

## Parliamentary debates in the Senate on the 18th amendment to the Irish Constitution (1 April 1998)

**Caption:** Extract from the minutes of debates in the Seanad Éireann on 1 April 1998. The Irish Senate approves in turn the resolution tabled by the government to amend Article 29(4) of the Constitution; it will subsequently be put to a referendum.

**Source:** Seanad Éirann, Debate, 25 February 1998 – Eighteenth Amendment of the Constitution Bill, 1998: Second Stage ; Committee and Remaining Stages ; Motion, Seanad Éireann Debate, Vol. 154 No. 20, 25.02.98, <http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/takes/seanad1998040100001?opendocument>.

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## **An Bille um an Ochtú Leasú Déag ar an mBunreacht, 1998: An Dara Céim. - Eighteenth Amendment of the Constitution Bill, 1998: Second Stage.**

**Wednesday, 1 April 1998**

An Cathaoirleach: An Bille um an 18ú leasú ar an mBunreacht, 1998. The Eighteenth Amendment of the Constitution Bill, 1998, item 2, motion pursuant to section 23 of the Referendum Act, 1994, proscribing a formal statement for the information of voters be included on the polling card and item 3, motion regarding Referendum (Ballot Paper) Order, will be debated in conjunction with Second Stage of the Bill and will be formally moved when the debate on the Bill is concluded.

Tairgeadh an cheist: “Go léifear an Bille don Dara hUair.”

Question proposed: “That the Bill be now read a Second Time.”

Minister for Foreign Affairs (Mr. Andrews): Is cúis áthais dom é an Bille seo a phlé os comhair an tSeanaid ar an ócáid tál hábhachtach seo.

I am grateful for the opportunity to address Seanad Éireann on the Eighteenth Amendment of the Constitution Bill, 1998. I propose to deal first with the Bill which, in practice, involves setting out a number of the salient features of the Treaty of Amsterdam. That done, I propose to draw the attention of the House to certain other aspects of the Treaty which I consider of particular importance and interest.

The constitutional amendment proposed in this Bill will permit the State to ratify the Treaty of Amsterdam. It will also make clear that the State is explicitly authorised, subject to the prior approval of both Houses of the Oireachtas, to exercise the options and discretions provided by or under the three Articles and two Protocols to the Treaty which are named in the proposed new Article 29.4.6 of the Constitution. In brief, Article 1.11 covers police and judicial co-operation in criminal matters, Article 2.5 allows for “closer co-operation” under normal Community business, known as the First Pillar, and Article 2.15 inserts a new Title IIIa into the EC Treaty and covers visas, asylum, immigration and other policies related to free movement of persons. The second Protocol sets out how the Schengen arrangements are to be integrated into the framework of the European Union. *Inter alia*, it provides that Ireland or the United Kingdom or both countries — who have not signed up to the Schengen agreements — may at any time request to take part in some or all of Schengen. The Council will decide on such a request. The fourth Protocol establishes the position of the State in relation to Article 2.15. Ireland and the UK are exempt from the provisions of the new Title IIIa as long as they maintain the common travel area arrangements, although they may either together or individually participate in the adoption of specific measures. Ireland has stated in a Declaration to the Final Act that it intends to exercise its right to take part in the adoption of measures under Title IIIa to the maximum extent compatible with maintenance of the common travel area.

Article 1.11 of the Treaty of Amsterdam provides for the replacement of Title VI of the Maastricht Treaty by a new restructured Title VI or Third Pillar, which will be concerned exclusively with provisions on police and judicial co-operation in criminal matters. The new restructured Third Pillar has three Articles under which options may be exercised by any member state. These options or discretions enable a member state first to adopt a convention established by the Council — once they have been adopted by at least a majority of the member states such conventions shall come into

force for those member states; secondly to agree to accept the jurisdiction of the Court of Justice to give preliminary rulings at the request of national courts on points of Community law relating to a wide range of matters adopted under the Third Pillar. Within this option there are two sub-options, namely, states may decide whether any of their courts or tribunals may request preliminary rulings or whether only courts and tribunals of final instance may do so. Third it enables a member state to join in the new provision in the Third Pillar for closer co-operation among at least a majority of member states.

With regard to Article 2.15 and the second and fourth Protocols, all of which relate to free movement of persons, Ireland secured a number of opt-outs, with the possibility of opting in on certain conditions. This is an ideal arrangement. Our right to preserve the common travel area with the United Kingdom is confirmed, but we and the United Kingdom may also request to participate in any actions at the level of the Union where we consider it to be in our interests to do so. The possibility for this State to opt into actions under Article 2.15 and the second and fourth Protocols having been expressly negotiated, it is in the Government's view appropriate that the State be given the power to avail itself of these options.

Ireland and the UK do not participate in the Schengen co-operation system, which has developed outside the EC/EU Treaty framework. For the 13 member states which are involved, and for all new member states in the future, the Treaty of Amsterdam will bring Schengen into the EC/EU Treaty framework. The Schengen *acquis* consists of a comprehensive series of measures aimed at the gradual abolition of checks on persons crossing internal borders between participating states. These measures are in the following areas: the harmonisation of visa and asylum policies; police and security co-operation; the harmonisation of provisions on weapons and ammunition; judicial co-operation; the development of common information systems in relation to entry; the granting of visas, and police co-operation.

Under the second Protocol, Ireland and the UK will not be bound by what has already been agreed in Schengen. We will be able, however, on certain conditions to opt in at any time to some or all of Schengen and take part in any new proposals to build further on it. Schengen deals with a range of issues such as borders, immigration controls and policing which overlap with the provisions of the new Title IIIa on visas, asylum, immigration and other policies related to free movement of persons. Other areas of Schengen co-operation will be dealt with in the new Third Pillar.

Article 2.5 of the Treaty of Amsterdam will add general provisions to the European Community Treaty which will allow a group of member states less than the full membership to use the Union's institutions to develop "closer co-operation" between themselves under the First Pillar. To ensure that the introduction of general "flexibility" provisions would not, over time, damage the coherence and solidarity of the Union, the Treaty defines a tight framework of rules to govern the circumstances in which flexibility provisions may be invoked. The rules specify that the exercise of closer co-operation should aim at furthering the objectives of the Union, respect the principles of the Treaties and the single institutional framework of the Union, only be used as a last resort, concern at least a majority of states, not affect the *acquis communautaire*, be open to all member states and comply with the specific additional criteria applicable to closer co-operation in the First and Third Pillars. Beyond these general rules, explicit limitations apply to the exercise of closer co-operation in the First Pillar.

From what I have said about the specific Articles and Protocols, it will be clear that they concern matters which are important to the citizen and which could impact directly on him or her. It is the Government's view that should it wish in the future to take up the options in question, it should first lay a proposal in this regard before the Dáil and Seanad. I am pleased that the Government's proposal in this sense, which is intended to enhance democratic accountability, has met with considerable and widespread support.

Since the signing of the Treaty of Amsterdam in October of last year, the text has been made available to all Members of the Oireachtas. The Treaty has been the subject of a comprehensive

Government White Paper, a summary of which was also produced in Irish and in English. Given that published material about the Treaty is widely available at this point, I do not propose to rehearse exhaustively the main provisions of the Treaty. The House will agree that they are extensive and touch upon a wide range of concerns of direct relevance to the citizen.

I wish to explain the ways in which the Treaty of Amsterdam will benefit the citizen and improve the effectiveness, accessibility and democratic accountability in the EU. These are issues which were an important part of the backdrop to the Inter-Governmental Conference which negotiated the Treaty. I shall also outline the Treaty provisions aimed at a more effective and coherent external policy.

The Treaty of Amsterdam shows that debate within and between the member states of the European Union is increasingly focused upon real issues of personal rights and freedoms as well as economic wellbeing. EU citizens are entitled to have a voice in the direction taken by the Union and to have the work of their Ministers in Council and of their other elected representatives relate directly to their daily lives. In this regard I pay tribute to the previous coalition Government for bringing us to this point. It behaved honourably in relation to the production of the Treaty through its involvement in the Inter-Governmental Conference and broad participation in the negotiations. The coalition is now in Opposition but it continues in a decent and responsible way to support the Treaty.

In this decade it became common to speak of a “democratic deficit” within the EU. The implication of this phrase was that a great deal more had to be done to enhance the Union's legitimacy in the eyes of individual citizens. Clearly, democratic legitimacy is both a *sine qua non* of the development of the Union's institutions and the ultimate guarantee of their effectiveness.

The Amsterdam Treaty is a positive step towards a more accessible and clearly responsive EU. Parliamentary involvement at all levels in scrutinising and debating EU legislation and other proposals for the Union's development was a clear winner at Amsterdam. The powers of the European Parliament have been indisputably enhanced. The European Parliament will now be a real and substantial “co-legislator” with the Council in an extensive range of areas. This expanded role, together with the proposed simplification of the “co-decision” procedure itself, will significantly enhance the effectiveness of the dialogue between the Council and the Parliament. In addition, the quality and extent of European Parliament input, first into the Reflection Group and later into the Inter-Governmental Conference, contributed to a widespread appreciation of its actual and potential role, whence the favourable outcome.

In terms of the maturing of the European Union's system of ensuring democratic input and accountability, one notable feature of the Amsterdam Treaty is that the European Parliament is not the only democratic body to emerge with an enhanced role. National Parliaments have always had a part to play within the Union in holding the Governments of the member states responsible and accountable at national level. Nevertheless, concerns were evident throughout the Inter-Governmental Conference that better recognition should be secured for the importance of the role of national Parliaments. The Treaty of Amsterdam achieves this in two principal ways: by improving the information flow to national Parliaments and by enhancing the role of COSAC, which brings together representatives of the European Affairs committees of national Parliaments.

