a more peaceful world?

We also look to how it affects this state’s position within the EU. Does it strengthen or weaken our influence in the EU?

After serious analysis and internal debate, Sinn Féin has taken the view that the Lisbon Treaty represents a bad deal for Ireland, for the EU and for the developing world.

Democracy

There is little doubt that the European Union is currently suffering from a crisis of confidence across the member states. Turnouts for European Parliamentary elections are at an all-time low. In the 2004 the average turnout across the EU was 45%. In the Netherlands it was 39%. In Britain it was 38%. Similar figures were recorded in Portugal, Spain, France, Denmark, Germany, Austria and Finland. A significant number of newer member states recorded turnouts less than 28%. While
this states turnout is marginally better at 55%, it is still significantly lower than turnouts for Leinster House.

By comparison, when the peoples of France and the Netherlands rejected the EU Constitution in 2005, turnouts were significantly higher. In France 70% of voters went to the polls rejecting the Constitution by 55%. In the Netherlands turnout was 62% of which 61% said no.

Across the EU voters no longer understand or have confidence in what the EU stands for, where it is going, and how it takes its most important decisions.

The Lisbon Treaty was an opportunity to rectify this situation. Unfortunately it does the very opposite. It further centralises decision making in the EU institutions and gives the EU more than 100 new powers across a wide range of policy areas. This figure includes more than 30 new legal competencies, the loss of more than 60 vetoes for individual member states, a range of new roles and offices and self-amending articles including Article 48. This is a significant increase in the powers of the EU and to date no argument has been made to explain or justify such changes.

The Treaty also significantly undermines the role of small states within the EU’s decision-making process. In addition to losing the right to an Irish Commissioner for 5 out of every 15 years the Treaty also proposes to reduce this states voting strength on the Council of ministers by 50%. While the loss of a Commission affects all states, larger states like Britain, France and Germany increase their voting strength at Council by 50%. Indeed the Irish delegation to the Convention on the Future of Europe resisted the loss of a Commissioner, only to cave in at the end. And while privately they are admitting that the loss is a real negative in public they are suggesting that it is a good deal. Combined, these changes mean that Ireland will have less influence in the design of future proposals, less weight in key decisions, and a reduced capacity to block decisions that are not in Ireland's interests.

The self-amending clauses are important to mention here. These articles allow the Council, acting by unanimity, to transfer decisions to Qualified Majority Voting and, under article 48 to amend existing treaties. While any application of Article 48 would be subject to ratification by member state parliaments, there is no guarantee of a referendum. Indeed anyone reading UCD law lecturer Rossa Fanning's article in the Irish Times on April 22 would conclude that Article 48 could be applied to a large range of policy areas without any recourse to a referendum.

Supporters of the Treaty tell us that it will make the EU more democratic by giving more powers to the European parliament, member state parliaments and citizens. However when you look at the detail of these new powers they are found to be wanting. And the government's suggestion that the Lisbon treaty involves the greatest transfer of power to the member states is complete and utter nonsense.

While the increase in co-decision within the European Parliament is significant, it continues to play a secondary role to the European Commission. The Treaty also does nothing to address the gap between the work of the Parliament and citizens in member states.

With regard to member state parliaments, the proposed measures are minimalist. Member states will be given an extra two weeks to scrutinise proposals coming from the Commission and if a third of
member states believe the proposal breaches the principle of subsidiarity they can object. Of course the Commission is not obliged to do anything other than "consider" the objection.

The orange card, which has a somewhat different connotation in Ireland, is an even less effective tool, as its application requires the support of half the member state parliaments and either the European Parliament or Council. Eight weeks is too short a period for effective scrutinising of detailed EU proposals, as anyone involved in the Oireachtas European Affairs Committee or European Parliament will admit. The limitation of these measures to the issue of subsidiarity is extremely restrictive. And the requirements to secure support of other member state parliaments or the European Parliament or Council constitute extremely high barriers to their application. I wonder if either of these tools would ever be successfully applied if this Treaty is ratified.

The citizens initiative is similarly weak. While as a lobbying tool it has merit, and is already being used, once again there would be no obligation on the Commission to do anything other than "consider" any proposal. It also sets a dangerous precedent, whereby the minimum number of signatures required to have a proposal even considered by the commission would have to be 1 million.

