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## European Communities (Amendment) Bill, 1998 [Seanad] : Second Stage.

**Thursday, 25 June 1998**

Minister of State at the Department of Health and Children (Mr. Fahey): I move: "That the Bill be now read a Second Time." This Bill amends the European Communities Act, 1972, as amended. Thus it relates essentially to the Treaties which establish the European Communities, namely the European Community — EC — the European Coal and Steel Community — ECSC — and the European Atomic Energy Community. I shall refer later to matters not dealt with in the Bill.

The Bill gives effect in domestic law to those provisions of the Treaty of Amsterdam which affect the treaties establishing the European Communities and the European Court of Justice. These are the provisions of the Treaty which must be made part of domestic law of the State prior to ratification of the Treaty of Amsterdam by Ireland. The long table of "treaties governing the European Communities" and other treaties and legal acts set out in the table to section 1 of the Bill will remind Deputies that similar Bills have been debated in this House prior to each significant stage in the development of the European Union since Ireland's accession to the then European Communities in 1973.

Before dealing with the contents of the Bill, I would like to refer briefly to the recent referendum. On 22 May the electorate, in accepting the Government's proposed amendments to the Constitution, demonstrated its endorsement of the Treaty of Amsterdam and of Ireland's full involvement in the development of the European Union. Some commentators have claimed that the result of the referendum represented a victory for opponents of the treaty and of continued European integration, but the Government rejects this claim. I do not deny that many voters may have felt uncertain about the significance of the treaty, resulting in a lower level of support than on previous occasions.

The reality is that the Treaty of Amsterdam is an amending treaty, not a stand-alone text. Read in isolation, it is without question a difficult document to comprehend. Furthermore, this was not a treaty which contained a "central issue" which could engage popular attention. It consists of many improvements and a number of important new provisions, but no single idea comparable to the Single Market in the Single European Act and EMU in the Maastricht Treaty, which in addition established the Common Foreign and Security Policy and Co-operation in Justice and Home Affairs.

The Government does not accept that the outcome of the referendum signals any diminution of support among the people for our full participation in the European Union. The majority of people remain convinced, and with good reason, that European integration is in the best interests of this country.

I would also like to comment briefly on the role of the Referendum Commission, established by the Government to prepare and disseminate information on the Treaty and to promote public debate. It is my belief — and research carried out by the Commission bears this out — that the information campaign organised by the commission was successful in raising awareness of the treaty. The manner in which information is provided for referenda will be examined further by the Government in the light of our most recent experiences. In this connection, the issue of information for referenda is being examined by the All-Party Committee on the Constitution.

This is a very short Bill containing two sections and it is primarily technical in nature. Section 1 is

the principal operative part of the Bill. It adds the relevant amending provisions of the Treaty of Amsterdam to the list of treaties and other instruments contained in the definition of the “treaties governing the European Communities” in section 1(1) of the European Communities Act, 1972, as amended. These are Article 1.13, Articles 2 to 12 and annexed Protocols.

For the convenience of the reader, a table sets out the complete list of the treaties governing the European Communities contained in section 1(1) of the 1972 Act, as amended, together with the amendment now proposed in respect of the Amsterdam Treaty — new paragraph (S).

Section 2 contains normal provisions concerning the short Title, collective citation, construction and commencement of an Act of the Oireachtas. Pursuant to this section, a commencement order will be made at the appropriate time providing for the entry into force of the Bill on the date that the Treaty of Amsterdam itself comes into force.

I would like to set out those Articles of the Amsterdam Treaty which are referred to in section 1 of this Bill and which will thus be given the force of law in the State. I do not propose to explain the substance of the Articles in detail today — the Dáil has already debated the treaty on a number of occasions and the people have given their verdict on it. For ease of understanding, I will deal with the Articles under three broad categories: first, role of the European Court of Justice; second, substantive amendments to the European Communities Treaties and third, simplification and renumbering of the treaties.

The European Court of Justice has always had jurisdiction under the First Pillar, which deals with Community matters. When the Second and Third Pillars, dealing with the common foreign and security policy and justice and home affairs, were set up by the Maastricht Treaty, the Court of Justice was not given jurisdiction over them, with one small exception for certain conventions concluded under the Third Pillar.

Article 1.13 sets out the provisions of the Amsterdam Treaty to which the powers of the Court of Justice apply. In particular, it extends the jurisdiction of the court in the area of police and judicial co-operation in criminal matters, which is the new title for the Third Pillar. Because it is important that Ireland be in a position to comply with the judgments of the Court of Justice on Third Pillar matters in the same way as it complies with the court's judgments in the First Pillar, it is necessary to give the force of law in the State to Article 1.13. This measure will ensure that police and judicial co-operation is carried out not only efficiently but also with increased protection for human rights.

Articles 2 to 4 of the Treaty of Amsterdam, together with annexed Protocols, represent the main body of amendments to each of the treaties establishing the European Communities, that is, the treaties establishing the European Economic Community, the European Coal and Steel Community and Euratom. Articles 2 to 4 include a very wide range of provisions which improve the capacity of the Union for action, including closer co-operation among member states, non-discrimination, free movement of persons, employment, consumer protection, environmental protection, institutional reform and the right of access to Community documents. Taken together they represent a modest but important contribution towards European integration and greater effectiveness and efficiency within the Union. The changes also help the Union to prepare for enlargement and bring it closer to its citizens.

Article 5 of the Amsterdam Treaty deals with certain changes made in relation to the election of representatives to the European Parliament. Taken together with other changes contained in Articles 2 to 4, these changes will affect the workings of the Parliament in a number of ways. The new treaty will impose an upper limit of 700 on the membership of the Parliament, which is now 626. It will also strengthen the role of the Parliament through a considerable extension of what is known as the co-decision procedure. The co-decision procedure makes the Parliament in effect a co-legislator with the Council in the adoption of Community legislation.

Articles 6 to 11 deal with the simplification of the treaties establishing the European Communities and certain related Acts. Article 12 deals with renumbering. The provisions on simplification of the

treaties are a welcome first step in tidying up or pruning the various treaties and long obsolete provisions relating to the setting up of the Communities, the establishment of the Common Market. The Intergovernmental Conference negotiators also took the opportunity to renumber all the Articles of the EC and EU Treaties in a straightforward numerical sequence. This is provided for in Article 12 of the Amsterdam Treaty. The end result of simplification and renumbering is that the treaties on which the Union is based will be shorter and more readable when the Amsterdam Treaty comes into effect. Deputies who have an interest in EU law will wish to know that a publication containing the consolidated EC and EU treaties is available. It reflects the changes made by the Treaty of Amsterdam, including the renumbering of Articles. It will be very useful for reference purposes post-Amsterdam.

The matter of simplification of the treaties is of interest to all of us inasmuch as all measures which can help to make the workings of the European Union more clearly understood must be welcomed. Government officials are participating actively in a new Brussels working group which has been asked to prepare guidelines on the quality of drafting of EU legislation in response to Declaration No. 39 annexed to the Final Act of the Treaty of Amsterdam. In Declaration No. 39, the Intergovernmental Conference called on the European Parliament, the Council and the European Commission to establish by common accord guidelines for improving the quality of drafting of Community legislation. Deputies may also be aware that the Government took a decision on 24 February last to re-establish the Statute Law Reform and Consolidation Office, which will have the task of consolidating Acts, such as the European Communities (Amendment) Acts. These measures should help to increase accessibility and transparency in relation to European law.

Only certain provisions — those which I have described, namely Articles 1, 13 and 2 to 12 and annexed Protocols — of the Treaty of Amsterdam need to be made part of the domestic law of the State. Other provisions in the treaty deal with procedural issues and matters of international treaty law and do not need to be reflected in our legislation. Examples are the general and final provisions setting out the indefinite duration of the treaty, the procedures for its ratification and entry into force and the authentic treaty languages.

Deputies will have noted that the amendments to the European Communities Act proposed in the Bill do not include matters relating to the Common Foreign and Security Policy, CFSP, provisions of the treaty. This was also the case when the Act was amended prior to the ratification of the Maastricht Treaty. The reason is that the Common Foreign and Security Policy provisions are essentially intergovernmental in nature.

Subject to one exception in relation to the Court of Justice, of which I have already spoken, the amendments to the Act proposed in the Bill do not include matters related to police and judicial co-operation in criminal matters. Police and judicial co-operation in criminal matters, or the Third Pillar as it is commonly known, is contained in Article I of the Treaty of Amsterdam but is dealt with outside of the framework of the EC treaties. Police and judicial co-operation in criminal matters, as provided for by the Amsterdam Treaty, seeks to build on the co-operation which was formally established under the Maastricht Treaty.

Under this new treaty, the role of the Commission and European Parliament have been strengthened along with the role of the Court of Justice. However, in keeping with their approach throughout the period since signature of the treaty, the Government has been careful to seek no more authority in this legislation than is strictly necessary for the purpose of giving effect in domestic law to the relevant provisions of the Treaty of Amsterdam. Thus, no authority is sought to make statutory instruments for issues relating to the Third Pillar which may arise in the future. These would be matters of sufficient weight as to merit primary legislation and thus full scrutiny by both Houses of the Oireachtas.

Section 1 has been carefully drafted to ensure that all the provisions of the Amsterdam Treaty which it is necessary to make part of our domestic law prior to ratification are in fact made part of Irish law, but the Government has not sought to go any further than is necessary in order to achieve this

aim.

Deputies will be aware that the amendment to the Constitution approved recently by the people provides that the options and discretions provided for in the Treaty of Amsterdam would be exercised by the Government only with the approval of both Houses of the Oireachtas. These would include the provisions for closer co-operation between member states and free movement of persons within the EU, to which I have already referred. Again in this instance, the Government is keen to ensure that all significant steps to be taken by it under the terms of the Treaty of Amsterdam will be subject to full parliamentary scrutiny.

Mr. G. Mitchell: Fine Gael supports the passing of this legislation. However, I will table an amendment on Committee Stage for the purpose of teasing out a particular point.

The Amsterdam Treaty is about more than security or foreign policy issues. It is concerned with greater equality provisions, employment, fighting crime, improving environmental standards, public health and consumer protection. In particular I wish to address security related issues.