A number of Senators are Members of the Oireachtas Joint Committee on European Affairs. They will be aware that under the new Treaty, COSAC may make any contribution it deems appropriate for the attention of the institutions of the Union. The Treaty also stipulates that COSAC has a particular role to play in making a contribution on matters relating to the application of the principle of subsidiarity, to initiatives in the area of freedom, security and justice which might have a direct bearing on the rights and freedoms of individuals and to questions regarding fundamental rights.

The Treaty of Amsterdam is unique among EU Treaties in that, from the start, the aim of the negotiation was to place the European citizen at the centre of its provisions. The White Paper which was published by the Government in January includes a most thorough account of the specific

initiatives in the Treaty which are aimed at addressing the concerns and aspirations of the citizen. Under this heading I wish to focus on a number of these areas, namely, the principles on which the Union is founded, employment and social policy, measures to combat discrimination, environment, consumer policies and public health and transparency.

The Treaty will reaffirm the principles on which the European Union is founded — liberty, democracy, respect for human rights and fundamental freedoms and the rule of law. It will make respect for these principles a condition which must be met by any state which applies to join the Union. Unemployment is a major concern of Governments and citizens across the EU, where 18 million people, close to 11 per cent of the workforce, are unemployed. The average unemployment rate in the Union among young people is now over 20 per cent. This is an issue of such importance that a special summit meeting was held in Luxembourg last November devoted solely to the challenge which unemployment poses to our societies.

The Treaty of Amsterdam creates a new Title in the EC Treaty dealing with the question of employment, which will directly follow, and will be an appropriate complement to, the Title in the EC Treaty which deals with economic and monetary union. Under the provisions of the new Title, member states are now to regard promoting employment as a matter of common concern and they are to co-ordinate their action in regard to it in the Council. The objective of a high level of employment is now to be taken into consideration in all other Community policies.

With regard to social policy, the breach which had opened up in the Union since Maastricht, when the UK would not accept the Social Chapter, has been healed. It has been cured. This will allow for the further development of a single social policy throughout the Union. The Treaty also provides that for the first time there will be an explicit legal basis in the EC Treaty for action by the Council to deal with social exclusion by means of incentive measures. The agreement to do this arose from a proposal made and pressed by Ireland during the negotiations. Importantly, unanimity will not be necessary for the adoption of such measures.

The Treaty of Amsterdam incorporates a provision which empowers the Council to adopt measures to combat discrimination on the grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. The Treaty provisions designed to ensure respect for the principle of equality between men and women are strengthened.

With regard to the environment, the concept of balanced and sustainable development will now be highlighted. This concept was approved by the World Environment and Development Summit in Rio in 1992. A reference to achieving balanced and sustainable development will be added to the EU's objectives as outlined in Article B of the EU Treaty. The EC Treaty will also be amended to incorporate the concept. Should a member state wish to maintain or introduce national provisions in relation to the environment which are stricter than in other member states, they may do so subject to Commission approval that they are not an obstacle to the Single Market.

Consumer protection has rightly become a major concern in the member states and at the level of the Union. With the increased level of trade in goods and services which the Single Market is bringing about, concerns were expressed at the Intergovernmental Conference about the corresponding need to improve the rights of the consumer. The provisions of the EC Treaty are to be strengthened with a greater focus on consumer rights including the right to information. There will also be a specific requirement to take consumer protection concerns into account in implementing all other Community policies and activities.

In the related field of public health the new Treaty will add provisions to the EC Treaty which allow the Community to set safety standards for human organs and blood derivatives. It also permits the Community to take public health measures against animal and plant diseases. However, with a view to accountability, the Treaty will recognise that fundamental responsibility for health services and medical care will remain at member state level.

The EU's power to combat crime, particularly crimes such as terrorism, trafficking in persons,

offences against children and illicit trafficking in drugs and arms, will be significantly strengthened. Primary responsibility for action in pursuit of criminals will remain with national police forces.

New provisions are now to be added to the EC Treaty which will ensure a higher degree of transparency by means of greater openness and more access to documents of the main institutions. A new article in the EC Treaty provides that any citizen of the EU or any person or legal entity residing in it shall have a right of access to the European Parliament, Council and Commission documents subject to principles and conditions to be defined. In this regard a new provision will also be added to the EC Treaty which will allow any citizen to write to any of the Community institutions or bodies in one of the Treaty languages, which include Irish, and expect that any reply received will be in the same language.

A major area of work of the Intergovernmental Conference related to the external policy of the EU. The Maastricht Treaty of 1992 established the Common Foreign and Security Policy at a time of profound and rapid change in international life as the Cold War came to an end. However, conflicts in former Yugoslavia, in parts of the former Soviet Union and in areas of Africa have been evidence of a continuing instability in international affairs. Accordingly, the EU members agreed at the Intergovernmental Conference that the CFSP should be made more effective, coherent and visible. Decision making procedures have been improved with a view to enabling the EU to act more rapidly and effectively on the international stage. As at present, a member state cannot ultimately be outvoted where important national interests are involved. There will be improved planning and secretariat support for the Presidency of the day and the Council.

The EU is founded on principles of democracy and human rights. The CFSP provisions of the new Treaty reflect the concern of citizens that the EU should enhance its contribution to international peace and security commensurate with its economic strength and its political responsibilities. Ireland's tradition of a principled, constructive and engaged foreign policy finds strong expression through our involvement in CFSP, which enables us to join with our EU partners in pursuit of the goal of international peace and justice.

In a positive response to the new crises and challenges of the post Cold War world and in light of a joint proposal made by Sweden and Finland, which was supported by Ireland, the Petersberg tasks of peacekeeping, humanitarian actions and crisis management have been included in the Treaty. These tasks will be carried out by the Western European Union at the initiative of the EU. The EU member states who are not members of any military alliance — Ireland, Finland, Sweden and Austria — will be entitled to participate in these missions on a case by case basis if they so wish. The inclusion of the Petersberg tasks is in line with our long-standing record of contributing to UN peacekeeping operations. It responds to the new situation where the UN is increasingly mandating regional organisations to undertake peacekeeping and crisis management tasks. In this regard I wish to pay tribute to the Defence Forces and to express my deep appreciation of their enormous commitment to peacekeeping. They have been heroic and patriotic and in many instances their members have laid down their lives in the interests of international peace.

The Treaty provides for the progressive framing of a common defence policy which will be structured around the development of the EUWEU relationship, already established in the Maastricht Treaty, with particular focus on the Petersberg tasks. Ireland's policy of military neutrality remains unaffected by the provisions of the Treaty of Amsterdam. As was the case in the Maastricht Treaty, the Treaty of Amsterdam explicitly states that the EU's policy shall not prejudice "the specific character of the security and defence policy of certain member states". This reference was inserted into the Maastricht Treaty to take account of Ireland's particular policy of military neutrality.

Like the Maastricht Treaty, the Treaty of Amsterdam evokes the concept of a future EU common defence only as a possibility, not as an agreed objective of the EU. Neither an EU common defence nor the integration of the Western European Union into the EU are objectives in the Treaty of Amsterdam. They remain mere possibilities and are subject to a number of locks: first, they would



require a consensus decision in the European Council, where Ireland has a veto; second, even if the European Council were to take such a decision this would be subject to adoption by each member state in accordance with its own national requirements; third, the Government has given a commitment that a referendum would be held if the issue should arise for decision in the future and I reiterate that commitment; and, fourth, an EU common defence would require substantial Treaty revisions and a further Intergovernmental Conference, in which each member state has a veto and these substantial Treaty revisions would have to be put to the people in a referendum. Far from representing a threat to Ireland's policy of military neutrality, the EU is a response to the new challenges of the post Cold War world. Ireland should play a full part in this endeavour.

As I have said on previous occasions, the Treaty of Amsterdam is a good deal for Europe, Ireland and for the citizen. It strengthens and amplifies the impact of integration and co-operation for the citizen in direct and meaningful ways. The Treaty seeks to complement rights already in existence in member states with provisions at EU level which will bring added value for the EU citizen. I accept that many of the useful provisions of the Treaty can appear to lack glamour, but I believe their worth will be amply demonstrated in years to come. I strongly recommend that citizens should familiarise themselves with the main points of the Treaty of Amsterdam and I predict that the beneficial effect of the Treaty's provisions, taken cumulatively, will be evident to all after the Treaty has come into force.

Mrs. Taylor-Quinn: I welcome this Bill. We are delighted that a referendum will be held shortly on the Treaty of Amsterdam, which is important for Europe. It is particularly important for the EU to become more closely integrated and that greater co-operation would exist between member states. We have awaited this debate for some time; when we discussed the Maastricht Treaty it was hoped that a referendum on these matters would have been held in 1996.

Irish citizens must be fully informed and advised about what is involved. It is repeatedly said in this Chamber and elsewhere that the advantages and terms of the Amsterdam Treaty are discussed in great detail within restricted organisations but the public is ignorant of it. If I were the Minister I would not be complacent about the public's attitude to the Treaty. Some people are advancing spurious arguments and a more pro-active approach should be taken to counteract them. More recently the arguments have turned to a number of items addressed by the Minister today but this debate will only receive a limited amount of publicity.

