

The Debate on the Future of the European Union in Ireland

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The Nice Treaty

The initial two years of the debate in Ireland on the Future of Europe was completely overshadowed by the national argument on the Nice Treaty and the two referendum campaigns. The first of these was characterised by a lack of information and a failure to engage by the proponents of a 'yes' vote which saw a minimal turnout and a clear rejection of the treaty by those who bothered to vote. The debate centred on issues such as neutrality, perceived loss of influence in the EU institutions and fears of the 'creeping' power of Brussels over Irish affairs.

The second Nice campaign was very different in nature. Information was conveyed effectively by official and voluntary agencies and through the active involvement of political parties, academic circles and civil society groups. The European Movement organised information meetings across the country.

The Institute of European Affairs arranged a high profile programme of public lectures by key personalities on both sides of the debate and published accessible explanatory material in print and electronic form. Booklets clearly establishing the importance of enlargement for Ireland and for Europe as a whole were widely distributed.

The second referendum resulted most importantly in a strong 'yes' to Nice but also in a remarkable improvement in the level of interest and understanding of European issues. This has led to a significant advance in media attention to the on-going European debate which is now centred on the work of the European Convention.

In approaching the second referendum campaign the Government, with broad parliamentary support, undertook two important initiatives. The terms of reference of the Oireachtas (Parliament) Committee on European Affairs were enhanced to provide for more intensive scrutiny of EU legislation and for wide-ranging and open debate of current EU issues. The Constitutional Amendment approved in the referendum not only permitted ratification of the Nice Treaty but also provided that Ireland may not accede to any common EU defence arrangement without the specific consent of the people in a referendum.

The Debate in Parliament

With its new remit, the Oireachtas Committee has undertaken a series of public hearings on the Convention agenda. These have included the first meetings of the Committee outside Dublin. The Irish government and parliamentary representatives at the Convention are providing regular briefings to the Committee at sessions which are attended by Irish MEPs.

In an important initiative, the Irish Senate has commenced a series of debates on the work of the Convention, which have already been addressed by the President of the European Parliament, Pat Cox, and a number of the Irish Convention representatives.

The National Forum on Europe

In the aftermath of the first Nice referendum the Government took up a proposal first advanced by the opposition Labour Party for the creation of a forum for public debate of the Future of Europe agenda already under discussion in both EU Member States and candidate countries.

The National Forum on Europe was launched in October 2001. Its membership includes the parties and groups represented in the Oireachtas and Irish MEPs. Party delegations include the Taoiseach (Prime Minister), the Minister for Foreign Affairs and several opposition Party Leaders and former Ministers.

A Special Observer Pillar involves organisations representative of civil society, including the social partners, groups which had been active in the Nice referendum campaign, registered political parties not represented in parliament and parties from Northern Ireland. More than forty groups take part in the Observer Pillar, with speaking rights at all meetings and regular consultation on the Forum's programme. The Chairman of the Forum is Senator Maurice Hayes, an independent member of the Irish Senate and former Ombudsman of Northern Ireland.

To date, the Forum has organised thirty plenary sessions – most of which are held in Dublin Castle – and as many public debates in venues across the country. These initially addressed the key issues arising from the Nice campaigns before moving on to the Future of Europe debate and the Convention agenda. The Irish Convention participants are all members of the Forum and report to it on their contribution and on overall progress and prospects. For example, the recent plenary session on Justice and Home Affairs was addressed by John Bruton, former Taoiseach (Prime Minister) and a member of the Convention Praesidium, who chaired the relevant Convention Working Group and by the Government Representative, Minister of State Dick Roche.

Many visitors have spoken at Forum sessions, including European Commissioners, Ministers and political leaders from EU Member States, academic experts and representatives of the candidate countries, including the President of Slovenia and the Polish Foreign Minister.