The Amsterdam European Council did not agree a common defence even though the Maastricht Treaty stated that the Union might in future agree to a common defence policy which might in time lead to a common defence. Furthermore, Amsterdam sets up blocks and barriers to a common defence and makes it clear that a common defence would require major treaty revisions, including a further intergovernmental conference and ratification by each member state in accordance with its own constitutional requirements. The strange reality is that Irish neutrality will be enshrined in the Constitution for the first time if the Amsterdam Treaty is ratified. I will return to this point later.

In three quarters of a century of independence Ireland as a State has played an important role in the world in peace-keeping and, through the United Nations, in advancing the cause of non-nuclear proliferation.

Twenty five years ago, after half a century of independence, we joined the European Union. In the last quarter of a century our sovereignty has become a greater reality, not because we chose to stand aside from certain organisations, but because we joined specific organisations, most notably the UN, the Organisation for Security Co-operation in Europe and most, significantly, the European Union.

Our decision not to join the North Atlantic Treaty Organisation in 1949 continues to enjoy wide public support, even though the reasons for not joining have never been enumerated or publicly consented to. The public is able to discern between membership of NATO and broad security arrangements, on a case by case basis, tailored to our needs and with our full agreement and consent. MRBI research shows this to be the case as the MRBI —*The Irish Times* survey of September 1996 — indicated. In my research the only principle on which our neutrality is based, as far as I can ascertain, was set out by Seán McBride, the then Minister for External Affairs, in 1949, when he said Ireland would become a full charter member of NATO the day after partition ends. This is a point I will return to in relation to the British-Irish Agreement later in my speech.

The Cold War is over but international strife continues. Increasingly this strife is of an internal nature — such as in the former Yugoslavia and Algeria — and requires a new response. There is now a greater emphasis on the need for security, stability and good order as a prerequisite to, for example, humanitarian aid. The EU does not have the capacity to make this response but the addition of the Petersberg Tasks to its remit will give the EU a greater capacity to help keep the peace.

The Petersberg Tasks are: humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking. They provide a framework within which the Western European Union can provide effective support — including structure and communications — for implementation of measures for conflict prevention and crisis management, including peacekeeping activities decided by the UN Security Council or by the OSCE and Ireland is a

member of both.

The Treaty of Amsterdam White Paper, Articles 15.51-3 states:

The EU will avail itself of the Western European Union to elaborate and implement EU decisions on the Petersberg Tasks which have now been brought within the scope of the CFSP. When it does so, all member states will be entitled to participate fully in the tasks in question. This is an entitlement — there will be no obligation on any member state to take part.

Guiding principles on defence policy discussions were set out in the White Paper on Foreign Policy published by the last Government. These are:

4.113 Ireland has argued that the formulation of a common defence policy should take account of the level of political and economic integration achieved by the European Union, be responsive to broader developments in European security, and reflect the varying capacities and experience of the member states.

4.114 In discussion with the Western European Union of involvement in the “Petersberg Tasks” and in contributing to discussion of overall defence policy for the Union, the Government will be guided by the following underlying principles —

the commitment of successive Irish Governments that when the time came Ireland would be willing to enter into negotiations on a common defence policy for the Union. In line with this Ireland should be a constructive participant in the Intergovernmental Conference on this issue, one which wants to contribute to and influence the outcome, and one which wishes to participate in its implementation

the common defence policy should have as its primary objective the preservation of peace and the strengthening of international security in accordance with the UN Charter and OSCE principles

the Union's defence policy must be relevant to the broader role of the United Nations which has a unique legitimacy in the area of international peace and security

the common defence policy must be situated in the context of a broad approach to security that recognises the crucial contribution to security that can be made by economic progress, the removal of the causes of conflict, the fight against crime and drugs and the protection of the environment

The defence policy must be compatible with Ireland's continued pursuit of its objectives in the area of disarmament and arms control. We will continue to work for a reduction in armaments, for the strengthening of non-proliferation regimes, and for an end to nuclear, biological and chemical weapons.

4.115 The Government has undertaken to put the outcome of any future negotiations that would involve Ireland's participation in a common defence policy to the people in a referendum. This will ensure that Ireland's policy of military neutrality remains unchanged, unless the people themselves decide otherwise.

That particular quotation and what the White Paper states later relates to the foreign policy issues relevant at the time. The passing of the British-Irish Agreement by the people of Ireland has opened a new window in the whole area of security and defence relations, and one of which Members may not be aware. I have no hesitation in welcoming and supporting them. The White Paper at 4.49 states:

The overall objectives of Partnership for Peace are consistent with Ireland's approach to international peace and European security, and participation in the partnership could have several important advantages —

we would be working together with OSCE partners on programmes of practical co-operation designed to reduce tension and promote overall security in Europe. We have consistently called for and encouraged the development of such inclusive co-operative security arrangements

it would enhance the capacity and readiness of our Defence Forces to participate in UN or OSCE peace-keeping operations through training and exercises with countries with which we share a peace-keeping tradition, and thus help us to ensure that Ireland is in a position to continue to make an important contribution in the field of peace-keeping

it would enable our Defence Forces to make available to European countries which wish to develop their peace-keeping capacities, the benefits and lessons of Ireland's long experience in international peace-keeping operations

it would enhance Ireland's capacity to carry out search and rescue operations off our coasts and to conduct humanitarian missions in response to national or other disasters

it would provide a framework for practical co-operation and planning to deal with threats to the environment and drug trafficking.

Participation in the Western European Union Petersberg Tasks would do the same. Fine Gael advocates joining Partnership For Peace as well as taking on Petersberg Task type commitments on a case by case basis. In the past many issues have been beyond reasoned or respectful discussion in this State, something I have repeatedly said in the House and in committees. Our role in the future security and defence architecture of an evolving Europe remains in this category. This is unhealthy and wrong.

Regarding the evolving EU security architecture, every Taoiseach from Seán Lemass to Deputy John Bruton has indicated that, should continued membership of the EU require Ireland to take on security and even defence commitments, they would favour doing so. It is time the Taoiseach made his position clear. The Amsterdam Treaty does not entail defence commitments, but an enlarged Union of 26 to 30 countries may revisit the question at a future date. The purpose of an integrated Union is to ensure peace and stability so that Europe can prosper and there can be no return to the tensions which gave rise to two World Wars in the first half of this century. As the Union becomes more federal in nature it will take on more of a peacemaking as distinct from a peacekeeping role. The Petersberg Task commitments of the Western European Union, to be transferred to the EU under the Amsterdam Treaty proposals, is a step in this direction.

Instability anywhere on the continent of Europe has implications for the stability of the continent as a whole. However, in the case of Bosnia, it was NATO which was the driving force behind the international peace effort and not the EU, which is the single biggest political and economic bloc in the world. The EU was confined to issuing démarches while countless numbers of Europeans died in horrific genocide. However, public opinion in the United States is becoming less supportive of leading such missions abroad. To ensure stability in the long-term, it is inevitable that the EU will develop its peacemaking role.

Effective peace enforcement without NATO assets is not a realistic concept at the moment. The Western European Union and EU do not have the independent capacity to enforce peace. We must acknowledge that 11 of the 15 EU states are NATO members. We must learn to respect the fact that individual sovereign states have come together in NATO and, furthermore, all central and eastern European countries wish to join in this alliance. Nor is it a question of right and left. Many of those states are led by socialist prime ministers. The Secretary General of NATO is a socialist. As part of our preparation to have a credible role in influencing the evolving security architecture in Europe, we must ensure that we are not isolated and irrelevant. Otherwise the agenda will be completely set by others. Simply put, if we are not in the game, we cannot make the rules.

Regarding neutrality, the Maastricht Treaty left open the question of a future possible agreement on a defence policy which might in time lead to a common defence. The Amsterdam Treaty does not pursue this possibility but sets out the substance of co-operation in the Petersberg Tasks and the method of achieving this. Those who advocated support for the referendum on the British-Irish Agreement while arguing against the Amsterdam Treaty on security, defence or defence policy grounds, may be surprised in time to find that new security arrangements may arise from the totality

of relationships in these islands rather than from the EU in the near future.

Perhaps the strangest thing about the Amsterdam Treaty is that it enshrines neutrality in the Constitution for the first time, at least as far as the EU and the Western European Union is concerned. Ironically, should the State wish to join NATO or, perhaps, some new security arrangement on this island, there would be no constitutional ban after the Amsterdam Treaty. The enshrining of the British-Irish Agreement in Article 29 of the Constitution provides the necessary constitutional authority for future security or defence arrangements on the island and even between it and Britain. When the Amsterdam Treaty becomes law, Ireland could not become part of a future common EU defence or full members of the Western European Union without an intergovernmental conference, the unanimous agreement of the European Council, which is the Heads of State or Government, ratification in accordance with our constitutional requirements, since the Single European Act court ruling, and without holding a referendum on the issue.

This arises because Article J.7 of the Amsterdam Treaty states:

1. The common foreign and security policy shall include all questions relating to the security of the Union, including the progressive framing of a common defence policy, in accordance with the second subparagraph, which might lead to a common defence, should the European Council so decide. It shall in that case recommend to the Member States the adoption of such a decision in accordance with their respective constitutional requirements.

The Western European Union (WEU) is an integral part of the development of the Union providing the Union with access to an operational capability notably in the context of paragraph 2. It supports the Union in framing the defence aspects of the common foreign and security policy as set out in this Article. The Union shall accordingly foster closer institutional relations with the Western European Union with a view to the possibility of the integration of the Western European Union into the Union, should the European Council so decide. It shall in that case recommend to the Member States the adoption of such a decision in accordance with their respective constitutional requirements.

The policy of the Union in accordance with this Article shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, which see their common defence realised in the North Atlantic Treaty Organisation (NATO), under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework.

The progressive framing of a common defence policy will be supported, as Member States consider appropriate, by cooperation between them in the field of armaments.

2. Questions referred to in this Article shall include humanitarian and rescue tasks, peace-keeping tasks and tasks of combat forces in crisis management, including peacemaking.

3. The Union will avail itself of the Western European Union to elaborate and implement decisions and actions of the Union which have defence implications.