In recent weeks there have been discussions about EMU, the strength of the pound, future inflation and agricultural prices. All these issues could have an impact on how people vote on the Amsterdam Treaty; they are not directly related to the Treaty but could negatively affect people's thinking. These arguments should be tackled head on. As a result of court cases there are legal restrictions on putting views across and engaging in publicity but, nonetheless, the Government should set up an active campaign.

This is an important Treaty because it affects everyone. One might have hoped it would be much stronger in certain policy areas. Its preparation coincided with discussions on EMU and a view existed in Europe that a strong economic basis was required first so EMU should take precedence — if a weakened Treaty was the result that did not matter because it could be strengthened later. That is what has happened.

I am disappointed that the Schengen agreement does not apply to Ireland. This is a consequence of the attitude adopted by the UK — our common travel area with the UK remains in place at the expense of Schengen. I understand the logistics and that 70 per cent of people travelling out of Ireland go to the UK.

I was hoping the Minister would stay because he knows how much I appreciate his presence.

Mr. Andrews: I understand the Deputy's sorrow and I am deeply touched by her emotional outburst but my departure is inevitable.

Mrs. Taylor-Quinn: We look forward to his return.

Mr. Norris: I join in those sentiments.

Mrs. Taylor-Quinn: One is tempted to torment the Minister on some occasions, that is the nature of the game.

As I said, I am disappointed that the Schengen agreement will apply to 13 member states but not to Ireland. It will be difficult to explain to the Irish public why we will still have to show passports when entering Europe — many people thought this was settled years ago but they will still have to do it after the Amsterdam Treaty is passed. The reasons for this should be clearly explained to the electorate.

I understand to a certain degree why the British wished to maintain passport control at certain ports and the same applies to the rest of Europe. We have a security problem with the Six Counties but an alternative should have been found to opting out of Schengen completely with the possibility of joining at a later date. There was a similar problem with the Maastricht Treaty when the British opted out of the Social Chapter. It may not be wise to allow member states such an option because it does not help us achieve greater partnership, unity or co-ordination. I hope this matter will be reviewed at an early date by the British and Irish Governments. A proper peace process for Northern Ireland may be put in place shortly — with a possible referendum here — and that may help the adoption of the Schengen agreement.

There has been much discussion of the danger of a united police force across Europe — specifically there was scaremongering about the police in Northern Ireland coming south without any restrictions following the adoption of this Treaty. That is dangerous and spurious propaganda so this aspect should be brought into focus. In the United States, if the police follow someone they cannot cross their state border; at that point it is up to police from the other state to follow the suspect. A similar situation would arise in Europe.

What is important, however, is that the Treaty provides that the police can co-ordinate, co-operate and exchange information on a far closer basis — in a sense they are bound to do so. There is a serious crime problem across Europe, particularly in relation to drugs. Ireland has been used as a landing site for drugs which have subsequently been ferried or flown elsewhere. Greater co-operation through Interpol is necessary to pursue European and world drug barons. Under the Treaty the gardaí are in a position to use and exchange information far more freely. This cannot but be successful and anything which will fight crime across borders and enable such co-operation must be welcomed, because it is for the general good of the citizens of Europe. The spurious arguments against it must be quickly dismissed.

Another issue which causes concern is neutrality; this has been discussed in this House and in various committees for many years. We should examine our conscience about this. Where in the Statute Book or in the Constitution is it written in stone that Ireland should remain neutral? This policy was adopted because of the overall political circumstances and local domestic considerations at a particular time. It was called into play once and has never really arisen since but we talk a lot about it. We also talk a lot about the difference between peacekeeping and peace enforcement. I was interested to note how the Minister conveniently did not mention the term “peace-enforcing” but repeatedly mentioned peacekeeping. Our exemplary record in that area has been highly commended within the United Nations. However, we have had to introduce legislation in the House to proceed to peace enforcement exercises, which we have undertaken twice. I had hoped the Treaty would be stronger in taking this issue on. If we are part of the European Union surely we should play a full part and not stand back from any section of it. We cannot take the *a la carte* menu, leaving certain items aside.

Mr. Norris: Why not? The Minister spoke about our exemptions, so they exist.

Mrs. Taylor-Quinn: Unfortunately, that is what we have done with this Treaty.



An Cathaoirleach: The Senator must be allowed to make her contribution without interruption, please.

Mr. Norris: It is State prevention. On a point of information, the Danes got an exemption on this precise point.

An Cathaoirleach: Senator Norris will have an opportunity to contribute later.

Mrs. Taylor-Quinn: Senator Norris would be the very first Member of the House to stand in gracious outrage if major attacks and injustices were being perpetrated across the world on various minorities. He would be crying to the high heavens as to why the European Union was not doing something positive about them. We found it had not been doing something positive about these issues because it does not have the legal mechanism under which to act. The EU's various Treaties do not contain the powers to deal effectively with situations such as occurred in the former Yugoslavia, including Kosovo province, and in Algeria.

Senator Norris would be the first to castigate the EU for not taking positive action. He and others with a shilly shallying approach to this issue should decide what they really want. If they want positive action to deal with these situations then the institutions must be empowered to take such action. To date the European Union has not been empowered to take that action as effectively as it should. Unfortunately, this Treaty does not give the EU that power either. Although it goes part of the way towards strengthening our foreign and security policy, it does not give the EU the final co-ordinating power to take action as a force. This is a defect of the Treaty.

The question of neutrality has been brought up. Until now we did not have anything written into our Constitution relating to neutrality. If the Amsterdam Treaty is ratified we will, in fact, have written into our Constitution for the first time our position on neutrality. As things stand, if the Government decided to join the Western European Union or to become part of a European army before 22 May, there would be no difficulty in doing so. After the Amsterdam Treaty, however, if Article J.7 has to be changed there will first have to be an intergovernmental conference followed by a meeting of the Council of Ministers, whose decision on the matter must be unanimous. In addition, because the issue of neutrality will be written into the Constitution by virtue of the Amsterdam Treaty, we will have to have a referendum. All parties have repeatedly made a commitment to such a referendum if we want to go that step further. We have not done it now but, hopefully, we will do it sometime in the future. After the year 2000 our children will be asked to vote on this important issue which has not been as seriously addressed in the Treaty as it should be. Some people are trying to scaremonger about it but the reality is that there will have to be a referendum in the future.

Mr. Norris: Not necessarily.

Mrs. Taylor-Quinn: The Treaty is commendable in the way it deals with environmental issues. It attempts to recognise the problem and bring about a co-ordinated approach to sustainable environmental development in Europe. As citizens of Ireland and of Europe we must ensure that the country we leave after us can sustain our successors. We must avoid damaging the environment to a degree where people cannot continue to live in it. As industries develop, particularly in the agricultural sector, the environment must be treated seriously. The Treaty accepts that point and does something about it. I am delighted with the level of co-operation and co-ordination as well as the monitoring policy incorporated in the Treaty.

The Treaty's position on minorities is also welcome. For years, in common with other EU member states, we have aspired to promote equality between men and women as well as for minorities, particularly the disabled. Yesterday, President McAleese referred to the fact that increasingly a more hardened approach is being adopted towards itinerants. That is very unfortunate. There is a danger that that kind of thinking can increase, particularly at a time of great affluence. It might be difficult for some sectors in our community to accept minorities, but as public representatives we have a responsibility to take a leading role in the interests of minorities, whether they are refugees or itinerants in Ennis, Dublin or any other part of the country.

Mr. Norris: Travellers.

Mrs. Taylor-Quinn: Sorry, travellers. I beg the Senator's pardon, I am not politically correct. The term has moved through so many different forms, but the Senator knows what I mean. These attitudes should not be allowed to surface because all people are meant to be treated equally and our Constitution recognises that fact.

We are obliged by the Constitution to recognise that fact nationally and, within the Treaty, we will further accept to recognise and respond to that position. No minority should be discriminated against, although they can be subject to positive discrimination so they become equal within their communities and society generally. That is a welcome feature of the Treaty.

The Treaty also addresses the unemployment problem by establishing a partnership between members states and agencies to tackle unemployment. The advisory body to be established under the Treaty will have two members from each member state dealing with employment issues. I hope the advisory body will address the question of the long-term unemployed in Europe and in Ireland in particular. It is a specific problem that requires special consideration.

The Minister of State, Deputy Flood, sat with me on the National Economic and Social Forum, which presented a report on the long-term unemployed. Thankfully, both the present Government and its predecessor have put in place some of the report's recommendations. I hope the Treaty will continue to further the cause of the long-term unemployed. The expertise that will be exchanged between the various agencies and member state Governments will be put to good use when we are dealing with them.

I had hoped the Treaty would deal with the institutions in a more positive fashion. That has not been done. However, I am pleased that the European Parliament, the only institution that is directly elected, is to be given additional powers in conjunction with the Council of Ministers regarding police decisions and a variety of other matters. It is very important that the Parliament is given proper teeth and recognition as a democratic and directly elected institution. I hope it will continue to strengthen because the strength of Europe will depend on the strength of the voice of the people, which is to be heard within the Parliament and not necessarily the Council of Ministers or the Commission.

The future of the EU Commission and the number of commissioners per member state was debated. I am pleased that we will continue to have a commissioner because it is very important that all member states, regardless of their size, have a commissioner to represent their interests within the Commission. We should continue to fight for this. The allocation of commissioners should not be based on the size or economic strength of member states.

I am pleased that the European Court of Justice has been strengthened and has been given a greater involvement in issues of asylum, immigration and judicial co-operation on civil and criminal matters. It is equally important that the sovereignty of our courts regarding issues arising in our national territory has been re-established.