On balance, when one weighs up the increased centralisation of powers, the self amending articles, the loss of influence of smaller member states and the weak measures offered to member state parliaments and citizens, there is no doubt that the Lisbon Treaty is a bad deal both for Irish and EU democracy, and if ratified will deepen the existing democratic deficit.

Neutrality and Militarisation

Sinn Féin has long advocated a policy of active neutrality, rejecting participation in any military alliance and supporting an enhanced role for the United Nations in resolving conflicts around the world. We have also been for a greater focus on solving the causes of conflict, such as political and economic inequality and instability and the absence of democracy. Our own experience of conflict and conflict resolution has taught us that the path to peace is not to be found in increasing military capabilities but in dialogue, inclusivity and equality.

After Nice 1, the Irish government assured the people that there would be no erosion of neutrality or participation in a common defence without a referendum. However actions by this Irish governments and the impact of the Nice Treaty continue to undermine neutrality. The use of Shannon airport by US troops on route to Iraq; financial contributions to the European Defence Agency; membership of Partnership for Peace and the new EU Battle groups are all in breach of clear international definitions of neutrality.

At the same time there is a growing desire among many of the more powerful Governments at the heart of the EU project, to see the Union develop its own military capability, independent of the United Nations and in concert with NATO.

This state is playing an increasingly significant role in both NATO and the evolving EU military structures. Irish troops serve at NATO HQ in Brussels under the NATO-led 'Partnership for Peace' initiative. Irish troops have served in NATO-led missions, including Afghanistan. There is a full-time EU Military Staff headquartered in Brussels which is responsible for 'command and control' of EU military capabilities -- this reports to an EU Military Committee, which in turn reports to the
EU Political and Security Committee and from thence upwards to the EU Council of Ministers. Irish army officers serve with the EU Military Staff, and this state is represented at all other levels of this network. In terms of actual military operations, the EU can call upon a number of Battlegroups -- groups of 1,500-2,500 soldiers capable of being deployed within 15 days of agreement by the EU Council of Ministers. The first EU Battlegroup deployment -- to Chad-- is under the command of an Irish Lieutenant General.

The Lisbon Treaty undermines neutrality further. It makes clear that the EU will have common foreign and common defence policies and that such a policy must be compatible with NATO. While the exact detail of such policies is left to a future date, and the Irish government retains its veto, there is no doubt that the end goal is clearly defined. Do we want a common foreign or defence policy with countries such as France, Britain or Germany. Are the strategic and international interests of this state best served within such a context? In my view they are not.

Article 28 of the Lisbon Treaty contains three separate clauses that will result in increased member state spending on domestic and EU military capabilities. The article states clearly that member states must progressively improve their military capabilities, as directed by the European Defence Agency. The same article also establishes a start up fund for foreign or defence interventions as yet undefined and a mechanism for rapid access to appropriations again for interventions as yet unspecified.

While this state will retain the right to opt out of any future military interventions, a new procedure contained in Lisbon, called "structured cooperation" would allow a smaller number of member states to agree a foreign policy or military intervention to be carried out with the imprimatur, finance and logistical resources provided through the EU.

More troubling is the expansion of the list of approved military actions, known as the Petersberg Tasks. To date these tasks have been primarily focused on peace building and humanitarian intervention. However under Lisbon this list is expanded to include disarmament missions and provision of military assistance.

As a consequence of the Lisbon Treaty, this state will be drawn even further into the emerging EU military capacity.

The Economy

The Irish economy is changing. Recession, unemployment, loss of tax revenues have all hit the headlines in recent months. There is a consensus that the boom is over and a new approach to the future of the Irish economy is urgently required. The challenge is to tackle the existing levels of Celtic Tiger inequality while delivering the next generation of jobs in the Irish economy. This means supporting indigenous business and the farming community and ensuring that we remain an attractive location for investment. This means investing in infrastructure, education, public services and workers rights. The Lisbon Treaty hinders efforts to ensure that Ireland is economically successful.

The Lisbon Treaty hands powers to the European Commission to complete the internal market in services as envisaged under the widely opposed Services Directive, accelerating the race to the bottom in terms of pay and conditions.
Public services, defined as Services of General Economic Interests, will be subject under article 16 to new "economic and financial conditions", meaning that services like health care and education, would be subject to the rules of competition.