The competence of the European Council to establish guidelines in accordance with Article J.3 shall also obtain in respect of the Western European Union for those matters for which the Union avails itself of the Western European Union.

When the Union avails itself of the Western European Union to elaborate and implement decisions of the Union on the tasks referred to in paragraph 2 all Member States of the Union shall be entitled to participate fully in the tasks in question. The Council, in agreement with the institutions of the Western European Union, shall adopt the necessary practical arrangements to allow all Member States contributing to the tasks in question to participate fully and on an equal footing in planning and decision taking in the Western European Union.

Decisions having defence implications dealt with under this paragraph shall be taken without prejudice to the policies and obligations referred to in paragraph 1, third subparagraph.



4. The provisions of this Article shall not prevent the development of close cooperation between two or more Member States on a bilateral level, in the framework of the Western European Union and the Atlantic Alliance, provided such cooperation does not run counter to or impede that provided for in this Title.

5. With a view to furthering the objective of this Article, the provisions of this Article will be reviewed in accordance with Article N.

Article N is the Article which provides for an Intergovernmental Conference. As stated in section 1, actions “which might lead to a common defence” and “the integration of the Western European Union into the Union” would require a unanimous decision of the European Council and “it shall in that case recommend to the Member States the adoption of such a decision [the same wording is used in both cases] in accordance with their respective constitutional requirements” which means a referendum in the case of Ireland.

Furthermore, a new Article J.13 of the Treaty on European Union, the Maastricht Treaty, is being introduced regarding procedures. This provision introduces a new Article J.13 which governs the procedure to be followed when adopting measures under this title. The general rule is that the Council must act unanimously. However, it may act by qualified majority vote when adopting joint actions or common positions or taking any other decision on the basis of a common strategy and when adopting any decision implementing a joint action or common position. Two exceptions to this procedure are important. First, if a member of the Council declares that, for important and stated reasons, it intends to oppose the adoption of a decision, a vote shall not be taken. Second, the procedure shall not apply to decisions having military or defence implications. A simple majority suffices for procedural matters.

I am sick and tired of Deputies making outrageous allegations and I want the record to state the facts. When people read the record I want them to be able to say “Yes, that point is supported by the evidence.” Before this debate is over, some Deputies will make headline grabbing, outrageous statements. I am calling on those Deputies to participate in this debate on security, defence and related issues in a civilised and proper way which relates to the facts. I do not expect everyone to share my view but I object when Deputies make allegations against other Deputies on the basis that we did what we believed to be our duty when supporting the Amsterdam Treaty.

Article J.14 of the Treaty on European Union covers agreements with States or international organisations. This provision introduces a new Article J.14 of the Treaty on European Union, covering the procedure to be followed for the negotiation and conclusion of agreements with states or international organisations in the context of this Title. The procedure applies similarly to Article K.10 of the Treaty on European Union. Article J.14 states:

When it is necessary to conclude an agreement with one or more States or international organisations in implementation of this Title, the Council, acting unanimously, may authorise the Presidency, assisted by the Commission as appropriate, to open negotiations to that effect. Such agreements shall be concluded by the Council acting unanimously on a recommendation from the Presidency. No agreement shall be binding on a Member State whose representative in the Council states that it has to comply with the requirements of its own constitutional procedure; the other members of the Council may agree that the agreement shall apply provisionally to them. The provisions of this Article shall also apply to matters falling under Title VI.

Declaration No. 3, relating to Article J.14 states:

The provisions of Article J.14 and K.10 of the Treaty of the European Union (Maastricht) and any agreement resulting from them shall not imply any transfer of competence from the Member States to the Union.

From the point of view of pro-military neutrality campaigners these articles are much stronger provisions than Article J.4 of the Maastricht Treaty which reads:

(1) The common foreign and security policy shall include all questions related to the security of the Union, including the eventual framing of a common defence policy, which might in time lead to a common defence.

(2) The Union requests the Western European Union (WEU), which is an integral part of the development of the Union, to elaborate and implement decisions and actions of the Union which have defence implications. The Council shall, in agreement with the institutions of the Western European Union, adopt the necessary practical arrangements.

(3) Issues having defence implications dealt with under this Article shall not be subject to the procedures set out in Article J.3.

(4) The policy of the Union in accordance with this Article shall not prejudice the specific character of the security and defence policy of certain Member States under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework.

(5) The provisions of this Article shall not prevent the development of closer cooperation between two or more Member States on a bilateral level, in the framework of the Western European Union and the North Atlantic Alliance, provided such co-operation does not run counter to or impede that provided for in this Title.

(6) With a view to furthering the objective of this Treaty, and having in view the date of 1998 in the context of Article XII of the Brussels Treaty, the provisions of this Article may be revised as provided for in Article N(2) on the basis of a report to be presented in 1996 by the Council to the European Council, which shall include an evaluation of the progress made and the experience gained until then.

It is clear from comparing Article J.4 of the Maastricht Treaty with Article J.7 of the Amsterdam Treaty that not only does the latter not bring us further into any military alliance, it creates blocks, checks and balances. If anything it weakens what the Maastricht Treaty hoped to build on. However, people still claimed that we would be in some defence alliance. If we are in any security or defence alliance in the near future it is more likely to result from the British-Irish Agreement than anything agreed in Amsterdam.

The essence of the new Article J.7 is that actions of the European Council which might lead to a common defence, only if recommended by them unanimously, would have to be adopted by member states in accordance with their respective constitutional requirements. Furthermore, should the possibility of the integration of the Western European Union into the Union be agreed by the European Council, which would again have to be by unanimity, it would have to be ratified by each member state in accordance with its constitutional requirements. With a view to furthering the objective of this Article, the provisions of the Article will be reviewed in accordance with Article N at some time in the future. This means a further intergovernmental conference before any changes can be recommended unanimously by the European Council to the member states.

Any claim that the Amsterdam Treaty in any way weakens our traditional military neutrality is untrue. For the first time it copperfastens neutrality in the Constitution in terms of European Union membership until the people decide otherwise. This is my interpretation of what is included in the Articles. I am putting forward this view after the referendum campaign because I am not trying to persuade anyone. If anyone does not believe this to be the case let them indicate where I am wrong. If we are to debate these issues then let us do so rationally and reasonably. Fine Gael welcomes these provisions. If there is to be a departure from our traditional policy at any stage in the future then this should be by decision of the people, following the agreement of the Government and the Oireachtas.

A full consideration of the extent of current moves towards further European integration must include an examination of EMU, agreed in the Maastricht Treaty, as well as the Amsterdam Treaty. EMU is aimed at creating a single currency — the euro — for those member states wishing and able

to take part in the project. The main economic benefits of EMU are considered to be removal of exchange rate uncertainty and costs in trade, investments and tourism, the estimated transaction and hedging costs to business in the EU is over \$16 billion US dollars per annum; convergence of interest rates among member states which participate; a deepening and enhancement of the single market; an affirmation of the European identity in international relations — in time the EU should be able to punch its weight and a strengthening of collective discipline, especially in the fight to control inflation.

A single currency will mean that participating member states will cease to have their own currency and will not be able to devalue in the event of an economic shock. However, the alternatives to EMU are not cost free. For example, a disintegrating Europe, which would almost certainly follow the abandonment of the EMU project, would have serious implications for employment. In any event, devaluation is only a short-term solution to underlying problems of competitiveness which must be addressed in the long-term. This is the real lesson we must learn: prepare now by becoming more productive and more competitive in use of manpower, materials, energy and general cost control.

The Maastricht Treaty sets out criteria which each member state wishing to qualify for membership of EMU must meet. In this further stage of integration and adoption of a single currency, we must also consider the other supports that exist for member states. A ceiling of 1.27 per cent of a European Union budget would not meet the requirements which could arise from, for example, an asymmetric economic shock to a member of EMU. This matter needs to be given greater priority.

Notwithstanding that, the ERSI indicated clearly that, on balance, it is in our interest to join EMU and we should be committed to it. The Amsterdam Treaty is a further step on the road to ensuring that what happened in the first half of this century, when 60 million Europeans killed each other, will not happen again. The integration process is not about assimilation, it is about learning to live together — British, Irish, French, Germans, Catholics, Protestants and non-believers — and ensuring peace and stability for continued prosperity.

While I will raise a question on Committee Stage about section 2, I support the Bill and hope it has an easy passage through both Houses.

Mr. M. Higgins: In the absence of Deputy Spring, I will inevitably lean more towards the part of the treaty that affects the areas for which I have responsibility. I first want to take up a point made by the Minister of State who said: “Some commentators have claimed that the result of the referendum represented a victory for opponents of the treaty and of continued European integration, but the Government rejects this claim”. While I welcome this forthright statement, I do not agree with its construction or conclusion. It would be foolhardy to ignore the circumstances and context in which the Amsterdam Treaty was debated. Some would put it more bluntly by claiming people were inclined to glaze over matters relating to the treaty prior to the referendum and, worse still, after the referendum were inclined to say it is something we should ignore. In the week prior to the referendum, I recall a reverend gentleman in my constituency of Galway West very enthusiastically, and with admirable sincerity, saying, “Whatever you do, vote on the Northern Ireland agreement, but as to the other one, make up your own mind”.

I mention this because we are not in the business of frustrating the will of the people by rejecting the Bill on Second Stage. It is foolhardy for commentators to claim the opponents have had a victory They have not. There is, however, a problem about discussing Europe in Ireland, in Britain and in most European countries which has some basis.

I listened to Deputy Mitchell's thoughtful contribution and I agree that the text of Article J in the Amsterdam Treaty, as a transition from Maastricht, is a strengthening of the protections critics have sought, but I will not dwell on that at this stage. I want to deal with the reason for the low poll in the referendum. The poll in Galway West, the lowest in the country, is not a record of which we are proud. The turnout was approximately 48.9 per cent. That was a tragedy in terms of the opinions

that were necessary on the British-Irish Agreement, but it is now a matter of history. I want to consider what has gone wrong with the European debate.