The Bill is straightforward. It outlines the terms of the Treaty, which is welcome and commendable. The question to be put before the public needs to be as straightforward and uncomplicated as possible. When the campaign gets underway it is very important that there be clear argument on the issues and that they be properly and honestly addressed. There is a dearth of ignorance about the Treaty among the electorate. Only a small handful of people are aware of what it entails.

The Treaty may be less tangible than some previous Treaties, such as the Single European Act or the Maastricht Treaty, and the public may take the view that it has less application, although the opposite is the case. In view of this, the issues raised by the Treaty could have a negative impact on voters. The Government and any of the parties who support it should take nothing for granted. There is a need for a vociferous campaign between now and 22 May.

Mr. Lanigan: I thank the Minister for the way in which he addressed this constitutional amendment.

I also compliment him and his officials on the White Paper. It provided more information in compressed form than many of its predecessors. It opened the debate in an excellent manner.

It has been mentioned that the debate has not been taken up in the public arena. In view of this I am disgusted that, despite the address to the House by the Minister for Foreign Affairs, no member of the press is in attendance. It is a disgrace that members of the media constantly barrack politicians and officials of the Minister's Department for the lack of interest shown in the Treaty, yet when they have the opportunity to listen to the Minister and to contributions from this House there is no member of the press present.

Mrs. Taylor-Quinn: There is a member of the media in attendance, but no member of the printed media is present.

Mr. Lanigan: I apologise.

Mr. Norris: She has been present for a while.

As a punishment I suggest she does not report the Senator's remarks.

Mr. Lanigan: That would not be hard. At a time when Europe is expanding we have set in motion another tranche of a process that started with the Treaty of Rome in 1957 and developed by the Single European Act of 1985 and the Maastricht Treaty of 1991. This Treaty gives us the opportunity to bond together as Europeans in a genuine manner.

There are huge problems associated with the EU and the expansion of Europe. As the Minister remarked, the average unemployment rate throughout the EU is 11 per cent, while, unfortunately, 20 per cent of the unemployed are young people. Although it is categorically stated in the Treaty that the EU will co-ordinate employment incentives throughout the Union, unemployment will rise because of the situation in nations which will become members within the next four to five years.

Over the past number of years, Europe has been unsuccessful in addressing its unemployment problem on a Europe wide basis. Although there has been an unprecedented increase in employment in this country — the numbers at work have never been higher — the same situation does not apply throughout Europe.

Many take the view that the Amsterdam Treaty and EMU will take away a certain amount of sovereignty. That issue must be addressed. I am glad the Treaty includes a legally binding protocol on the role of national parliaments in the Union. The objective of the protocol is to encourage the greater involvement of national parliaments in the activities of the Union. It aims to ensure that all Commission consultation documents are forwarded to national parliaments promptly and in good time. Legislative proposals from the Commission will not be forwarded to the Council for a period of six weeks to ensure national parliaments have adequate time to analyse the proposals and make their views known to their Governments. As the Minister said, the role of COSAC, the Conference of European Affairs Committees of the national parliaments, is enhanced by giving it a formal legal status and by providing it with assurances on the timely provision of information to national parliaments. That safeguard is now legally built into the Union and must be welcomed.

Subsidiarity is a philosophical concept which argues that governing decisions which affect people's lives should be taken as close as possible to these citizens. In a sense, it attempts to reconcile the effectiveness of government, which is often an argument for more centralised decision making, with the legitimacy of government, which would often favour the decentralisation of government. That must be restated. Subsidiarity has recently been employed in the European Union as a means to ensure decisions are taken at the most appropriate level of government, whether that is local, regional, state, national or European level. Article 3b[5] of the Maastricht Treaty formalised subsidiarity as a principle of the EU's political and legal framework. Therefore, the Amsterdam Treaty, which includes the legally binding protocol on the role of national parliaments and the strengthening of the subsidiarity element in the Maastricht Treaty, are to be welcomed by anyone who holds our sovereignty dear.

We must be extremely careful to ensure that booming economies here and in Britain help everybody. The Asian Tigers did not provide for the people in Asia but made a great deal of wealth available to very few people. Hong Kong was portrayed as a miracle of capitalism. However, over 70 per cent of people in Hong Kong received social welfare payments which put them below the poverty line. We must respond to the economic boom by ensuring all levels of society benefit from it. Everybody will not have the same income but those who are incapable of looking after themselves must be helped when there is a growth in economic activity.

A concentrated and unjustified attack was made this morning on our military neutrality. We have taken part in peace keeping activities around the world whenever we have been asked. The Treaty states the Western European Union is taking certain responsibilities for defence. We are not, and should not be, members of the Western European Union, which is a subsidiary of NATO with a different set of initials. However, we can choose to get involved in peace keeping or peace enforcement and can consult the people on this matter if necessary. I do not think the policy adopted by successive Governments, in an attempt to heal problems in war stricken areas, will change.

There is a grave need for co-ordination throughout Europe on the enforcement of laws, particularly those relating to drug offences. There is a danger, with the removal of borders, of a further increase in drug trafficking unless policing is co-ordinated throughout Europe. We have all seen the problems caused by drug taking and the laundering of money by drug barons. Until financial institutions get their act together, whether they are in Switzerland or Dublin, we will not be able to address the drug problem.

I do not feel very strongly about the creation of a single European Central Bank but I have some reservations about it. Subsidiarity is an attempt to bring decision making closer to the people but this is an example of where decision making on fiscal responsibility will be further from the people. There have been criticisms of the Irish Central Bank's role in the policing of NIB and other financial institutions. I wonder how a European Central Bank would deal with such issues in Ireland.

Discrimination against minorities, such as itinerants in Ireland, is a major and growing problem in Europe. This phenomenon can be seen in Denmark, Sweden, Germany, France and the rest of Europe and it will not go away. A huge number of people want to enter Europe to take up jobs, many of which Europeans are unwilling to do because they are low paid. These minorities live in abominable conditions throughout Europe. It is terrifying to see the hatred and discrimination against refugees and foreign workers in Germany and elsewhere in Europe where unemployment has increased dramatically. We must carefully monitor the growth of such discrimination.

Unfortunately, Ireland is not lily white in this regard. We must ensure genuine asylum seekers are taken care of and dealt with properly. They can teach us a great deal about how to live with each other. They can also tell us about their fears, the discrimination and threats they experienced and the deaths which occurred in their families. We must treat asylum seekers and refugees in a proper and controlled manner.

If Europe is to be a strong political and economic entity we must ensure that people in Third World countries, who are constantly struggling not to live reasonable lives but to exist, do not suffer. Growth in European society must not be at the expense of people in Third World countries, whether it is South America, Africa or Asia. We must learn the lessons of the past. Some 4.3 million people exist on less than \$1 a month. These people would love to discuss this topic but they do not get the opportunity to do so.

There is no doubt that European companies have been to the forefront in killing off hundreds of thousands of people in these countries by not providing proper aid and by milking them of oil or other natural resources. Some 13 per cent of the oil in America comes from Angola. As not one barrel of that oil is traded out of London, nobody knows how much money goes back to the Angolan people. Angola is bigger than France, Germany, Holland and Belgium combined, yet it has a population of only 10 million people. Its natural resources include diamonds and oil, yet the

people are living in poverty because European and American multinationals are milking the system with the aid of the NPLA Government. If we want growth in the European economy, we must ensure it is not at the expense of those living in Third World countries.

There was a danger that when the European Union was enlarged, we might lose our European Commissioner. However, it seems that every country which becomes a member of the European Union will have a Commissioner and that those who have more than one at present will be reduced to one. This means that while smaller countries, whether in size or economy, may not have an equal say, at least they will have someone to represent them at Commission level.

The new euro currency will be introduced almost in conjunction with the Amsterdam Treaty. There are exciting times ahead as no one knows what will happen. It seems there will be a stable currency throughout Europe and that money will not fluctuate in the way it did in the past. I hope we do not have a similar situation to that which exists between Britain and Ireland where if I put £400 sterling in the bank, I will get IR£500 but if I put IR£500 in the bank I will get just under £400 sterling. That is a huge difference which is good for our tourism and export industries but not for people travelling to Britain.

I am worried about the consequences of changing the Central Bank Act as this will remove a number of its controls, although people give out about the role of the Central Bank and the fact it does not act or react fast enough on many occasions. The Central Bank Bill, 1997, which amends a previous Central Bank Act, was passed in March this year. With an inflation rate below the European average and a growing employment rate, Ireland is well geared to deal with whatever changes take place in the European Union.

Although we regret it, we must admit that Europe has been good to us. There was a time when we were called the country with the begging bowl. We did not beg but we knew how to put our case to the European Union for whatever money was available. If we were better at getting through the red tape and getting money from Europe, the people who negotiated on our behalf should be praised, not criticised for having a begging bowl mentality.

I compliment the Minister for Foreign Affairs on the way he has presented the Amsterdam Treaty since January and those who drafted the White Paper. We must also compliment the Institute of European Affairs and other groups which have organised information meetings throughout the country to sell the message of the Amsterdam Treaty and EMU. However, the media's coverage of the debate has been abysmal. The local media, in particular, have not published any reports of these meetings, which were well attended. The media are the only people who can get the message across. I urge them and all politicians to sell the Amsterdam Treaty, which will further advance the European Union set up in 1957.