Indeed in their recent written submission to the National Forum on Europe IBEC argued that the Lisbon Treaty "...creates the legal basis for the liberalisation of services of general economic interest...[including]...Health, Education, Transport, Energy and the Environment."

This will inevitably result in further privatisation and in turn greater levels of inequality.

The Treaty Protocol on the Internal Market and Competition provides the EU with a mandate to remove "distortions" to service provision - which are likely to include important protective workers' rights regulations.

Contrary to claims made by the Labour Party The Charter of Fundamental Rights does not guarantee workers rights.

The negative implications of the Lisbon Treaty for workers is part of a continuing trend. David Begg, General Secretary of ICTU summed up this trend saying, "While business rights are being codified and strengthened, workers can only expect loose frameworks and vague approaches to enforcement."

There has been dismay at the recent European Court of Justice judgement in the Laval case which upheld the right of a Latvian company operating in Sweden to import Latvian workers to do the job at Latvian rates rather than compelling them to pay Swedish rates. The recent Rueffert ruling bans public authorities from putting conditions respecting collective agreements on the award of public contracts.

These ECJ judgements followed on from other negative developments such as the Services Directive and the Green Paper on "flexicurity". They indicate the direction of current EU policy and how the new provisions in the Lisbon Treaty will be employed.

Workers and trade unionists should note the governments failure to protect pay and conditions and enforce labour law when our labour market was opened to workers from the accession states.

In the past much progressive social legislation has had its origins in the EU and on this basis it has been supported by trade unionist and others. Unfortunately in the last decade these gains have been undermined by developments that have sought to sacrifice a progressive social agenda in favour of a narrowly defined focus on competitiveness.

In recent weeks we have seen a significant level of concern from within our farming community about the current round of World Trade Organisation trade talks. Irish farmers and development NGOs are rightly concerned at the agenda being pursued by European Trade Commissioner Peter Mandelson, an agenda that is bad for Irish farmers and the developing world. The approach of the current Trade Commissioner is part of a pattern that emerged under his predecessors Pascal Lammy and Leon Brittan and will continue after he is gone. It is an agenda that aggressively promotes free trade irrespective of the costs to European family farms and rural communities, or the world poorest communities and countries.

The Lisbon Treaty contains new provisions that will considerably strengthen the Commission in its pursuit of free trade over fair trade.
Article 2 (b) gives the EU exclusive competence over commercial policy, including the negotiating of international trade agreements. Article 188 gives the Commission power to initiate and conclude negotiations including international trade agreements at the same time as transferring the final decisions on such agreements from unanimity to Qualified Majority Voting at the Council, thus ending this states veto. Article 10(a) mandates the "progressive abolition of restrictions on international trade" to be one of the EU's guiding principles in its interaction with non-EU member states. Restrictions would include agricultural subsidies, preferential treatment for developing world companies in government procurement contracts or environmental and workers protections.

Last week Fine Gael leader Enda Kenny, addressing this very Forum urged the Irish government to use its veto at the Council if the outcome of the WTO trade talks is bad for Irish farming. We agree with Fine Gael on that. The Irish government should use its veto but the question is why does Fine Gael -- why does the government, want to give up this veto.

If the Lisbon Treaty is passed, that veto will be gone. What will we do then in future rounds of WTO talks? This treaty, like the Mandelson proposals are clearly not in the interest of Irish farmers. They are going to do with the farming industry exactly what they have done with the fishing industry if we let them.

The situation for the Irish business community is just as serious. Moves towards tax harmonization rightly worry most Irish people. If we take a step back and take a cold look at the political realities we see that the European Commission is committed to bringing forward a proposal to bring in a common corporate tax base this year. We know that a majority of Member States including France, one of the biggest, and the next holders of the Presidency are in favour. Fine Gael and Labour MEPs have also voted in support of measures on EU Tax harmonisation. The Irish people should consider very carefully the implications of accepting Lisbon when to do so will empower these forces to create a common corporate tax base with or without Ireland.

Article 48's new procedure for amending aspects of the Treaty (the self-amending article) maps out another new way around the Irish veto. At present the Government can't drop the veto without a referendum. If Lisbon Treaty goes through a referendum is not required. A citizen's right to a vote on this matter will be removed. Why should any state ask its citizen's to give up the right to vote? Why on earth would any Government or political party campaign to remove this right?