In its two published reports, the Forum has identified four broad clusters of key concerns: the balances between Member States; governance; legitimacy, accountability and transparency; and concerns over sovereignty and sensitive policy areas, such as neutrality. These continue to underlie the debates as the Forum deals with the Convention agenda. A third report will be issued shortly.

Institute of European Affairs

The Institute continues to monitor developments within the Convention through a special Working Group chaired by the former Taoiseach, Dr. Garret FitzGerald. It has initiated a new series of lectures on relevant themes, commencing with an authoritative presentation by Commission Secretary General, David O'Sullivan and a discussion of issues connected with the Charter of Fundamental Rights, addressed by the Head of the Legal Services of the Commission, Michel Petite.

An analytical paper on the key Convention themes – “A Constitutional Treaty for Europe: Implications for Ireland” – has been presented to the Oireachtas Committee on European Affairs and more widely circulated.

Address by Minister for Foreign Affairs

In the annual ‘State of the European Union’ speech at the Institute of European Affairs in January 2003, the Minister for Foreign Affairs, Brian Cowen, stressed the importance of the Convention and pointed to its potential influence on the subsequent IGC. This made it vital that Ireland’s essential values and interests are reflected in the outcome of the Convention’s work.

The Irish input to the Convention will be based on a number of principles: notably balance in the institutional framework with the interests and equality of all Member States fully protected; recognition that the nation state remains the basic building block of the Union; commitment to the principle of solidarity; and willingness to match the drive for economic competitiveness with enhanced social cohesion.

The Minister welcomed the proposal to create a single legal personality for the Union, paving the way for a single, clear treaty text. Recognising the existence of concerns about the idea of an EU Constitution, he argued that the outcome of the Convention and IGC would be a new treaty but that “as it will set out the basic values, objectives and procedures of the Union, the...description of it as a ‘Constitutional Treaty’ is reasonable. If some choose to call it a Constitution, then so be it.” He argued that the new treaty will not affect the status within Ireland of the Irish Constitution. Ireland supports the extension of QMV to policy areas where it can help to increase the effectiveness of decision-making but argues that there is a limited number of areas of such sensitivity that unanimity must continue to apply. For Ireland, that argument applies in particular to the areas of tax harmonisation, foreign policy and some aspects of Justice and Home Affairs.

Ireland will adopt a pragmatic approach to the incorporation of the Charter of Fundamental Rights in the new treaty but continues to have concerns about the possibility that this might increase EU competence over social policy issues which are for national governments to make.

Speaking about the institutional aspects of the Convention’s work Minister Cowen described the effectiveness of the Commission as central to the success of the Union. Ireland supports the Benelux paper’s call for a strong Commission “in accordance with the Nice decisions.” The principle of equality of all Member States is central to the Irish position. Ireland supports the election of the President of the Commission and has put forward the model of an electoral college, comprising representatives of the national parliaments and the European Parliament, for this purpose.

While supporting the proposal for so-called “double-hatting” in respect of the Union’s external relations, the Minister expressed scepticism about the creation of a President of the European Council which could upset the existing balance between the Council and the Commission. Ireland has always seen the rotating Presidency of the Council as a highly visible expression of the equality of Member States, but there is openness to alternative approaches, such as ‘team presidencies’ which might meet the requirements of effectiveness and inclusiveness.

Minister Cowen went on to express some Irish concerns about aspects of the emerging proposals on Justice and Home Affairs, arguing that there should be openness to “carefully defined treaty change where this can be shown to be both strictly necessary and clearly beneficial.” Ireland cannot agree to communitisation of foreign policy but supports moves to make existing, and agreed, arrangements more practically effective. While the proposal for a solidarity clause to confront terrorist threats can be supported, the new Irish constitutional changes rule out entry into an EU common defence arrangement without the direct consent of the people.

The Minister concluded that the Convention must seek a genuine consensus, an effort to which Ireland will contribute positively, building the alliances necessary to protect both fundamental national interests and those of the Union.

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