Mr. Norris: I welcome the Minister of State at the Department of the Marine and Natural Resources, Deputy Byrne, to the House. Further to a rotating Taoiseach, we have had a dervish like display of rotating Ministers here, which made me dizzy. We had the Minister of State at the Department of Tourism, Sport and Recreation, Deputy Flood, and the Minister for Foreign Affairs, Deputy Andrews. Senator Taylor-Quinn started her speech before the flood and it showed some evidence of that because she referred to the scaremongering tactics of certain people and the woolly arguments, on the one hand, while, on the other hand, there are issues and people who are extremely important and should be highly commended. The difficulty was there was a certain absence of argument. It is important that we sustain our positions by argument.

I was glad Senator Taylor-Quinn's contribution did not descend to the personal, which has happened previously. This country should be extremely grateful to people, such as Ms Patricia McKenna, who have examined this issue with a keenly critical gaze, which is extremely important in any debate. Questions were raised which have not been answered and statements were made in the House today which are not true. For example, the Treaty was commended for the way in which it looked after the disabled. There is not a single reference to the disabled. This is one of the things criticised in the



Treaty in terms of anti-discrimination legislation.

I compliment the staff of the Department of Foreign Affairs who worked on the drafting of the Treaty which was produced in December 1996, during the successful Irish Presidency. I do not like everything in the Treaty and I will speak against many of its provisions but a highly professional job was done drafting it. I also compliment the Department of Foreign Affairs on the excellent White Paper it produced. It is highly informative, written in simple language, immediately accessible and discloses the main range of ideas. I found it extremely helpful. I also commend an excellent book produced by the Institute of European Affairs, *Amsterdam: What the Treaty Means*, edited by Ben Tonra. I have picked through this book and I use facts established in it to be critical of certain aspects of the Treaty and I found it an extremely useful intellectual exercise.

I am glad that, for the first time in a foundation document of the European Union, the question of discrimination in terms of sexual orientation is raised fully. This marks a historic breakthrough but it is a pity the document has no teeth. It is necessary to have unanimity among the Council of Ministers in order to take any action. On one hand anti-discrimination measures are there, theoretically, but there is very little prospect of their implementation. However, as a moral benchmark it is highly significant and I welcome it.

I doubt if the Treaty gives us an increased level of democracy, transparency or accountability. Increased powers have been granted to the President and the Commission. However, I am much less sure about the role of the European Parliament. The concept of co-decision is there but the Parliament still has no entitlement to initiate new legislation. It is still a neutered Parliament.

I am glad the Treaty contains a gesture towards human rights. I say this for a very clear reason. When I spoke at a COSAC meeting in Paris on the subject of the amoral policy of the French Government of arming dictatorships such as Indonesia, the response of the then Foreign Minister of France, M. Alain Juppé, was that the European Union was not a human rights organisation and contained no human rights elements. At that time he was right but I am glad to say that, with the production of this Treaty, he is no longer quite so firmly grounded in his cynicism.

I understand that a new chapter dealing with full employment will be added to the EU Treaties if the Amsterdam Treaty is ratified. It is not, however, part of the Treaty and there has been no attempt to make full employment an objective of the European Union. On the other hand, there has been massive lobbying by certain vested financial interests, particularly by corporate lobbying groups, who organised a very strong campaign against having measures against unemployment included in the Treaty, and they were successful. The group principally involved is called UNICE and their spokesperson, Zygmunt Tyszkiewicz, said "we never wanted an employment chapter in the first place but, if we have to have one, this version is just fine.". If it is just fine for dear old Zygmunt it is probably not all that fine for the 30 million people who are unemployed.

On the other hand, competitiveness has been included so that employment policy is subservient to the economic objectives of the major employers within the European Union countries. I am worried about this because the European Union does not accept that we have been too complacently watching the demise of Communism and acting as if capitalism were impregnable and represented the way of the future. I do not believe this is the case. Capitalism is predicated on the notion of an infinitely expanding market. This is not sustainable in the long term and only sustainable in the short and medium term if we continue the massive exploitation of the weaker sections of the globe. A day of reckoning will come. Rather than celebrating the idea of competitiveness unchecked we should explore the possibility of a greater degree of economic co-operation.

I do not share the moral certainties of those who draw distinctions between genuine asylum seekers and economic refugees as if there was not a perfectly logical and human ground for being an economic refugee in the circumstances which are produced by the policies of the European Union among others. If you were living in, for example, Belarus, with the prospect of pollution, radiation, non-payment of wages, political turmoil and a rotten education system, would you not, as a

responsible parent, attempt to move your family to an area where they might be better treated? The philosophical basis of the economic ideas of the European Union are suspect and will lead to dangers in the future.

Everybody is against crime. There are, however, legitimate concerns about the movement for closer co-operation between European police forces. I have expressed my ideas about drug smuggling and there is no point in my rehearsing them in detail. We will never stamp out the drug trade. It can be minimised and its impact limited by a more sophisticated response but the more sophisticated European response to the problems of drug use is being inhibited by pressure from the United States. For example, the experiments in Bristol where heroin was being made available on prescription to addicts have been virtually stopped even though the experiment was being used as a model in the Netherlands. Like others, I placed my reservations before the House during the recent debate on Europol. It is clear that there will not be effective judicial control of this supra-European police force and I am extremely worried that this will have the effect of negating human rights.

Mine is not an extreme view. In advance of the German ratification of the Europol Convention last October, the Federal Prosecutor General, Mr. Kay Nehm, lamented the fact that the police and not the judiciary were the driving force behind European unity in criminal investigations. "Control of the police through courts and public prosecutors is vital for protecting fundamental rights and liberties", he said.

An important debate is on-going on the subject of the storing of information, the very curious nature of that information and the criteria to be used in authorising its collection. It is supposed to be done when absolutely necessary but nobody has laid down criteria for judging when it is absolutely necessary or who would do the judging. As far as I remember, someone very far down the police command structure could make a judgment that the collection of information was absolutely necessary. Data would be collected relating to racial origin and religious, political or other beliefs. This is an astonishing abrogation of human rights.

I have already dealt briefly with the question of asylum refugees. The Treaty of Amsterdam seeks to transfer visas, asylum and other policies related to the free movement of persons from the Third Pillar to the First, which would mean that these issues will fall more within the field of competence of EU institutions rather than being dealt with purely at national or intergovernmental level. There is a kind of creeping takeover occurring in these Treaties. When I deal with neutrality, I will highlight the incremental nature of the development of the European Union.

I will now provide a number of examples to support my argument, the first of which is a quotation from the excellent book edited by Mr. Tonra. I quote:

Even though the Union would be no longer founded on the Member States, the present guarantee in a revised Article F(3) [6(3)] — The Union shall respect the national identities of its Member States — would stand. This important guarantee, however, is from the Union to the Member States, and is not in the nature of a reservation by the Member States from the Union.

In other words, there is an increasing and ongoing centralisation of authority in the European Union as an institution and a consequent parallel removal of competence to make decisions from the individual member states. This affects everything from asylum seeking to policing to neutrality and defence matters.

Article 731 of the Treaty states that measures in the Treaty will not in any way affect a member state's duty to maintain public order and safeguard its opportunity. It also allows EU Ministers, voting by qualified majority on a proposal from the Commission, to adopt "provisional measures" when one or more member states are faced with an "emergency situation" involving a "sudden inflow" of nationals from third countries. The three terms "provisional measures", "emergency situation" and "sudden inflow" are phrased in "Eurospeak" and, as in the case of the term "absolutely necessary", definitions are not provided. What constitutes an "emergency situation" or a "sudden inflow"?

Amnesty International has registered its concern and alarm that no reference is made, for example, to the Geneva Convention in this Article of the Treaty:

Any measure adopted, which has consequences for asylum seekers and refugees, should be in compliance with the member states' obligations under all international refugee and human rights instruments.

As an example of what the EU regards as an “emergency situation”, I must inform the House that in January, 3,000 Kurdish refugees fleeing from persecution in Turkey — which, among other countries, has a long tradition of persecuting the Kurds — arrived off the coast of southern Italy. The European Union's first reaction to this crisis was to call a joint meeting between its police chiefs and Turkey's. EU Foreign Ministers drew up a 46 point plan advocating measures, such as the tightening of the Union's external border controls. Concern about the welfare of the refugees was a minor issue in the response to this “emergency situation”. In light of their history, does the House not consider it astonishing that the attempt by 3,000 Kurds to escape possible extermination was seen as a massive threat to the 370 million citizens of the European Union? The notion of proportionality appears to be completely absent from the EU's response.

I also have a difficulty with another phrase, “temporary protection” measures, which may conceal something nasty. These measures are independent of the ordinary routine of dealing with refugees.

At the request of Spain, a Protocol has been attached to the Treaty which bars citizens from one member state seeking asylum in another, except in highly unusual circumstances. It is not only my shrill voice which has been raised against this, the United Nations High Commissioner for Refugees — UNHCR — also opposes the Protocol and argues that it will breach the Geneva Convention to which lip service is paid in the Treaty. The Geneva Convention prohibits discrimination against refugees based on their country of origin. Ruling out the possibility that somebody could have their human rights abused in any particular country sets a dangerous precedent. The UNHCR argued that the ripple effect may be considerable and stated that “this concept may be followed by other regions, with the inherent danger of undermining the scope of applicability of the international refugee instruments universally.” He went on to indicate that it “may also erode the humanitarian nature of asylum by complicating relations with non-EU states.” In a remarkably cynical performance — I accept it was conducted with considerable brio — my colleague Senator Taylor-Quinn asserted, perhaps correctly, that the neutrality of this country was merely a moral fig leaf or a convenient fiction and it had only been used on one occasion in order to secure political advantage for the State. That might be true.