All Irish political parties say they are committed to maintaining tax sovereignty. The Treaty makes it easier to bring in tax harmonisation. Anybody who is serious about defending our ability to define our own tax policy must say NO to Lisbon.

I would now like to take a few minutes to respond to some of the arguments raised by supporters of the Treaty over the last few months at the Forum.

Charter of Fundamental Rights

Sinn Féin strongly supports any measures that enhance the protection and promotion of human rights and equality at home, in the EU and in the wider world. We support the Charter of Fundamental Rights. We have called for its incorporation into EU law, and for its inclusion in a non-constitutional Treaty.
However, the claim that the EU Charter is somehow a major step forward in human rights is an illusion. Even its advocates acknowledge that it is little more than a restatement of existing human rights law. Indeed, in its analysis of the Charter the Institute for European Affairs argues that it 'does not create any new rights' and moreover that the social and economic rights in the Charter 'do not give rise to direct claims for positive action'.

Social Clause

Much has been made in some quarters of the Social Clause contained in Article 9 of the Treaty. It is argued that this paragraph constitutes a significant advance in the struggle for a more equitable EU. I wish this was the case. Unfortunately the Clause will go the same way as the commitments to social cohesion and environmental sustainability in the Lisbon Strategy and the Social Chapter before it. As former European Roundtable of Industrialists General Secretary Keith Richardson said of the Social Chapter, it is, "a large waste of time...If politicians feel it is important to get a chapter referring to the desirability of full employment, and if they think it will help with public opinion we don't really object...provided of course that it remains in general terms, related to aspiration." And so it will be with the Social Clause, a worthy aspirational statement, used to secure support for the Treaty and quickly forgotten by the Commission and Council once it has served its purpose. Contrary to claims by some supporters of Lisbon that it is the most social Treaty to date, it signals the final death of Social Europe with little thought for social or environmental consequences.

Vote no for a Better deal for Europe

Supporters of Lisbon say that to challenge or to reject this Treaty is an anti-European act. They have argued that rejection of Lisbon will bring economic devastation, political isolation and international ridicule.

All of these claims are false. They are the stuff of scaremongering and blackmail. The threat to our economy is not in a rejection of Lisbon. It is in the ongoing privatisation policies of the government and the failure to properly invest in education, health, childcare, research and development, and broadband. Rectifying these failure will be all the more difficult if the Lisbon Treaty is ratified.

Like the vast majority of people on this island I believe that Ireland's place is in Europe. Benefits have come as a result of our membership of the EU and continued co-operation with our European partners is essential if we are to meet the challenges facing us in the time ahead. And one thing is certain. Regardless of the outcome of the referendum Ireland's place in the EU will be secure. The question now facing the Irish people is - is the Lisbon Treaty a good deal for Ireland, is it a good deal for the rest of Europe. The answer, I believe is a resounding no.

However rejecting the Lisbon Treaty is not enough. We need to argue for a better deal for Ireland and a better future for Europe. If Sinn Féin were involved in such a negotiation our objectives would be to secure:

- A permanent EU Commissioner and reform of the Commission itself
- A greater equality in voting procedure at the Council
- A meaningful mechanism for member state involvement in the legislative process
- The abolition of all self amending articles
· A specific article recognising and protecting neutrality
· Opt outs ending financial support for nuclear power, the European Defence Agency, the start up fund and all other areas of military expenditure
· Protocols reserving this state's right to continue making its own decisions on taxation.
· Specific measures promoting and protecting public services such as health and education
· A greater emphasis on promoting fair trade over free trade and a significant increase in the importance of the development and aid agendas
· Concrete protections for workers rights

160 years ago, revolution swept across the continent of Europe as ordinary people demanded their right to political liberty, social and economic equality and national solidarity. 1848 was known for decades as the Spring of Nations, and brought the ideas of the French Revolution into almost every country on the continent. Ten years later James Stevens founded the Fenians, and mobilised the marginalised and dispossessed of this country to the cause of Irish independence and social and economic equality. Today 150 years on Irish republicans continue to be part of that European wide movement for a more democratic and more equal world.