Those who spoke in favour of the Amsterdam Treaty did not address the general disquiet about the debate on Europe regressing to a debate on a common market, that it was not a debate about a Europe of citizens and that treating about accession was treating about enlarged markets rather than a further unification of peoples. Issues of cultural diversity and citizenship were neglected and the language used was a dead one. One could convincingly show that there had been comprehensive bad faith from the moment the President of the Commission and the President of the Parliament made their great rhetorical phrases about constructing a Europe of the citizens. Those speeches which preceded the Irish Presidency of the European Union, and to which the Irish Presidency sought to give some depth, seemed to have receded. The speeches made by uncritical enthusiasts before, during and after the treaty, placed far more emphasis on building an economic, competitive power to the United States and Japan than on constructing a Europe of citizens. For example, the founding European treaties are singular in their total exclusion of any reference to culture. The first reference to culture is in Article 128 of the Maastricht Treaty. Any person seeking to advance a legal dimension to this would have to rely on Article 128.4 and even that is very weak. It simply suggests that culture must be taken into account.

Lest people suggest that is exactly what one would expect from people who are not real Europeans, unfortunately this neglect has immense economic implications which the President of the Commission recognises. The world audio-visual industry is worth \$176 billion, of which the United States has 51 per cent and Europe has 30 per cent. It is equally interesting to note that in terms of the flow of audio-visual products into the European Union, America comes second. When an impasse was reached at the World Trade Organisation talks on this specific point, the negotiations foundered on a fundamental principle. Were audio-visual products, which include film, documentaries and other such matters, simply commodities like vegetables, tinned beans, bread or potatoes and were they much more than that? Were they not cultural expressions? Hence, the French position, which I supported during my time in office, in the WTO talks stressed the cultural exception, the idea being that things that expressed one's story or aspects of people's lives were not simply commodities. There were a whole set of consequences which flowed from that. For example, if they were not commodities, they had to be taken into account by wider considerations than simply competition and the marketplace. Hence, in the WTO these matters were left unresolved and there was a great deal of pressure on the European Union to concede.

In 1995 a briefing document was leaked which suggested that a briefing document to the United States negotiators stated they should not get stuck on culs-de-sac about culture, but rather stress the introduction of new services. The document continued along those lines, the idea being that Europe could be seduced into the view that by becoming bigger it could compete more effectively. This is germane to what has gone wrong and the context in which the referendum took place. A process of deregulation, mostly focused on the State sector, was begun as part of becoming a big competitor in economic terms, able to handle competition from Japan and the United States. People heard about the necessity of having regulators in place. Here there was a green paper on convergence in the telecommunications industry. At the same time there was a complete neglect of the spirit of the treaties.

If I was a free marketeer, which I am not, and purely in favour of competition I would see the Commission had broken its own terms in relation to competition. For example, the draft directive on concentration of ownership, originally produced by Commissioner Monti, was abandoned following opposition from two other commissioners. As recently as in the past six weeks, the Commission said there will be no prescriptive directive in this area. Rather, a directive will be based on the principles of moral suasion. People were being asked to remove State obstacles in the way of creating a big, effective economic bloc, while at the same time to be supine in handing aspects of European life over to an oligopoly and monopoly which is internationally structured.

On explaining during the referendum how one system of regulation after another had to be put in place moderate and very interested people said to me they did not think they were voting for all this. We explained the audio visual growth of 69 per cent between now and 2005 which will come entirely from paid television services, most of which will be imported from the United States. In Britain, for example, a deficit of £163 million has replaced a surplus of £161 million. The reason for this is that £300 million is exactly the value of what BSkyB purchases from the United States for its new services.

The European Union is increasing its size in economic terms and removing State obstacles, but at the same time is not taking any action on the issue of defending competition abroad. There is a fundamental dishonesty — I use the word very carefully — in the Commission. There are three commissioners, namely, the commissioner with responsibility for new services, who is following an agenda which might as well have been written by the United States, the commissioner with responsibility for competition and Commissioner Marcelino Oreja who has responsibility for culture and whose views are largely ignored.

The discourse about Europe before, during and after the referendum was heavily, supinely and dishonestly economic in so far as it was not prosecuting competition in terms of any limitation on concentration of ownership. For example, on the issue of convergence on the telecommunications industry, the green paper completely fudged the distinction between convergence of technology, convergence of markets and convergence of content. It almost did not matter what people saw, listened to or read. All that mattered was size and the public is beginning to see a powerful regression to a rather crude, old-fashioned and not very theoretically sophisticated economic model. People said to me on the doorsteps that they were unsure about this and did not think it was what they voted for.

It was equally wrong of those who genuinely opposed some principles of the two previous treaties to simply use them in arguing against the Treaty of Amsterdam which, of course, sought to have some very good aspirational sections in relation to workers' rights, the environment, the sharing of information, co-operation in relation to the elimination of certain types of crime and a social agenda which was welcome, even if it was a little loose. I preferred the White Paper on the treaty, which outlined these issues, than the final explanations on offer before the vote.

The issue in this period between the people having expressed their viewpoint and it passing into domestic law is how we can most valuably use the debate. We should reflect on the current atmosphere about debate in Europe. It is also very important to realise that the great institutional reform which has been promised has not happened. If anything, there has been a regression in relation to the quality of the language used in explaining the European Union. It is a fallacy to suggest all that is needed is a printing press and the provision of more information, that citizens will become more enthusiastic if they get more information. However, this is not the issue. The issue is the loss of trust, of belief in a vision and of authenticity in people making the case for a bigger and wider Europe. It is important that these matters are placed on the record in the context of the Minister's speech. Those who propose to take part in the European elections, as candidates or participants in the debate, better gird themselves for the fact that the citizens of Europe will not welcome silence on these issues.

Of great importance is the issue of balance between culture and the economy. We are heading for disaster if we continue to neglect the cultural component. It was significantly important to be included as a reserve item in the World Trade Organisation debate. However, there will be further debate as the cultural space of Europe is wider than the economic space. It includes the 18 million unemployed people, the employed and migrants within the Union. If we are to suggest the economy is a sealed off separate entity to the totality of the institutions of Europe and its other social forms, we are heading for growth rates which will be coupled with the most massive, divisive confrontations, in the context of immigrants, the unemployed, the socially excluded and a new group, namely, those excluded from information in an information society.

The ninth protocol of the Treaty of Amsterdam, which relates to public service broadcasting, represents an Irish influence. It sought to provide for investment in public service broadcasting and was a real achievement. I do not wish to stray from the Bill, but the protocol is very important. It concerned the nature of public service broadcasting which sought to educate, inform and entertain and carried a responsibility of universal access, diversity of cultural form, plurality of editorial opinion and all the things which fit easily with citizenship. The protocol constitutes a journey in the direction of a Europe for citizens. However, this debate is being lost.

Even within the existing framework there is a need to restore or, more accurately, establish a parity between the components of the Commission in developing and administering the treaties. I already mentioned the three Commissioners with responsibility for culture, new services and the Internal Market. I am angry at the manner and arrogance of the Internal Market in the context of the regular downgrading of proposals from the Commission regarding cultural considerations. It is from cultural consideration that the theory of citizenship is derived. This is referred to weekly in the articles which speak about distinctiveness and a Europe which incorporates different stories. That provides the best possible approach to dealing with accession.

As Minister, I witnessed patronising, insulting and degrading meetings with applicant countries and I hope I managed to help put a stop to that. During the French Presidency, applicant countries were asked to stay on at the end of a Council meeting at which they produced lists of everything they had deregulated, privatised, the number of radio and television licences which had been issued and so on. It was humiliating to witness the destruction of countries' various cultural forms and listen to people telling the Council how rapidly they were becoming what it wanted them to be. Such a scene did not represent a relationship between people who were building a Europe of the citizens. That kind of prosecution of economic interests, coupled with rhetoric about no more war and everyone living in peace and harmony, will not be acceptable into the future. It will be necessary to prove how issues of citizenship and the cultural component have been dealt with, whether there has been a willingness to do anything about Article 128.4 in the Maastricht Treaty and what purposes will be made of the ninth protocol. In regard to the ninth protocol, my successor has stated it is not something which requires any great action, merely something that must be taken account of. That attitude will be the rock on which European enthusiasts will perish. The protocol was included in the treaty by people like me who believed in public service broadcasting, diversity, universal access and citizenship. We refused to regard all these things as commodities and did not want to be dominated by a product over which we would not have any control. There was an element of bad faith in regard to these issues which was reflected in a low turnout in the recent referendum and which will wreak disaster unless these issues are honestly addressed.

The European treaties must be construed in their totality but all of the available evidence is that they are not. The Amsterdam Treaty at least attempts to address a Europe of workers; it boldly recognises the 18 million unemployed and seeks to give rights to employed and unemployed alike. It also seeks to put an end to old obstructionist, conservative, anti-worker philosophies. These are things the member states could achieve together. The Amsterdam Treaty was carried, admittedly with a low majority.

I notice that many people who opposed the social charters implicit in the Amsterdam Treaty are now coming out of the woodwork. I refer to such people as the "cheap labour theorists". They believe that once the largest pigs at the trough have taken their swill, there is something wrong with growth rates continuing if the profits are to be distributed among the lower paid. They also think there is something wrong with an economy which does not produce a large pool of unemployed people in order that wage rates can be depressed. It is so much more attractive for such economists to speak of a labour supply curve in which more people would be available for work and low wages could be offered to them. It would be outrageous, in their view, to even suggest the payment of a minimum wage as it would interfere with the market for labour. Such views did not last 24 hours anyway because, following the initial total opposition to tax cuts which was expressed, a beautiful academic backstep occurred with talk of tax cuts above the middle line and so on. Offensive phrases such as

the one “Joe six pack” coined by Moore McDowell were used and Brendan Walsh rushed in practically urging us to hold a national conference because the growth in the economy could not possibly last. Such attitudes are offensive.

This is a Parliament and we, as parliamentarians, are responsible for the totality of things. The economy is merely one dimension of our responsibilities. I, and others who share my political views, see the economy as instrumental in achieving certain social objectives and political options. We do not see ourselves as semi-literate “Joe six packs” at a remove from the economy. There seems to be an attitude that we should be kept out of the economy as if we were yobbos likely to cross the fence and interfere with it. The economy is viewed as a physical entity which can heat up and cool down and we are merely meant to wonder how it is progressing from the sidelines. It is as if it did not matter that income gaps have widened and people are suffering desperately from social exclusion, unemployment, bad housing and differential access to health services and so on.