Mrs. Taylor-Quinn: On a point of information, I did not use that precise terminology.

An Leas-Chathaoirleach: Senator Norris without interruption.

Mr. Norris: I like being interrupted, particularly by my dear friend Senator Taylor-Quinn. The general thrust of her point that Irish neutrality is merely a cynical exercise could be true. She inquired where it is written in stone that Ireland should remain neutral. I must inform her that it is written in stone in the hearts of the people who, regardless of the cynical motivations of politicians in the past, have taken on board the notion of neutrality and have shown a clear commitment to it.

I stated earlier that I believe the Amsterdam Treaty is incremental in nature. A former Member of the House, Mr. Brendan Halligan, referred to that fact in his contribution to Mr. Tonra's book when he stated:

The process of integration is incremental, proceeding in discrete steps. Foundations with limited objectives are laid and then built on successively in the light of experience. What begins as a modest experiment in cooperation grows into established procedures for jointly managing issues of common concern. This may lack elegance as a way of doing things, but it arguably has the merit of working in practice.

Mr. Halligan is correct because it is in this way that we are being led into military alliances for

which the majority of Irish people have no appetite. The Treaty states that 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. This is a significant incremental advance on the militarisation of the European Union. Senator Taylor-Quinn will probably welcome that development.

Mrs. Taylor-Quinn: Is the Senator stating that we should not defend the Union?

An Leas-Chathaoirleach: Senator Norris without interruption.

Mr. Norris: We should not defend something which does not need to be defended. Let us be honest. From a military point of view there is gross cynicism about most of the major players who are not interested in the slightest in human rights.

Let me highlight the shift in EU policy more clearly. The Maastricht Treaty states that 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”. It has moved from an “eventual framing” to a “progressive framing”. Since we have succeeded in obtaining derogations on the Schengen agreement, why did we not follow the Danes who obtained a derogation on this issue? The Danish Government insisted on a protocol, which states:

With regard to measures adopted by the Council in the field of Articles J.3(1) and J.7 of the Treaty of the European Union, Denmark does not participate in the elaboration and the implementation of decisions and actions of the Union which have defence implications, but will not prevent the development of closer cooperation between member States in this area. Therefore Denmark shall not participate in their adoption. Denmark shall not be obliged to contribute to the financing of the operational expenditure arising from such measures.

Mrs. Taylor-Quinn: On a point of information, is Denmark a member of NATO?

An Leas-Chathaoirleach: The Senator is experienced enough to know there is no such thing as a point of information.

Mr. Norris: I do not mind at all, but that is a separate issue.

Mrs. Taylor-Quinn: It is nonsense to quote Denmark.

Mr. Norris: I am establishing that there was a possibility, which has been clearly demonstrated by precedent, for a member of the European Union to obtain a derogation protecting the kind of neutrality to which we say we are committed. I am concerned that not only did we not obtain this derogation but we do not appear to have raised a single peep at the references to the development of cooperation in the European arms industry, particularly in the context of the Titley Report and the report “Links: Ireland's Links with the Arms Trade and Military Industry”, published by AfRI.

The annual production of defence equipment in the European Union is approximately £40 billion, 3 per cent of annual industrial output. The industry employs 600,000 people directly and 400,000 indirectly. I cited these figures in previous debates. With the ending of the Cold War there is a massive European arms manufacturing industry which aggressively seeks markets for its weapons and included in the Amsterdam Treaty is something which actively encourages them. That is very dangerous and a country like Ireland ought to have taken the opportunity to register a strong protest.

The Minister said that in defending the French arms industry, the European Union was not a human rights organisation. We should listen to what Alan Clark, as a defence minister, said on this issue when he was asked how defensible it was to supply massive quantities of arms to the Indonesian dictatorship which was actively involved in the genocide in East Timor. He was asked whether the public should be cynical about assurances, guidelines and denials from government about the sale of arms. He answered:

I don't know what you mean by the public, but I don't think the majority of people give a damn

about it. Unless those weapons are going to be used against our own troops.

He was then asked was it correct that the assumption that the public does not give a damn allows Ministers and officials to deceive? He answered:

Why should they want to deceive if the public doesn't give a damn?

He was then asked whether the matter, in broad terms, was about the right of a small country not to be invaded by a large neighbour. He answered:

Yeah, but they weren't British, were they?

He was then asked whether that made a difference. He answered:

Of course it makes a difference. My responsibility is to my own people. I don't really fill my mind much with what one set of foreigners is doing to another.

This is the man who was in charge of the arms sales policy of our closest neighbour in the EU which, by virtue of its proximity, has a considerable effect on our policy, leading to the inevitability of our derogation from the Schengen agreement.

The Minister said a referendum will be held if there is any change, which I welcome. However, the statement that a referendum would be necessary is completely untrue. On page 167 of the book produced by the Institute of European Affairs, *Amsterdam: What the Treaty Means*, it states:

The new Article J [11-28] provides the Union with a competence for the progressive framing of a common defence policy which might lead to a common defence, should the European Council so decide. This is similar in some respects to the former competence in this area which existed under the Maastricht Treaty. However, the competence is unusually worded. It is very difficult to distinguish between a competence for a progressive framing and a competence for that which is to be progressively framed. The difference in substance between a highly developed common defence policy and a common defence is unclear: the Community has a common agricultural policy but not a common agriculture. It is important to focus on a few of the proposed changes.

Under the present Article J [11-28] the competence is one which both the Union and its member states shall define and implement. This relates to the point I made earlier about the growing transfer of power to the European Union as a unit rather than the member states of which it is composed. The book goes on to state:

Under the new, the Union alone is competent. Under the old, the possibility of a common defence was left up to future treaty amendment. Under the new, the European Council may decide without necessarily amending the treaty.

There is no requirement on the European Council to make this decision at any point — they can continue to develop a common defence policy without ever deciding to call it a common defence. However, if at some point the European Council takes a formal decision, it shall recommend (but not oblige) the Member States to adopt the decision in accordance with their respective constitutional requirements. Unlike in amendments to the treaty, this is not an obligation.

Furthermore, although the position is not crystal clear, it seems that as a matter of Irish constitutional law there would be no requirement for a referendum.

Mr. Gallagher: That is incorrect.

Mr. Norris: It is in a book which is produced by the body which is promoting the Amsterdam Treaty. It is the opinion of a respected practising barrister. The Senator may quote other opinions but there is a difference in opinion among persons more expert in law than anybody else in this House I am aware of.

Mrs. Taylor-Quinn: It is the point of view of a barrister called Diarmaid Rossa Phelan, who is a colleague of Senator Norris' in Trinity College. It is one particular viewpoint.



Mr. Norris: The book goes on to state:

This is because if the Constitution is amended to license ratification of the proposed treaty which encompasses the competence to frame progressively a common defence, and to take a formal decision to institute a common defence, there will not necessarily be any development which would amend the treaties or add a new treaty competence for which a referendum would be required. The closest available precedent was the decision to have universal direct elections to the European Parliament, which had to be adopted in accordance with constitutional requirements. This did not necessitate any further constitutional amendment.

It is not clear that there is any requirement to hold a referendum. I will quote from another barrister on the question of peacemaking and the so-called Petersburg Tasks. This is useful to highlight the cynicism of major players:

Apart from the obvious physical danger, there are other more fundamental issues to be considered. The real agenda of the larger powers may not be apparent at first, and small or middle powers run the risk of being dragged unwittingly into an intervention that owes little to the noble aspirations of the UN Charter. Humanitarian intervention and international law are not high on the priorities of those states whose motives and policies are determined by the *realpolitik* of international relations and domestic concerns.

We should look at the Gulf War and East Timor. Some of us attended a very moving meeting where Senora Pereanez from Colombia spoke about what peacemaking means there. As an elected member of parliament, she has had to be smuggled out of the country to save her life. Members of parliament are burned in the public squares by the authorities. She described peacemaking in areas where the peasants live, they first sort out the local officials and the mayor and then execute them publicly.

Mrs. Taylor-Quinn: Senator Norris is talking about a dictatorship. We are talking about the United Nations.

Mr. Norris: This is supported by the peasants who train the death squads.

Acting Chairman (Mr. Mooney): The Senator's time is up. May I guillotine him, as we are talking in a European context?

Mr. Norris: May I have your indulgence to raise some final points?

Acting Chairman: The Senator's time is up and we intend to suspend the sitting at 1 o'clock.

Mr. Norris: There are four or five points in the peace and neutrality alliance which suggest we should operate not in NATO or the EU, but in a strengthened United Nations. That is the way for Ireland to go and not linking up with an armed nuclear multinational force.

Mr. Lydon: In general the Treaty is good but, unfortunately, a great deal of what is said about it is irrelevant in many ways: because it is so complicated very few people understand what is in it. It contains the provisions of the Maastricht Treaty and the Treaty on the European Union as well, which tends to be forgotten. I hope when the debate enters the public domain — and thanks to the McKenna judgment the Government will put forward both sides of the argument — much of the information will be supplied. Every house should also be supplied free of charge with a copy of both Treaties as many people would read them and, given time, would be able to assimilate what is in them. There are decisions involved which will affect everybody's life in future. It will be passed, as it is the only club in town and we have nowhere else to go. However, Europe has been very good to us over the years.