In the spirit of the French Revolution and the Spring of Nations, Sinn Féin is calling on the citizens of this state to reject the Lisbon Treaty, to reclaim the future of Europe and in doing so secure a better deal for Ireland and our European neighbours.
Posters - 2008 - 1er référendum

(a) Fianna Fáil

Message from An Taoiseach, Brian Cowen, T.D.

A Chair,

Membership of the European Union has been central to the prosperity, and progress which our country has achieved in recent years. The EU has delivered for us and we may look at the challenges of the future with confidence.

In any country, the EU needs to evolve if it is to meet new modern challenges. It doesn’t need a radical overhaul, but it does need to change so that it can keep doing what we want, and effectively on behalf of all of the people of Europe.

A Yes vote in the referendum is a positive step that will see the EU continue to work effectively for Ireland in the 21st century. It will deliver for you.

The detailed leaflet set out to provide you with vital and useful information on the key elements of the Treaty – and it also shows you how you can access further information if you require it.

On Thursday June 12th, the people of Ireland will decide if we will remain committed to being positive members of the European Union. If we will take a different road, I hope that you will vote Yes for a Treaty which I believe is good for Ireland and good for Europe.

Good for Ireland, Good for Europe.

Vote YES

A YES VOTE is the best vote for Ireland's future, for Ireland's economy and for Irish jobs

Would you like to know more about the Lisbon Treaty?

Would you like to know more about the Lisbon Treaty?

EU Reform Treaty Your guide to understanding all the issues

What is the Reform Treaty?

The Lisbon Reform Treaty was signed last year at a special EU summit in Lisbon.

The Treaty’s aim, as set out in an opening paragraph, is to enhance ‘the efficiency and democratic legitimacy of the Union’.

How the Treaty Came About

The Treaty is the result of 8 years of negotiation and conversations. Key elements of the Treaty include:

- The Convention on the Future of Europe – which involved representatives from all Member States, civil society and EU institutions.
- The Irish Presidency of the EU – which secured agreement on most of the more difficult issues.
- The Reform Treaty – drafted last year.

What does the Treaty do?

The Treaty reforms the way the EU does business in a number of areas to make it more efficient and to increase democratic oversight. In particular, it will:

- Enable the EU to deal with major challenges such as energy, security, globalization, global warming, mass migration and cross border crime.

Changes to the Institutions

The EU works through seven main institutions: the Commission, the Parliament, the European Council, the Council of Ministers, Court of Justice, the European Central Bank and the Court of Auditors.

The main changes in the Treaty focus on the European Parliament, Council and Commission.

The Treaty introduces some new elements aimed at making these bodies more effective, consistent and transparent.

European Parliament

The Treaty increases the Parliament’s powers in budgetary, the EU budget, and approval of international agreements. To prevent the Parliament becoming unwieldy, the number of MEP’s is capped.

European Council

The European Council, the Council of the Heads of State or Government, which drives EU policy making, becomes a fully qualified institution and will, in future, be chaired by a President, elected by the Council itself. The main job of the President will be to prepare the Council’s work, ensure its continuity and conduct secret meetings among Member States. The President may have a maximum of two years in this position.

The Council of Ministers

The Council represents the EU member governments. Its role is largely unchanged.

At present, the Commission, or Presidency of the Council of Ministers, rotates amongst Member States every six months. Under the Treaty, the Council Presidency will be shared by a maximum of three Member States working together for a six month period.

A new Council voting method will be introduced – double majority voting. To pass into EU law a proposal must have the support of at least 55% of the EU’s member states, representing at least 65% of the EU population.

The new voting arrangement is a significant improvement in the existing system. It recognises the equality of every member state and every citizen.

From 2004, this system will replace the voting systems introduced under the Nice Treaty, under which Ireland had only 1 out of 4 votes.

The new voting system reflects the legitimacy of the EU as a Union of peoples and nations and makes it easier to make decisions more transparent and more effective.

European Commission

At present, the EU Commission has 27 members. The Treaty scales down the number of Commissioners with the intention of making the Commission more effective. From 2004, there will be 15 Commissioners.

In future, Commissioners will rotate between all countries in turn from 2004.

EU High Representative for Foreign and Security Policy

The new post is intended to ensure consistency in the EU’s dealings with foreign countries and international bodies. This new post will ensure the EU has a stronger voice in international affairs.