As someone who had serious questions about previous EU treaties I could not, and did not want to, impute those reservations to the Amsterdam Treaty. Turning the provisions of the treaty into realities will pose a very real challenge. The treaty recognises the need for social policy and protections at work and the need for environmental and ecological responsibility. I want to participate in a debate about a bigger Europe. I am very worried about the capacity of any such debate to have the necessary ring of authenticity about it. People do not merely want to be told that in the event of a future war, we would be able to defend ourselves. They want more than that. They want to feel part of a Europe in which people's best versions of themselves will be to the forefront. They want a Europe in which diverse opinions will be shared patiently and want to feel there are things we can do together in a positive environment.

The treaty refers to arms sales but it does not go far enough. Those who are strongest in Europe speak about the importance of building peace but when one considers the balance sheets of these Governments reveal they make a great deal of money from the production and sale of armaments, such statements ring very hollow indeed.

I welcome the fact that nobody has yet embarked on self-congratulation in this debate. When Ireland first joined the EU, I was part of a deputation to Europe. One member of the deputation began his speech by saying Ireland was a small country but a proud one. It was possible predict the subsequent content of the speech quite easily, having heard that. One often hears a chorus of people in the Dáil saying how well we have done from Europe and how grateful we should be, a sort of pathetic “we'd be grateful if your Lordship could give us a little more for the potatoes” attitude. We must construct a positive agenda about Europe, one which will accelerate the direction of the Amsterdam Treaty in terms of deepening the social discussion.

The Green Paper on technological convergence has been described by some academics, whose opinions I would respect, as disgraceful. It is a technical document which does not refer to content and fails to deal adequately with the convergence of markets. It adopts a “Willie Wonka chocolate factory” view of technology pointing out the various exciting developments which have occurred in televisual, telephonic and other forms of technology. The view is to the effect that there should be no holding back.

The interpretation of the totality of the treaties is important. A parity of treatment of culture, the economic and the social is also important. The context in which the recent referendum has to be critically examined in terms of what is missing from the discourse is significant. The agenda of a Europe of citizens must take precedence over the negative elements in the treaty. The meaning of European integration and accession has to be extended to include a greater respect for accession countries. The absence of reference to participation in the cultural form must be addressed. As an illustration, convergence has to be moved from the technical to deal with the content. We must get back to the spirit of the original White Paper and try to rediscover the philosophy that can carry the treaty onwards.

I accept that the case for a constitutional referendum on any change in our military neutrality is strengthened rather than weakened by the treaty. More importantly, we need to get to a point at which Ireland will cease participation in the European Union as part of its partnership internationally. I welcome the initiative of the Minister for Foreign Affairs in relation to nuclear proliferation and our participation in the wider agenda. Anything we do should not be at the price of our commitment to the United Nations or the development of a stronger United Nations. For that reason we must have an informed debate on security and defence and we must also begin to address the causes of war and conflict and their elimination.

Minister of State at the Department of Education and Science (Mr. O'Dea): This is a short technical Bill to give effect in domestic law to the provisions of the Amsterdam Treaty which affect the European Community Treaties and the European Court of Justice. The other provisions in the treaty did not need legislative intervention for reasons outlined by the Minister, Deputy Fahy. I do not propose to go over that ground again.

The past 25 years of European membership has seen a massive increase in prosperity and national self-confidence. During the past 25 years of European membership, our wealth has climbed from 58 per cent of the European average to well over 90 per cent today. EU funding has made a significant contribution to our economic success and our improved standard of living. Access for Irish exporters to the large barrier free European market has made possible rapid economic growth. Ireland's position within the European Single Market has attracted significant inward investment and boosted job creation. Nobody can doubt that rural Ireland has benefited greatly from the impact of CAP reform. In addition, EU membership has positively influenced many other aspects of Irish life, including equal pay legislation, environmental protection policy, consumer protection law, health and safety standards and social and educational policies. The provisions of the Amsterdam Treaty consolidate and enhance the benefits to Irish citizens in those important areas.

The Maastricht Treaty imposed a number of monetary conditions on Ireland as a *quid pro quo* for membership of a single currency. There was no social or employment dimension to that treaty. It did not matter what our rate of unemployment was or how many people were living in abject poverty, if we met the monetary targets in terms of our public borrowing requirement not being below X and our debt-GDP ratio being at or below Y, we would qualify. However, the Amsterdam Treaty attempts to place employment and social inclusion closer to the heart of European policy. It is true there is no definition of employment in the treaty nor is there any indication of the type or quality of jobs that need to be created. The treaty also provides that employment policies must conform to economic policies and that increased employment must boost competitiveness. I would have preferred a provision to the effect that competitiveness would lead to employment creation. I would also have preferred if minimum targets for employment had been clearly set out in the treaty. Nevertheless, it is a beginning.

The vote in favour of the Amsterdam Treaty was somewhat less than generally anticipated. That was due no doubt partially due to confusion about its provisions. As the Minister of State, Deputy Fahy, said, the treaty lacked a central theme of the sort which commands popular attention. It was an amending treaty rather than a stand-alone text. Therefore, it is a difficult document to comprehend in isolation. However, I suspect there is another explanation. I listened carefully to what Deputy Michael Higgins said and I agree with much of it. There are increasing signs across the European mainland that the Euro federalist agenda has peaked and that the impetus towards further European integration has weakened. It is true that EMU will necessitate further economic integration, but the EU citizen's appetite for political integration seems to have significantly diminished. I am detecting increasing signs on the ground that this attitude has begun to take hold here. There appears to be an absence of an underlying political will to create a European super state. The attitude among EU citizens, and increasingly among Irish citizens, is that they prefer confederation to federation. It will be extremely difficult to sustain the federalist agenda in an expanded European Union.



The hostility to creating significant centralised power in an expanded European Union arises from the fact that there is no effective system to control those who exercise those powers. That attitude has been slower to develop in Ireland because of the rancorous debate in the United Kingdom. The fear of being labelled Thatcherite has prevented many of those in this country who have reservations about Europe from voicing their opinions, but that is changing. The probability now is that the majority of people throughout the EU prefer a loose confederal Europe of nations in which member states retain their own constitutions, political identities, tax systems, criminal law systems and State rights. The Irish people in particular cherish their separate identity. I have no doubt that the vast majority of our people would recoil in horror at the notion that their identity would be submerged in a European super state.

It was said many times during the debate on the Amsterdam Treaty that it has no implications for Irish neutrality and I believe it is necessary to state that again. I agree with Deputies Mitchell and Higgins that the wording of the Amsterdam Treaty takes Ireland further away from the notion of being involved of military alliances of any sort. If the treaty had not been passed, our Defence Forces would still continue to take part in peace-keeping, peace enforcement and humanitarian missions. The only difference the treaty makes in that regard is it enables us to engage in such activities as part of the EU in addition to doing so by virtue of our membership of the UN. The treaty makes a tentative move towards a common European defence system and a common defence. However, the question of European defence is extremely complex and hypothetical. In the long-term common European defence policy involves a certain decoupling from the United States, special consideration for the German position and the question of the British and French nuclear deterrents. We have barely taken the first step along any of those roads. However, the new procedures incorporated in the Amsterdam Treaty will go a long way towards removing that paralysis of decision-making which effectively prevented the EU from playing any role in the maintenance of world peace and order.

At the time of the Nazi holocaust other states could claim that they did not know about it, but no such excuse can be advanced regarding the activities of Pol Pot in the killing fields of Cambodia. All of Europe saw the horrors night after night on television, but we were unable to act. Then there was Bosnia and we tried feebly to act, but we failed. That failure will stand to the eternal discredit of Europe.

I particularly welcome the provisions in the treaty which give the European Court of Justice general jurisdiction over third pillar matters of police and judicial co-operation in criminal matters. While criminal law enforcement in each state will remain the exclusive preserve of that state, this extension of the remit of the Court of Justice will mean that police and judicial co-operation between states is carried out not only with increased efficiency but also with increased protection for human rights.

The Amsterdam Treaty represents a small, tentative step along the road to greater European integration. It seeks to complement rights already in existence in member states while introducing extra measures at EU level to enhance the rights of citizens and to bring the Union closer to its citizens. Many of its central provisions are still unclear to the vast majority of Irish citizens. However, they will have a profound impact for good on the lives of the people, as will be amply demonstrated in the years to come.

I commend the Bill to the House.

Proinsias De Rossa: Deputy Michael Higgins's speech was interesting and got to the root of many of the issues we must address. There is a difference between those who are uninformedly enthusiastic about European union and those who are in favour of the European Union and its evolution but are critical on many occasions of the directions it takes.

The idea of a confederal versus a federal Europe, put forward by the Minister of State, Deputy O'Dea, should be teased out. I am not sure he is right in his assertion that a confederal Europe

would be better than a federal Europe, despite the current acknowledged absence of a democratic mechanism for controlling decision making in a federal Europe. One of the critical roles of the European Union is to recover for the citizen power and control over the issues which I call problems without frontiers. The degradation of the environment, crime, drug trafficking and so forth require European regulation, if not global regulation. They cannot be dealt with effectively on the basis of co-operation between states because that does not adequately recover for the citizen the democratic power to which the citizen is entitled in relation to these matters. That debate must be conducted and I hope there will be an opportunity to do so in the not too distant future.

The Bill before the House gives effect to the will of the people as expressed in the referendum in May which ratified the Amsterdam Treaty. The debate on that treaty is over and the people have spoken. There is little to be gained from going over the issues again. We now need to look at where the European Union will go after the Amsterdam Treaty.

The level of debate on the treaty in this country was disappointing. To the extent that there was a debate, it tended to focus on the non-issue of neutrality. I use the phrase “non-issue” not because neutrality is not important but because it was a non-issue in the context of the Amsterdam Treaty. Under the terms of the treaty the likelihood of a common defence policy and a common defence force are even more remote. Those who argued otherwise did a disservice to the treaty. They took the focus away from its real gains in terms of adding a social dimension to the Maastricht Treaty, a treaty I opposed because it did not contain such a dimension.