There is a commitment in the Treaty to common action and police co-operation and it envisages, for example, the operational role for Europol, albeit in a support capacity. There is nothing wrong with this because the Treaty must involve itself in justice and home affairs. It paves the way for co-operation between the police forces of Europe, directly and indirectly. Europol is the beginning of a

new federal police force.

According to the provisions of the Treaty, Europol is required to combat terrorism, drug smuggling, trafficking in women and children, etc., and this cannot be disputed. However, when the Europol Bill was debated in the House I raised fears about it. Within five years of the Treaty's ratification, Europol will be able to undertake operations and investigate crimes, etc. with the police forces of member states and, more importantly, to establish a research documentation and statistical network on cross border crime. However, at no stage during the drafting of the Europol Convention was the European Parliament, consulted even though the Maastricht Treaty obliges the Council of Ministers to keep it informed of key developments on justice and home affairs and take its views into account.

Similarly, the Oireachtas will have no say over the force's operations. The convention was ratified and it cannot be amended. Europol will be even less democratically accountable when the Amsterdam Treaty is ratified, but there must be something that can be done about that. Senator Norris referred to a Protocol, but it is probably too late to negotiate that now. However, this needs to be highlighted strongly. The Council will have to consult the European Parliament about developments in justice and home affairs but, unlike with the Maastricht Treaty, it will not be required to take the Parliament's views into consideration. The Parliament will only have the power to deliver an opinion within three months of new developments, to ask questions of the Council about police co-operation and hold an annual debate on progress in this field. Whereas in our Parliament we can pass any laws we want governing our Judiciary and police force, the European Parliament will have no control over its police force, which will become our police force eventually.

Huge computer databases will be established by Europol and many categories of data will fill up the system which go far beyond what is necessary for fighting organised crime. Under the Europol Convention the force may store data, not just on known and suspected criminals but on people who it is presumed will carry out a criminal offence or any potential victim or witness to a crime. This remit is so wide it will allow data to be stored about virtually everybody. Individuals will not have the right to inspect the files pertaining to them held by Europol or to correct any false data contained in them. These files can hold data on racial origin, religious or other beliefs, political opinions, sexuality and health and lifestyle of suspects "if it is absolutely necessary." However, there are no criteria for judging what is "absolutely necessary." Many fears have been expressed that this police force could or might target certain groups or individuals out of unfounded prejudice rather than because of any strong *prima facie* evidence that they were involved in organised crime. One may think this cannot happen, but one only needs to think of the RUC and how it targeted solicitors who were acting for members of the Irish Republican Army. That has occurred in recent times but the RUC has frequently targeted Nationalist groups and individuals. The British police has targeted Irish people living in England time and time again and I am sure there are other known examples involving other police forces. It is not unthinkable in the future that Europol could target groups because they did not fit the European model.

Europol staff members will enjoy immunity from arrest under rules agreed by EU Ministers last year which will place them above the law. Only the Director of Europol can waive immunity for its staff and it will be more or less at his discretion to decide in what circumstances to do so. He is supposed to waive it where it might impede the course of justice but only if doing so would be without prejudice to the interests of Europol. Do we know what we are signing to in the Amsterdam Treaty? I have no doubt in a few years time people will wake up and ask who were these guys.

Whenever the judicial body of a member state feels that Europol is likely to abuse its powers and cannot reach agreement with the force about waiving immunity, the Council of Ministers shall unanimously decide on the modalities according to which these disputes will be settled. However, these powers are not the same as those enjoyed by a police force in the EU and go beyond the immunity enjoyed by many parliamentarians. In essence, a *carte blanche* is being given to a new police force to establish data and huge files on any EU citizen presumed to be involved in organised or who has witnessed a crime. I do not know who thought it up but I am reminded of the Gestapo.

The Treaty outlines the rights of EU citizens. Jacob Soderman, the European Ombudsman, states with regard to his mandate:

Thus the European Ombudsman only has a mandate to supervise the institutions and bodies of the European Communities. Consequently, he has no right to supervise the activities which take place under the third pillar of the Maastricht Treaty, that is Justice and Home Affairs, and he is not entitled to control national authorities, not even when they apply Community law. This last point in particular constitutes a considerable limitation of the powers of the Ombudsman because, as we all know, the bulk of Community law is actually administered by national authorities.

Therefore, he is no good to anyone. What about petitions to the European Parliament? The Petitions Committee chaired by Mr. Edward Newman, MEP. He said about his committee:

There are various things the Petitions Committee can do. It can forward the petition to the European Commission to obtain more information and then call on the Commission to take certain action. It can forward the petition via the European Parliament President to the appropriate national authority. It can forward the petition, together with a recommendation, to the Council of Ministers. It can make the petition the subject of a report which will be debated by the European Parliament or it can ask another European Parliament committee that specialises in that issue to deal with the petition.

The European Parliament is not a judicial authority and so it cannot revoke legal decisions taken by member states. We can, however, call on the European Commission to refer a case to the European Court of Justice which, after a lengthy period, can result in a member state having to change its law or its practice as a result of a European Court judgment.

That is not much use.

I believe this police force is a dangerous development for democracy. When we take this Treaty as a whole I believe we are establishing an embryonic federal police force. That should be highlighted in information which comes out on the Treaty as it is very important. I do not believe we can do much about it but at least we should be aware.

Neutrality is a vague concept. Senator Norris said that it is written on the hearts of the Irish people. According to a number of studies this is not entirely the case. It is written on the hearts of people opposed to the European Union and it is written as a vague concept. We all know that if we become part of a federal Europe, we will have a defence policy. This is axiomatic. We are pretending if we think we are going to stay completely neutral. We may be neutral in some areas but when it comes to European defence we will not be. Eventually there will be a European army if we go on with this.

The chapter on security and defence in *Amsterdam — What the Treaty Means* mentions Article J.7.1. According to this book “the ‘eventual framing of a common defence policy’ becomes the ‘progressive framing’. If that suggests a hardening of the original aspiration it is balanced by the explicit conditions.”. At the moment we do not have to abandon our neutrality to join anything we do not want to, but in future we will have a common defence policy. We must look at that realistically. If we join a large European Union which will turn out like the United States, with different languages and cultures but with common foreign policies, we will be defending these common policies with our common army. The idea may be sold to us in some package but it will eventually happen.

I am sure the Treaty will come into being and, for the most part, will be good for us but there are some areas, particularly justice, home affairs and the establishment of Europol, about which we must be careful. These things may slip by without anyone noticing. If you ask anyone in the street about the provisions of this Treaty or the Maastricht Treaty, few will know. Few parliamentarians know, but they are there. Somebody put them in for a reason. The price of freedom is eternal vigilance.

Mr. Quinn:   I am in favour of ratifying the Amsterdam Treaty. I regard this Treaty as part of our ongoing commitment to the European ideal. I hope the electorate will vote for ratification by a

sizeable majority. Having said that, I am far from happy with the situation in which we find ourselves. I am bemused at both national and European level that we do not seem to have learned the lessons which emerged when we went about ratifying the Maastricht Treaty just a few short years ago.

I want to set out the lessons we have not learned and I will finish with a concrete suggestion which, if followed through, would greatly reduce the likelihood that we would ever find ourselves in the same position again. When Maastricht came up for ratification a number of issues were clearly raised. I want to focus on two gaps identified at that point. The first was between the needs of Europe as seen by the citizens of Europe and the needs of Europe as seen by the people who administer Europe at national and European level. The second was a presentational gap, the gap between how Maastricht was put to the people and how it should have been put if was going to be clearly understood by everybody.

The Maastricht agenda was essentially bureaucratic and administrative in focus. It covered the single currency and co-operation on issues of justice and foreign affairs. It streamlined EU decision making and touched lightly on defence issues. All these issues were important but they were not the most important concerns of the people of Europe at that time. Maastricht ignored the growing problem of unemployment with which we in Ireland had been living for a long time and which has since come to haunt the rest of Europe. They were the concerns at the forefront of the minds of the people of Europe but they were not the issues addressed in the Maastricht Treaty.

Maastricht also completely ignored the mammoth task of involving the people of Europe in the running of Europe, with the exception of some modest powers granted to the European Parliament. The widespread European backlash against Maastricht which emerged at the time was not due to disagreement to its terms but because people across Europe found it irrelevant to their wants, needs and concerns. Maastricht was not customer driven but neither was it user friendly.

That brings me to the presentational gap. I disagree with the suggestion made by Senator Lydon that a copy of the Amsterdam Treaty should have been handed to every citizen. I found it such a difficult document that I do not know if anyone would be able to get easily through it. To put it bluntly the Maastricht Treaty was unreadable for lay people. I am sure everyone in this House who dutifully waded through that 1,000 pages found it a profoundly frustrating experience. Remember that we as legislators are well used to that stupid and unnecessary convention that all legislation is presented as amendments to existing legislation and those amendments can rarely be understood on their own. We are asking the people of Europe to embrace 1,000 pages of turgidly phrased amendments on issues which reflected a different set of priorities to those which people have. One wonders why we were surprised when the Danes rejected it and the French passed it by the merest whisker. Those reverses gave the powers that be in Europe quite a shock.

*Sitting suspended at 1 p.m. and resumed at 2 p.m.*

Mr. Quinn: I mentioned before the sos that the people of Europe were asked to embrace 1,000 pages of turgidly phrased amendments in the Maastricht Treaty on issues which reflected a different set of priorities from those of the people. We were not surprised that the Danes rejected it in their referendum and that it was only just passed in France. I thought those reverses gave the powers that be in Europe a shock and I naively considered that the same mistakes would never be made again. The former Irish Commissioner, Peter Sutherland, expressed the wish at the time that things would be done differently next time round. However, nothing has changed in the Amsterdam Treaty. In some respects things are even worse.