The High Representative will have dual role – representing the common view of the member states on common foreign and security policy matters and replacing the Commission for External Relations.

The Other EU Institutions

In recognition of the stage of international change, the Treaty broadens the scope of the European Court of Justice, especially in regards to human rights and judicial cooperation in criminal matters, and changes some of its procedures.

National Parliaments

All proposals for EU legislation will be sent directly to national parliaments for consultation. If a sufficient number of national parliaments object to a particular proposal, it can be amended or withdrawn. This procedure is designed to give national parliaments an important role in ensuring that the EU respects its authority.

The Citizens’ Initiative

The Treaty provides for a European citizens’ initiative - that will give the people of Europe a new voice.

Under this Treaty, a petition with at least one million signatures obtained from a significant number of Member States can request the European Commission to propose EU legislation.

A Europe of Rights and Values

The opening paragraphs of this Treaty outlines the basic values of the EU as:

- Respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights.
- Including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance and justice, solidarity and equality between women and men prevail.
The EU Charter of Fundamental Rights

The Treaty gives legal effect to the EU Charter of Fundamental Rights. The Charter sets out the fundamental rights of the EU's citizens including non-discrimination, equality, the right to life, the prohibition of torture, respect for private and family life, the right to an effective remedy and to a fair trial.

A Limit on the EU's Powers

The Treaty makes it clear that the Union only has those powers that have been conferred on it by the Member States. All other powers remain with the Member States. In other words, the EU does not have any power in its own right, but derives its powers from the Member States.

The Union is also required to respect the principle that decisions should, if possible, be taken at the local, regional or national level (the principle of subsidiarity).

The Treaty also provides that an action by the Union may not exceed that which is necessary to achieve the objectives of the Treaties.

Taxation

Ireland will retain the full right to protect its tax regime. This fact has been fully acknowledged by other member states and the President of the European Commission.

Peacekeeping and Humanitarian Missions

The Treaty reinforces the role of the EU in peacekeeping and humanitarian missions which are in support of the United Nations. It also includes specific provisions for the military neutrality of states such as Ireland.

In summary, the Treaty will improve the way the European Union works. It will adapt the EU institutions to a Union of 27 states, ensure that the voice of the European Union and its 27 Member States is heard more clearly on the world stage. It brings national parliaments into the day-to-day decision-making of the Union and strengthens the principle of subsidiarity. Finally, it focuses the European Union on the key challenges facing the world today: challenges such as climate change, mass migration, cross-border crime and the more challenging economic future that Europe and the world faces.
(b) People’s Movement

**PEOPLE’S MOVEMENT**
**GLUAISEACHT AN PHOBAIL**

**SAVE DEMOCRACY IN EUROPE VOTE NO**

**WE CAN’T TRUST THEM VOTE NO**

PEOPLE’S MOVEMENT / GLUAISEACHT AN PHOBAIL
087 2306330 • WWW.PEOPLE.IE

[Image of a sign with a black background and white text: **SAVE DEMOCRACY IN EUROPE VOTE NO**]

[Image of a green diamond-shaped sign with white text: **WE CAN’T TRUST THEM VOTE NO**]
The Lisbon Treaty lays the basis for the creation of a European super state, already 80% of 26 County domestic law is subervient to EU laws and directives.

- The Lisbon Treaty introduces a clause which gives the EU Council of ministers the right to extend its powers without the need for a further treaty.
- The Lisbon Treaty will remove the requirement for any further extension of EU power to be voted on by the Irish people in referendum.
- The Lisbon Treaty paves the way for the creation of an EU army. Already EU military staffs EU Battlegroups have been set up which can operate 2,500 miles outside the borders of the EU. The Lisbon Treaty/EU Constitution will militarise the EU even, committing the 26 County State to a ‘mutual’-defence committed and removing the need for a referendum in the future on any new commitments to EU defence.
- Whilst health services such as cancer care in the 26 Counties face huge cuts in essential funding provision is being made for increased military spending to meet EU military commitments under the Lisbon Treaty/EU Constitution.
- The presence of 26 County troops in Chad, supporting a French colonial proxy war with China – who are propping up the regime in neighbouring Sudan – over oil reserves, highlights the nature of the military ‘tasks’ that the 26 County state will be expected to perform. Almost 100 years after the First World War, is yet another generation of Irish people to be sacrificed on foreign battlefields in the interests of European capitalism and imperialism?
- The Lisbon Treaty represents an attack on both political and economic democracy.
- This leads to a society where the needs of the ‘market’ are placed over all others, including the right to a job and a decent wage, where the best public services only go to those who can pay the most.
- The ‘legal ruling’ of the European Court of Justice set the ‘free movement of goods and services’ as superior to the right of workers to strike. Again the Lisbon Treaty will further this agenda, placing competition above the rights of working people.
- By voting NO to the Lisbon Treaty you are opposing the creation of an undemocratic superstate, increased militarisation, the erosion of neutrality, the privatisation of public services and unfettered capitalism.