That is not to say the social dimension in the Amsterdam Treaty is the end of the process; it is only the beginning. As Deputy Higgins said, the issue now is implementation of that dimension. It ought to be the role of the Oireachtas Joint Committee on European Affairs to address the content of the Amsterdam Treaty and how it can be implemented. In that context, the committee should prepare an agenda of issues to be pursued by this House. That would develop the role of this Parliament as an initiator of ideas for Government to pursue.

The Amsterdam Treaty contains a provision which allows the Council, within the limits of the powers conferred on it by the Community, to take action against discrimination. This is a new power. The new article provides that the Council, acting unanimously on a Commission proposal and after consulting the Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Once the treaty is in place it is possible and probably likely that the Irish Government will be brought to the European Court for its failure and the failure of previous Governments to put adequate services in place for mentally handicapped people and for the absence of adequate residential care, respite care and assistance for people who are caring for the mentally handicapped 24 hours a day, seven days a week and 52 weeks of the year. There is gross discrimination against families who have children with mental handicap and those families, on the ratification of the Amsterdam Treaty, will have a strong case to take against the Government.

The poor level of debate on the treaty contributed to a disappointing turnout and to the higher than expected level of “no” votes. This reflects a European wide trend of uncertainty and suspicion about where the European Union is and ought to go. Earlier this week I welcomed the decision at the summit in Cardiff to hold a special summit in Innsbruck to consider ways of bringing the European Union back to its citizens. There is a role for this Parliament in advance of that summit, through the Oireachtas Joint Committees on Foreign and European Affairs, to address how this Parliament rather than simply the Government believes Europe can be made more relevant to its citizens. A report should be prepared by the House for presentation to the Government on how we believe the Government should address this issue.

Further development of the European Union will only be possible with the support and involvement of its citizens. Increasingly, however, it appears that more and more people regard the institutions of the European Union as remote and lacking any relevance to the daily problems they face in their

lives. Concern that already existed about this problem was intensified by the significant “no” votes in the referendums in Ireland and Denmark on the Amsterdam Treaty.

There is significant evidence, supported not just by anecdotal experience but by opinion poll findings, that many of those who voted “no” in the referendum in this country did so not because they opposed an item in the treaty but because they did not understand it and were unsure of the likely impact of its ratification. We need to improve the flow of information to the public and also the level of political debate about Europe related issues.

I disagree with the Minister of State, Deputy O'Dea, whose view has been echoed by the European Union movement and others, that part of the problem was that there was no core idea in the Amsterdam Treaty and that this militated against people getting to grips with it. There were many significant core ideas; what was wrong was that they were not debated in advance of the referendum.

I accept, as someone who was a member of the Government which helped to negotiate the treaty, that the absence of debate was as much our fault as anybody else's. As Minister for Social Welfare, I attempted to generate debate. I spoke to the Irish section of the European anti-poverty movement and a range of other bodies. I organised conferences on various issues, including social exclusion, but my efforts were inadequate as they did not generate a response. While the idea of poverty is an old one, the broader concept of social exclusion is a new one and we are only beginning to come to terms with it.

Since the referendum there has been much comment about the need for greater information on the European Union to increase commitment to it and the turnout at referenda. As Deputy Higgins said, increasing the turnout of the printing presses is not the answer. I have long held the view that it is not so much a problem of the absence of information as the lack of debate about the rationale for and the direction of the European Union and the absence of interaction between local, national and European political institutions.

This House has virtually no role in how European policy is developed from an Irish perspective. There are occasional debates. We are having this debate because we have to put into law the changes approved by the people in the referendum. There were statements earlier this week on the Cardiff Summit. There should have been a debate prior to that summit to ascertain the views of the House on the agenda. The House should have an opportunity to express its view which the Government can accept, if it chooses. This would help to generate knowledge, information and opinions on the direction of the Europe Union.

There should be a similar debate at local level. There is no reason the democratically elected representatives of the people on county councils, borough corporations and urban district councils should not debate issues relevant to them that arise at European level.

It is almost a cliché to say that we have to find a way to make the European Union relevant to the citizen. Despite the good intentions, virtually no progress is being made. European citizenship is of little value unless it delivers direct and tangible benefits to the citizen. Part of the problem for people in Ireland is that the European Union lacks a political identity. The European Parliament appears distant and its proceedings are rarely reported on by the media, unless there is a row about expenses, junkets, the possible loss of funds under the Common Agricultural Policy or an alleged threat to Irish neutrality.

Increasingly, the citizens of every member state face problems without frontiers, including crime, drugs, terrorism and environmental destruction. There is an acceptance and understanding that there is a need for wide, if not global, regulation but we have so far failed to make the connection between that understanding and acceptance and the political mechanisms for making the process more democratic, transparent and participative.

There is a perception of conflict between a developing European identity or dimension to policy

making and implementation and the national identity. The European identity should be complementary. We will never build a European identity unless it is perceived to be radically different from the national identity and part of the multiple identity and roles which every citizen has. We are members of families, localities and nations and have professions as well as social, political and religious commitments, all of which are central to our lives. If people are to accept a European identity, we must treat Europe's cultural pluralism as an asset, not as a hindrance.

We must reach the point where the European identity permeates people's lives and daily existence, otherwise they will not support initiatives such as the single currency. Neither will they support the view expressed by Deputy Mitchell about common defence. If there is a federal Europe, there will be a common defence but how does one win support among the citizens of Europe for such an idea? This will only happen if we make the idea of Europe relevant to people's lives and their understanding of who they are. This must not be exclusive, us against the rest of the world. It has to be inclusive. There has been too much exclusivity when it comes to national identity.

If we do not develop a convincing case for European integration which demonstrates that the project can promote peace, greater prosperity and human values and bring to an end marginalisation, social exclusion and homelessness, it will fail. If the pressure not only to peg the European budget at its current grossly inadequate level but to reduce it further succeeds, the project will fail because resources will not be available at European level to demonstrate that it is possible to deal with the social and economic issues which affect people's daily lives.

There is a need for ongoing debate, not just at times like this, either before or after a referendum. National parliaments should have a more effective role in the decision-making process. There is a need for formal consultation with local authorities and non-governmental organisations. We experimented with this when we negotiated Partnership 2000. It should be extended to European affairs matters.

There is a small but significant step we could take to make the Dáil more relevant and that is to bring to an end the pointless ritual in which we engage every six months when statements are made after a European summit at which decisions have been made. It would be far more logical to discuss the agenda in advance and to give the Dáil a real opportunity to influence the Government's position and thereby the decisions of the summit. There would be a need for statements on the outcomes but on their own they are pointless.

There is a need for greater democracy at European Union level with fewer decisions being made by civil servants and Ministers behind closed doors in Brussels and more being made by the democratically elected Members of the European Parliament.

It is vital this is done before enlargement takes place. Part of the problem is self-inflicted. Too often decisions made by the Commission or the Council of Ministers are seen to be inflexible or illogical. The decision made in 1991 to abolish duty free sales is a classic example of an EU own goal. Another potential one is a threat to anti-poverty community and development projects throughout the Community arising from the decision by the Commission earlier this month to freeze funding of £300 million.

We must now consider where the Community is going in the short and longer term. A key for issue for Ireland in the coming months will be the Agenda 2000 proposals and the decisions relating to the next round of European funding. In the longer term we must consider how we can consolidate the gains made in the Amsterdam Treaty and prevent a reversion to the exclusively market driven ethos of Maastricht. There are likely to be two revisions of the European treaties over the next ten years. Amsterdam has confirmed what was already evident at Maastricht that the current system for revising the treaties based on diplomatic discussions, culminating in a big bang summit, has failed and must be replaced.

It is bordering on the suicidal to attempt to widen the Community on the budget proposed in Agenda 2000. The failure to adequately deal with the budget will set in train a process which will

lead to the disintegration of the Union as society demands that member states try to retake control of fiscal and economic levers, probably in vain, hoping to preserve their benefits. This would be disastrous. The European project is essential but it must be democratic and have social and cultural dimensions. It must serve the interests of the citizen and not big business.

Mr. Roche: This debate has been useful. The tragedy is that it did not take place six months or even two years ago. As many Deputies said, the people were ill prepared for the Amsterdam Treaty which was, by its nature, a complex, multifaceted document. I agree with Deputy De Rossa that it had many focal points but the valuable aspects in terms of the new ground being broken and the creation of a constitution through the importation of elements into the European treaties were never explained to the people. There was a failure on the part of everybody in politics in that regard.

The debate in the lead up to the recent referendum had as its high marks scaremongering, innuendo and half truths. When one considers all those elements, it is no wonder there was a decline in the willingness of the people to participate and a huge increase in the degree of confusion. Many people to whom I spoke wished to participate in the vote but they were switched off. The tragedy was that the poor turn-out was reflected as indicating a discontent or unwillingness to participate in the decisions on the peace agreement. We did not treat the citizens of the State with the respect they were due on this matter. We did not prepare the way. We failed because we should have done so.

In addition, because of a variety of court judgments, a commission was established to deal with publicity arising from the constitutional referendum. This heaped confusion on top of confusion. There is such a thing as neutral, value free information. However, some of the material that was trotted out, at the taxpayers' expense, on the pro and con arguments was so artificial that it gave rise to suspicion among the population.

There were also scaremongering tactics in the debate, such as the argument that neutrality would be affected. As Deputy Mitchell pointed out, the exact opposite was the case. There will be additional clarification in international law of Ireland's neutrality and position on military alliances. Deputies are correct that there has not been a proper debate on what is meant by Ireland's neutrality. Everybody has a view on neutrality but there has never been a meaningful political debate on the issue.

What does it mean? The basic reason Ireland did not become involved in NATO in the postwar period had nothing to do with high-minded ideals. Sweden, Austria and Finland had real national debates. In the case of Austria the 1956 state treaty forced neutrality on it. The settlement with the Soviet Union forced neutrality on Finland and Sweden chose neutrality on the basis of its experience. However, Ireland chose to stay separate from NATO because six counties were occupied by another state. This was the reason Ireland adopted a particular stance before the war.

We should be honest with the people. There is a need for an informed debate on neutrality. My view is that Ireland should not become involved in international ventures. However, our neutrality is not based on any type of intellectual bedrock or honest debate. This must be acknowledged. I do not agree with everything Deputy Mitchell said, but the points he put forward are infinitely more honest and based more on principle than the arguments put forward by those who want Ireland to cut itself off from Europe.

