

EPIN CONSTITUTIONAL RATIFICATION MONITOR

Country Report: Ireland
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Date filed: 8 February 2005

Ratification of the Constitutional Treaty in Ireland will be by referendum on a proposal to amend *Bunreacht na hEireann*, the Irish Constitution. This will be the seventh such European referendum – the first in 1972, on the issue of accession to the then EEC and the latest in 2002, the second poll on ratification of the Nice Treaty.

The date of the referendum has not yet been decided by the Government. It may take place in late autumn 2004 or in the first half of 2005. Work is currently underway on drafting an appropriate constitutional amendment permitting the State to ratify the treaty establishing the Constitution. The amendment must be debated and adopted by the *Oireachtas* (Parliament) before its submission to popular vote. A simple majority is sufficient in the referendum and there is no minimum turnout figure.

Following the publication of the terms of the amendment, the independent Referendum Commission will be provided with adequate funds to promote public understanding of the issues arising from the Constitution and encourage voter turnout. The Commission will use television, radio and cinema advertising and will publish information leaflets to be sent to every household.

The Government has indicated that its ultimate decision will be designed to ensure adequate time for public information and debate. The surprise defeat of the first Nice referendum in 2001 was seen to arise from serious failures in public information and bad timing of the campaign on the part of those favouring ratification.

In October 2004 the Government published an Explanatory Guide to the Constitutional Treaty, together with a brief explanatory leaflet which was widely circulated. This placed significant emphasis on the fact that the text of the Treaty had been finally agreed and adopted by the Intergovernmental Conference under the Irish Presidency. A more comprehensive Government White Paper on the Constitution is being prepared which will be accompanied by summary information material for nationwide distribution.

The National Forum on Europe – established in 2001 following the first Nice referendum to provide for balanced and open debate of the issues surrounding Irish membership of the EU – has commenced a series of plenary sessions on all aspects of the Constitution. The first of these took place on 27 January 2005 with presentations from Richard Corbett MEP, joint draftsman of the European Parliament Report on the Constitution, and Esko Seppanen, a Eurosceptic MEP from Finland. Representatives from the political parties in both Houses of the *Oireachtas* and from several NGOs took part in a long debate.

The National Forum has published a summary of the Constitution together with a glossary of the terms commonly used in European texts. It has also produced a video/DVD on the Constitution which has been circulated to all secondary schools. Many schools are taking part in essay and debating competitions on the Constitution and there will be a public Forum for Young People at which the Constitution will be debated.

To date there has been little political debate on the Constitutional Treaty. This certainly explains the main reason for the striking results of the recent Eurobarometer survey which indicates that as many as two-thirds of the electorate have not yet decided on how to vote on the issue. Of those who are clear about their voting intentions, there is a five to one majority for a ‘yes’ vote. The ultimate outcome will depend on the turnout on referendum day – only

35% voted in the first Nice poll – and this, in turn, will require a serious and sustained information campaign.

There are divisions between the parties in the *Oireachtas* on ratification, but a clear majority for ratification. The Government parties – *Fianna Fail* and the Progressive Democrats – and the main opposition party – *Fine Gael* – are strongly in favour. The Labour Party has not taken a formal decision but is expected to call for a ‘yes’ vote. The Green Party, which opposed the Nice Treaty, is conducting an internal debate and will decide on its position by a vote among its members. *Sinn Fein* and the Socialist Party are strongly opposed to the Treaty.

In October 2004, the Institute of European Affairs published ‘Europe Re-United’, containing its detailed analysis of the Constitutional Treaty. This has been widely circulated and has received many favourable responses. Work is now underway on a series of shorter booklets dealing with the key elements of the Treaty text and discussing them from an Irish viewpoint. The Institute has launched a series of seminars in which the Treaty is to be discussed by political leaders from all 25 EU member states. The first session was addressed by Ministers from Lithuania, the Czech Republic, Slovakia and Ireland. The second event will have speakers from Spain, Greece and Ireland.

In an important development the Governing Council of the Irish Business and Employers Confederation has adopted a detailed response to the Constitution strongly supporting its adoption in the Referendum. The Confederation will shortly commence a well-resourced campaign of information and advocacy among its membership across all sectors of the Irish economy.

The Irish section of the European Movement has decided to play a leadership role in the forthcoming referendum campaign and is working on the details of its campaign material.

The importance of non-party political groupings on both sides of the two Nice campaigns has been widely recognised. The successful ‘yes’ campaign in 2002 was notable for the contribution of a civil society group – Ireland for Europe – which was set up specifically to work for the eventual outcome. The European Movement is likely to play the same role in the Constitution referendum.