Republican Sinn Fein, 223 Parnell St, Dublin 1
Tel: 8729747; e-mail: saoirse@iol.ie; web: rsf.ie
Don’t deny your Christian roots
Pope Benedict on the Lisbon Treaty, January 2008
In a short time you will be asked to vote on the Lisbon Treaty. And there's a lot more to this referendum than we've been led to believe. This is not just another treaty—it's a whole new Constitution for Europe.

1 LISBON IS THE EU CONSTITUTION
What you'll actually be voting on is the EU Constitution in a different guise. It was soundly rejected by French and Dutch voters in 2005. But that just wasn't acceptable to the EU.

So they simply repackaged 96% of the EU Constitution as the Lisbon Treaty. It's such a far-reaching treaty that the President of the European Commission, José Manuel Barroso, declared that the EU will now be "an Empire." This is not what we signed up for. This is a step too far.

2 YOU WILL LOSE MORE POWER
Already two-thirds of our laws are made in Brussels. And Lisbon transfers more power from you—the Irish voter—to the EU. Lisbon removes Ireland's permanent EU Commissioner and removes decision-making from the Dáil in 32 areas, giving you less power.

People you've never voted for are interfering in your life:
- threatening carbon taxes
- recording your e-mails and internet visits (Irish Times, 19/1/2008)

Don't let them take any more power or money from you.

KEEP THE POWER TO DECIDE
VOTE NO TO LISBON

3 DON'T LOSE THE RIGHT TO DECIDE OUR VALUES
It's up to you—and the rest of the Irish people—to decide what kind of society we want. But legal experts have warned that our laws could be simply erased if the Lisbon Treaty is passed.

That's because under the Lisbon Treaty we'll be made subject to the EU Court and the EU's Charter of Fundamental Rights, which can force us to change our laws on issues as important as:
- legalization of abortion and euthanasia
- homosexual marriage and adoption of children
- freedom to teach and practise religion
- legalization of prostitution and hard drugs

Both Pope Benedict and the late Pope John Paul II have urged that any constitution for the EU should acknowledge God, but their request was refused. And Pope Benedict has warned that European social policies are destroying the family.

That's because the EU has rejected Christian values. The Irish Constitution currently protects the family, our children, marriage and the right to life. However, if the Lisbon Treaty isn't defeated, our Constitution simply won't matter any more. It'll just be overridden, along with Ireland's Christian values and heritage.

PROTECT OUR CHRISTIAN VALUES
VOTE NO TO LISBON
Irish farmers have watched in horror as the EU Trade Commissioner Peter Mandelson tried to sell Irish agriculture “down the swanny”.

Now up to 50,000 Irish jobs in agriculture are at risk – all because the EU is refusing to protect Irish interests in world trade deals.

Irish farmers need to send a strong message to the EU. They must be told we won’t tolerate a deal that allows South American producers to flood Europe with cheap meat. The IFA President, Pádraig Walsh has said that the EU was “trying to sell agriculture down the swanny”.

But now it looks increasingly likely that the EU is simply biding its time – waiting until the Lisbon Treaty is passed before they agree a deal that will wipe out the meat sector the way previous agreements wiped out Ireland’s sugar beet industry.

Article 2 of the Lisbon Treaty gives the European Commission ‘exclusive competence’ over international trade agreements.

We need to take back the power – and make the EU listen to farmers.

PROTECT IRISH FARMING
VOTE NO TO LISBON

COIR
80a Capel Street, Dn 1. T: 8746858 W: www.lisbonvote.com