Innuendo was another aspect which destroyed the debate. Dr. FitzGerald and I took part in an Irish Council of the European Movement information seminar in Arklow and one of the points which astonished me was the extraordinary innuendo injected into the debate by people who considered themselves principled but opposed the issues. One individual took the trouble to rewrite history in a subsequent letter to *The Irish Times*.

As an example of the views which are simmering under the surface, one of the arguments put forward that night was that Ireland needed to vote no to the Amsterdam Treaty because it would give unfettered rights to the Western European Union, which is totally untrue, and would involve Christian soldiers from Ireland attacking Christian Serbs in their religious war with non-Christian

forces. It is bizarre that this level of debate takes place. This point was not made by a ranting lunatic who had arrived recently from a remote village but by a woman who would consider herself sophisticated. A person who speaks in nice tones is the most dangerous type of racist.

The level of debate was based on horrific racist innuendo that because a person has slightly darker skin or does not worship the same God, he or she has less of a right to life. We must come to grips with this undertone of racism which exists in many debates. We have been most dishonest in not facing up to it. A point made by the Minister of State, Deputy O'Dea, resonated strongly with me. The concept that a self-satisfied, complacent, smug and wealthy Europe has the right to sit on its hands and witness another holocaust within European borders is totally anathema to me. We had no right as Christian Europeans in the 1930s to sit on our hands and let something odious happen to our fellow humans because they were Jewish. Equally, we have no right now as Europeans to sit on our hands and allow something equally horrific happen to other Europeans because they are Muslim.

Deputy De Rossa is correct that neutrality was the great non-issue in the debate. It was used again, as it was used in 1973 before the original vote to enter Europe, in the Single European Act debate and in the Maastricht Treaty debate. The only people who can end Irish neutrality are the Irish people. There is an undertaking across the political spectrum that that matter will be put to a referendum.

Deputy De Rossa was also correct regarding the social aspects of the Amsterdam Treaty. There has been disenchantment in Europe because citizens of Ireland and elsewhere are subject to a barrage of propaganda about what Europe stands for. If one listened to that great doyen of Irish political commentators, Mr. Byrne, in the run up to the Amsterdam Treaty referendum, he was given an absolutely unfettered right to promulgate a view on the national airwaves that the Amsterdam Treaty would involve us in EMU, which had already been decided by the Maastricht Treaty.

Opinion leaders in the print and electronic media have revelled in pure ignorance as to precisely where we are going and what we intend to do. We who regard ourselves pro-EU have a responsibility to address the misinformation. Deputy De Rossa pointed out those positive aspects of the treaty which mean he feels he can support this treaty having opposed the Maastricht Treaty. He mentioned the anti-discrimination measures as well as the rights of workers and consumers. He is correct, but these are aspects of the treaty that were totally ignored, swept to one side or confused in the debate. They are progressive measures which any rational human being would endorse, but during the debate the anti-discrimination measures were portrayed as a threat to the Irish family and way of life.

The treaty also recognises the rights of people with disabilities. For the very first time, there is European recognition that a significant proportion of the people of Europe face significant challenges. I cannot see how anyone could not welcome that. However, all of those measures, and others such as provisions regarding the environment and culture, were ignored. These aspects were sidelined as a result of the bizarre line taken here regarding the responsibilities of political leadership when it comes to informing the public of what is good, bad or indifferent for the State. We have passed responsibility to the judges of the Supreme Court, and, with all due respect to them, they can occasionally make wrong decisions. The decisions taken by the Supreme Court to neuter political information in these referenda were fundamentally wrong. The judgment of that court and the response to that judgment would not have been replicated in any other country.

This issue, arising out of the response to the McKenna and Coughlan judgments, must be addressed. It is bizarre that when there is virtual unanimity in the political community as to the benefits of a treaty, the Government, which is politically answerable to the public, does not have the right to put the truth forward. We had the utterly ridiculous situation of a commission, set up with taxpayers' money and employing highly paid civil servants, thinking up entirely spurious arguments against the Amsterdam Treaty. That was how we attempted to put forward the contra view.

I am not saying there is no contra view of Europe; there is an honest opposition to Europe and to the federalism of Europe. I do not agree with it, but it exists and deserves to be put forward in a more meaningful way than some of the trite nonsense trotted out at taxpayers' expense. We need a public debate on where Europe is going, because Europe will develop over the years ahead. Europe seems remote and is a switch off for many people. The European Parliament is seen as a gravy train rather than a democratic institution responsible and answerable to the people of Europe while protecting their rights. The lunatic behaviour of some MEPs from time to time does not help with this.

Ms Patricia McKenna MEP recently called for an end to sheep subsidies. I accept that the CAP is a piece of licensed madness, but the argument should not be to wipe it out and take income away from a huge proportion of Irish farmers. There should have been an argument on the principles of the CAP, what is wrong with it and why.

We do not focus on the intellectual challenge of Europe. We patronise the public, taking the view that the public is not to be informed of the minutiae of Europe because it is not interested. It is not the responsibility of the political establishment, no more than it is that of the media, to titillate people with spurious arguments. There is a responsibility in politics to recognise that every argument, including the European argument, has two sides. Those sides must be put forward in a way that challenges people to view those arguments. The Irish media has been extraordinary in this matter, but then it is extraordinary in many other things. It decides where the high moral ground is, climbs up on it and will brook no alternative argument.

Europe is rightly seen by many people as being too bureaucratic, too centralist and too remote. This should be addressed, and that is where debate should be focused. I disagreed with the Minister saying the federal thrust of Europe is gone; I think it has slowed down. The EU has come a long way since Robert Schuman dropped his famous bombshell by suggesting that a resolution to generations of genocide in Europe could be found in unity. He argued that there was more in common between the French and Germans than separated them, and that one could control the madness of war by establishing an authority to control coal and steel, and thus weapons. People thought then that that was a daft adventure, but Europe has come a long way since then.

We must remind ourselves that Europe is about more than grants, which is an obnoxious attitude. We talk about how many grants we have received. Europe is about more than money. The EU has given Europe something more valuable than prosperity in the past 50 years: it has given Europe peace. That is why much of the debate on the Amsterdam Treaty was, in many ways, a betrayal of the Irish people. We did not accept that the Irish people can face intellectual arguments and can deal with complex issues. We have not accepted that there are contra arguments. I have long accepted that there are many arguments against the European adventure, but those need to be put forward in a way that is based on logic, just as those arguments which favour Europe need to be based on logic. We must respect alternative views. To put forward fundamentally racist arguments against Europe is the biggest disservice of all. The Government has a responsibility to address the lacuna that now exists in the area of information and to rekindle the debate on Europe. We will return to this issue again very shortly. As previous contributors said, in the next decade we will return to it at least twice.

We have a responsibility as politicians, as a House of the Oireachtas, and we owe it to the people to initiate a logical well structured debate on what Europe is about, where it is heading and what our role in Europe will be. We need to get away from the “deontas” mentality where the only thing Europe means to us is the begging bowl. We need to see that Europe is not just about privilege but also about responsibilities. As I said in the neutrality debate, I will be always on the side that Ireland should not enter military alliances, but I respect the other viewpoint too. We owe it to ourselves to come to grips with the real issues in this debate and, above all else, to deal with those issues in a way which is fundamental, intellectually challenging and comprehensive.

Mr. Higgins: (*Dublin West*): I was fascinated to see representatives of the establishment parties coming into the Dáil and refighting the campaign on the amendment of the Constitution some

months back and, in the process, denouncing those who opposed ratification by the people of the Amsterdam Treaty. The major political parties who foisted this agreement on the people have been badly rattled by the almost 40 per cent of the electorate who voted against the ratification of the treaty. It was a blow to their pride. They had become so used to their word being accepted overwhelmingly by very many people that it came as quite a shock.

It would be optimistic on my part to expect that they have learned from the experience. We should reflect on what it meant. It was extraordinary, that although political parties with enormous resources and representing over 90 per cent of the vote at the last general election unanimously appealed to the people to support the Amsterdam Treaty, a full 40 per cent of the electorate defied them and voted in opposition to it. It is a very strong statement by our people on how we should approach the whole issue of Europe and the structures that are being put in place to dominate Europe over the next period. There is no question but that the issue of the military plans for Europe was central to the unease that brought so many people to vote against the treaty. The people were not convinced by the right-wing political parties who told them they had nothing to fear. Clearly the people's judgment was much more advanced than that of many of our politicians. This is a question on which we will keep a very close eye over the next few years.

Those of us who opposed the ratification of the Amsterdam Treaty never said that ratification would mean an immediate military adventure or something of that nature. What we said was that it was part of a process of the EU moving to have a military wing so that it could stand alongside, for example, the United States and, as well as having economic muscle, have military muscle to impress those outside the borders of the EU with whom the EU wanted to do business. The legitimate fears that people had about that development was reflected in the result of the referendum.

The other thing that features largely in people's minds is that they see more and more decisions that have real effects on their lives being taken out of their hands and out of the hands of the political establishment over whom they have some kind of control in that the Government of the day and the political parties have to go back to the people for election. More and more fundamental decisions are being made in such a way that the people have no control. There are many examples of that.

There have been disturbing trends in that regard in recent times in the market economies of Europe and the world. One such example is the genetic engineering of plants, crops and animals, and the production for mass markets, for mass profits for multinationals, of genetically modified foodstuffs for animals and humans. Without reference to the Irish people, the EU has allowed this development. It has allowed United States based multinationals like Monsanto to import huge quantities of genetically modified foodstuffs for animals and humans into the EU. That is before the Irish people had any opportunity for a debate in regard to a very crucial, even sinister, development that will have a serious impact in many spheres of our lives in future. This type of new technology, which contains within it the most serious dangers, could be foisted on our people by faceless people in the EU. Such trends are another reason people put down a marker in regard to the recent referendum on the Amsterdam Treaty. I warn the main parties that make up this Dáil that if they continue to ignore the fears of our people, they will regret it, because people see what is going on.

Another issue that will arise in the next few months and years is that of EMU and the euro. Again the main political parties are suffering delusions of grandeur in regard to how this economy can hold up in comparison with the other economies in the EU. The propaganda of the past years about the so-called Celtic tiger has gone to the heads of the political leadership of the main parties. They have allowed themselves to be deluded into thinking that, because of a few years of relatively good growth, this small economy can drive in the same lane as the powerful German and French economies. The political leadership of this State is getting carried away, like a small boy suddenly being admitted into the company of the bigger fellows and thinking he is a great man. It will be brought down to earth in a few years from now when reality hits home.

People should learn from the disastrous situation in south-east Asia. Before the Celtic tiger came on



stream we had the same propaganda in the journals of international financiers and economists about the tiger economies of Asia. These miraculous economies were forging ahead in terms of growth rates, etc., but now everything has turned to ashes and the poor people in those countries have been left to carry the can.

I remind our political leaders that many of the features that underpinned the development of the so-called Asian tiger economies are similar to those that underpin the current growth in the Irish economy. The intervention of the multinational companies is a common feature as well as high levels of indebtedness and more recently, as we have seen here, the enormous increase in property and house prices. I refer to them as the obscenities in the housing market where homes are put beyond the reach of ordinary working people by virtue of the activities of racketeers in the building and development industries.

Those activities were a similar feature of the economies of south-east Asia. The cycle of capitalism will always reassert itself and the boom will turn to bust. The cycle will turn for the Irish economy also and we will find that attempting to play with the EU big boys is a different story, as the real underlying weakness of the economy comes into play. By that time, however, the political establishment on both sides of Dáil Éireann will have tied us into rigid economic and monetary structures and our traditional methods of wriggling out of economic crises will be denied our policy makers because we will be tied into the currencies of the major countries. For example, we will be unable to devalue as a possible mechanism and we will be tied into fixed interest rates, etc. The smaller economies of the EU such as Ireland and Portugal will face disaster and I have no doubt that, some years from now, this whole experiment will come apart.

There has not been any real debate on this issue from our political leadership. That is a shame because they are going into this process blindfolded and hoping everything will work out on the day.

Mr. Fahey: How does the Eastern Europe philosophy we have seen fall apart in recent years compare?

An Leas-Cheann Comhairle: Deputy Higgins, without interruption.

Mr. Higgins: (*Dublin West*): In the time remaining to me I will try to educate the Minister of State on this matter because Members of this House constantly misunderstand the position. The totalitarian states of Eastern Europe are not the model I advocate. They were not democratic socialist states concerned about the interests of the people but totalitarian gangster states. I was one of the people who predicted their demise 20 years ago.

The alternative to the centralisation of the European capitalist economies is not to put more distance between ourselves and Europe but to have a unity of the ordinary working people of Europe, not of the conglomerates, the multinationals and the ruthless people who currently dominate this area. We must have a unity of people and an exchange of techniques, knowledge, culture, etc. on a European basis.

We can create an economy that will serve all the people of Europe and, in the process, outlaw the racketeering and profiteering that puts one of the most basic necessities, a home, out of the reach of most people. We must utilise the resources democratically and, freed from the grip of the profiteers and the multinationals, we will create a society in which all our people can have a reasonably comfortable lifestyle and freedom of expression. That is the democratic and socialist Europe to which I aspire. When the dreadful experiment we are now embarking upon comes unstuck, these ideas will come forward.

Minister of State at the Department of Health and Children (Mr. Fahey): I thank all Deputies who contributed to the debate. The statements made last week on the EU Cardiff Summit, to which some Deputies referred, serve as a reminder that we must focus on EU affairs on an ongoing basis and not just at times of constitutional change arising from developments in the European Union.

Our business today, however, is technical in nature and limited in scope. It is a question of providing an Irish law using the framework of the European Communities Act, with which we have been familiar since 1972, for certain provisions of the Amsterdam Treaty to have direct effect.

This is technical legislation and, consequently, much of the comment that has been made, while interesting, is not relevant. I am always interested to hear what Deputy Joe Higgins has to say and I respect his point of view, but I believe the process of European integration is democratic and socialist. While I agree with the Deputy that there are aspects of this development which are less than satisfactory — he referred to multinationals — his alternative is not the way forward. Events in Eastern Europe in recent years are a salutary lesson. The democratic system is the best one for the administration of the new Europe.

I thank Deputy Mitchell for his comments and note his views on common foreign and security policy. Our business today, however, is to debate the provisions of the Bill, not those of the treaty. There is not much point going back into the debate on the treaty. The common foreign and security provisions of the treaty are not dealt with in the Bill. The Deputy referred to EMU, but the Amsterdam Treaty does not deal with EMU and thus developments relating to EMU are not relevant to debate on this Bill. However, the Deputy's comments are noted.

Deputy Michael D. Higgins, as usual, made very interesting comments, but they are perhaps more appropriate to another debate at another time. While his comments are noted with interest — I agree with many of them, as I always do — they are not specific to the legislation we are dealing with today.

Deputy De Rossa referred to discrimination. Ireland is not in breach of the anti-discrimination provisions of the Amsterdam Treaty which provide for the Union to take measures to combat discrimination in circumstances where all member states so agree. Consequently, I do not agree with the Deputy's comments in that respect.

This is tight, technical legislation and I commend it to the House.

Question put and agreed to.

## **Treaty of Amsterdam: Motion.**

**Thursday, 25 June 1998**

Minister of State at the Department of Health and Children (Mr. Fahey): I move:

That Dáil Éireann approves the terms of the Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and certain related Acts signed at Amsterdam on the 2nd day of October, 1997, copies of which were laid before Dáil Éireann on the 17th day of June, 1998.

Question put and agreed to.

## **European Communities (Amendment) Bill, 1998 [ Seanad ] : Committee and Remaining Stages.**

**Thursday, 25 June 1998**

## SECTION 1.

An Leas-Cheann Comhairle: Amendment No. 1 in the name of Deputy Michael D. Higgins. Amendment No. 5 is consequential on amendment No. 1 and they may be discussed together, by agreement.

Mr. M. Higgins: I move amendment No. 1:

In page 3, subsection (1), line 18, after “and” to insert “1.14 to 1.16 (in so far as they amend any provision referred to in paragraph (p) of this definition) and”.

The content of the amendments is broadly similar to that of other amendments. The amendments are more inclusive and straightforward, incorporating the spirit and text of the treaty into law rather than creating an impression that it has been partially incorporated.

Mr. Fahey: The Government does not propose to accept these amendments. The amendments propose to make the changes to Articles N, O and S of the Treaty on European Union, or the Maastricht Treaty as it is commonly known, part of the domestic law of the State. The changes made to these articles, however, by the Treaty of Amsterdam are not changes of substance and I will explain the reason. The changes are as follows. Article N of the Treaty on European Union deals with amendments to that Treaty. The change made to Article N by the Treaty of Amsterdam consists simply of removing the requirement to hold the 1996 intergovernmental conference.

The change made to Article O by the Treaty of Amsterdam deals with who may apply to become a member of the Union and how this shall occur. As with previous enlargements, in the event of further states becoming members of the Union, an accession treaty would be negotiated and in due course ratified by Ireland. At that future stage the European Communities Act, 1972, would again be amended to take account of the changed membership. The change to Article S provides that the Finnish and Swedish language versions of the treaty shall be authentic. This has been provided for by the European Communities (Amendment) Act, 1994, which dealt with the accession of Finland and Sweden to the EU.

Mr. M. Higgins: I am at a loss in regard to the Minister's last point about an anticipated change in the 1972 Act. Surely it is better to deal with what is in front of us rather than wait in anticipation.

Mr. Fahey: Previous treaties did not provide adequately for accession. and amending the Act to take account of changed membership is the most appropriate way to proceed.

Amendment put and declared lost.

An Leas-Cheann Comhairle: Amendment No. 2 in the name of Deputy Michael D. Higgins. Amendment No. 6 is consequential on amendment No. 2 and they may be discussed together, by agreement.

Mr. M. Higgins: I move amendment No. 2:

In page 3, subsection (1), line 18, to delete “12” and substitute “15”.

This is a straightforward, inclusive amendment and I will not waste the time of the House referring to it.

Question, “That the figure proposed to be deleted stand”, put and declared carried.

Amendment declared lost.

An Leas-Cheann Comhairle: Amendment No. 3 in the name of Deputy Michael D. Higgins. Amendment No. 7 is consequential on amendment No. 3 and they may be discussed together, by agreement.

Mr. M. Higgins: I move amendment No. 3:

In page 3, subsection (1), line 18, after “with” to insert “the Annex to the Treaty referred to in

Article 12.1 thereof in so far as it relates to the treaties governing the European Communities as defined by this subsection and”.

The principle I am interested in is that the text of the treaty be transmitted into law in as complete a form as possible rather than creating an impression that it is being done partially.

Mr. Fahey: The Government does not propose to accept these amendments because they are unnecessary. Article 12 of the Treaty of Amsterdam deals with the renumbering of the articles, titles and sections of the EU and EC treaties. This article in its entirety is made part of domestic law by the Bill before us. Article 12.1, which refers to the annex containing the renumbering of articles of the EU and EC treaties, is therefore already covered and does not need to be singled out separately.

Amendment, by leave, withdrawn.

An Leas-Cheann Comhairle: Amendment No. 4 in the name of Deputy Michael D. Higgins. Amendment No. 8 is consequential on amendment No. 4 and they may be discussed together, by agreement.

Mr. M. Higgins: I move amendment No. 4:

In page 3, subsection (1), to delete lines 19 to 26 and substitute “second to thirteenth Protocols annexed thereto”.

I hope the Minister will accept these amendments which incorporate the full list of protocols.

Mr. Fahey: The Government does not propose to accept those amendments which appear to be stylistic in intent rather than designed to change the substance of the Bill. They seek to change the way in which the protocols are referred to in section 1. The protocols to the Treaty of Amsterdam, however, are not numbered, they are identified in groups by reference to the treaty or treaties to which each protocol is annexed. The formulation proposed by the parliamentary draftsman in the Bill reflects precisely the way the protocols are identified in the Treaty of Amsterdam.

Amendment, by leave, withdrawn.

Amendments Nos. 5 to 9, inclusive, not moved.

Title agreed to.

Bill reported without amendment, received for final consideration and passed.

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