Despite its faults, the Maastricht Treaty at least dealt with issues of profound importance regarding the future of Europe. Most notably, it set up the framework for economic and monetary union which will dominate our lives for the foreseeable future. The problem with the Amsterdam Treaty is that it has no central core of importance such as that in the Maastricht Treaty. The reason for this is simple: the agenda of the Intergovernmental Conference which led to the Treaty was ducked. The

Amsterdam Treaty does not resolve issues; it dodges them.

The biggest task of the Intergovernmental Conference before the Amsterdam Treaty was to reform the institutions of Europe in advance of EU enlargement. These institutions require reform from top to bottom before enlargement can take place. It would be unthinkable to expand the EU on the basis of arrangements originally designed for only six members which are already coming apart at the seams with 15 members. The major power struggle involve Ireland directly because they are struggles between the big and smaller member states. The imbalance of power among the states, particularly in favour of the smaller member states, which made sense in a Community with only six members is totally unacceptable to the bigger powers in a Community which may eventually have 20 members.

Under the old system, the bigger member states acting together could always impose their will if necessary. However, with a membership of 20 countries or more, unless the power sharing structure is changed, the big states will be in a permanent minority even if they act together. It is not an exaggeration to state that the challenge of reorganising the EU for enlargement is the toughest test the organisation has faced since the original Treaty of Rome. Unfortunately, the discussions leading up to the Amsterdam Treaty totally fudged this issue. It is also fudged in the Treaty. The result is that when one reads the hundreds of pages of legal jargon, one finds little or nothing about this issue. The problems of enlargement have not been resolved.

All the big issues have been pushed down the road for resolution at a later date. The Amsterdam Treaty is no more than a confession of failure to agree, camouflaged by a top dressing of crumbs from the negotiating table. In a recent newspaper article, former Taoiseach, Dr. Garret FitzGerald, for whom I have enormous respect, praised the Treaty because it defends so well Ireland's national interests in the struggle between the big and small member states. That is the case, but the wider reality is that the Treaty is only a finger in the dyke to temporarily stop the problem. The tough issues must be resolved before enlargement takes place. They will not go away and there will come a time when the ducking and dodging must stop.

The Amsterdam Treaty celebrates a failure to agree on all the crucial issues. Therefore, one can understand why the presentation issue has been dodged once again. The people who created this fudge are not likely to advertise this fact, so the Treaty contains hundreds of pages of legal gobbledygook. Once again there is amendment after amendment going all the way back to the Treaty of Rome. I offer my sympathy to the body which incredibly has been charged with the responsibility of putting the Treaty fairly and clearly before the public within the next few weeks. This is an impossible mission. What will the people of Europe make of it all? Most of them will not have a chance to express a view because in most countries ratification does not depend on a referendum.

How can we prevent being in exactly the same position in three or four years? I have a number of concrete proposals to make to the Government. The first is that there should be a European constitution similar to Bunreacht na hÉireann. I am sure all Members carry a copy of the Constitution in their briefcases. It is a short book written in language which, for the most part, can be easily understood. Any schoolgirl or schoolboy can read through it and immediately get a good picture of how the State governs itself, together with the principles which underpin administration and the law. There is no such equivalent in Europe. From this flows the democratic and information gaps between Europe and its citizens. I urge the creation of a constitution for Europe.

My second proposal is that it should be obligatory to submit this constitution to the people of all the member states for ratification. We will only have full and true legitimacy when the EU is endorsed formally by the citizens of Europe. Until then, it will always be the creation and creature of administrators and, to a lesser degree, politicians. The third proposal is that when a Treaty, such as the Amsterdam Treaty, is negotiated, it must be immediately translated into changes to the European constitution. These changes must in turn be put to the people for ratification. Only the changes which the Treaty requires to be made to the European constitution, and not the Treaty itself with all



its legal detail, should be put. Such an initiative would at one stroke close all the gaps.

It would remove the democratic deficit and all the deficit which exists at present. It would also solve the information and presentation problems I mentioned. The people who run Europe would be forced to focus their efforts along channels which relate to citizens' real needs. They would be dominated in their negotiations and decision making by the need to sell any changes to all the citizens of the European Union. I do not suggest a council of perfection, but it is not an idealistic fantasy. It is necessary if the future of Europe is to be fully legitimate. It is a necessity if the future of Europe is not to be stopped in its tracks by an electorate which finally tires of these bureaucratic exercises which appear to bear no relationship to people's real needs.

We should establish a European constitution. I have held this opinion for some time but this is my first opportunity to urge the Government to give it serious consideration. I spent the weekend in the United States and I was again impressed by the operation of the USA system. The USA, in common with Ireland and many other EU countries, has a written constitution. American schoolchildren can read their Constitution and understand the foundation on which their laws are based. We can refer in the same manner to Bunreacht na hÉireann. This is the direction Europe should take and I urge the Government to consider seriously taking steps to putting forward the idea of a European constitution. If so Europe will move in a direction which will strengthen our position in Europe and strengthen Europe for the future.

Mr. Gallagher: I was interested to hear Senator Norris's contribution and if he were here I would debate some of the issues with him, although I did so briefly after his contribution. I compliment the Minister for Foreign Affairs for his address, particularly in the context of his commitment to the all-party talks in the North. I wish him well in the efforts to bring them to a successful conclusion. I compliment him for a clear, succinct and comprehensive address.

I am happier to support the revised wording for the referendum than the original text. I questioned the Leader of the House on a number of occasions seeking information on the new wording. It is unfortunate that the Government published a wording initially which made it more difficult than might have been the case to secure the greatest degree of all-party support. It would have been advisable for the consultation process which followed the publication of the original wording to have taken place prior to it.

I am happy with the amended proposal and that it sets out the need for future co-operation and related elaborations of EU law which may evolve under the sections outlined in the second part to be endorsed by the Oireachtas. This will help to clarify for the electorate the powers for future change contained in the Amsterdam Treaty. It is important to point out, as the Minister did, that the developments in EU competencies which may follow from the Treaty are in Articles 1.11, 2.5, 2.15 and in the Second and Fourth Protocols. It is also important to point out that there is nothing there with regard to the possibility of changing military neutrality.

There is provision under the measures for co-operation in justice and home affairs to negotiate Supplemental Conventions which, when adopted, will have the force of Treaty law. It is important that such conventions are considered by the Oireachtas. This is an important duty which we must discharge conscientiously. Many of the fears expressed by Senator Lydon about the development of Europol and police co-operation can be addressed in the context of those conventions which will in time be considered by us.

Providing for the consideration of such proposals will enhance the role of the Oireachtas. We do not scrutinise the performance of the Government at EU Council level to the degree that we might. We tend to blame the Commission and the bigger member states for decisions, but we do not examine seriously the positions which the Government takes for Council negotiations or the efforts made to implement the decisions taken. I do not suggest that we go to the extremes of scrutiny of the European Affairs Committee of the Danish Parliament, whereby a Minister going to a Council meeting must get a negotiating mandate the week prior and must report back the week after. When

Sweden acceded to the EU its parliament examined the mechanisms for scrutiny of other member states. It considered that we have very few such mechanisms, examined the extent of the Danish parliament's scrutiny and attempted to find a median way for itself. The Oireachtas should seek to follow that course.

In that regard I welcome the proposals for greater consultation with COSAC and the national parliaments. I compliment Deputy Ferris for his work in this regard as chairman of COSAC during Ireland's recent Presidency of the EU. We should spend more time scrutinising the Government's performance at EU level, and the powers which the Houses will have to ratify future engagements under the Articles and Protocols outlined should be used strongly and wisely.

The Amsterdam Treaty is the third substantive amendment to the objectives, structure and powers of the EU. It follows from the previous amendments made by the Single European Act and the Maastricht Treaty. I had far more questions about the Maastricht Treaty than about this one. I found it hard to come down on one side or the other until I heard a speech by Mr. John Hume and was persuaded that on balance it was proper to support it. There are far fewer changes proposed in the Amsterdam Treaty and I am happy to support them, particularly those which relate to improvements in employment and social policy.

A large part of the drafting and negotiation of this Treaty was conducted under the Irish Presidency of the Council of Ministers in the second half of 1996 when Deputy Spring was President of the Council. I compliment the efforts of the Ministers of the then Government and the civil servants in ensuring that the Presidency was successful and for having included in the Treaty many elements of importance for Ireland. Those who may argue for a return to isolationism and protectionism should note the support that we can harness from like-minded interests in other EU states to ensure that the provisions on employment and social matters can be included in what will become EU law. It is a matter of deciding whether the glass is half full or half empty, so to speak. I look at it being half full and we must try to work with like-minded interests to fill it further.

The Amsterdam Treaty proposes a number of reforms to the major institutions of the EU and the means by which they conduct their affairs. Since 1973 Ireland has continued to enjoy favourable representation within the major institutions *vis-à-vis* our population. Under the proposed reforms, Ireland will maintain its right to nominate a member of the Commission. At the time of the next enlargement of the EU it seems likely that those member states that currently nominate two members of the Commission will lose out, thereby ensuring continued Irish membership of the Commission.

The structure of the Council of Ministers will remain unaltered, at least until the next enlargement. While most decisions are now reached by consensus or qualified majority voting, Ireland will maintain its right of veto over matters of vital national importance, such as our position of military neutrality. Furthermore, any future amendments to the Treaty will, as previously, require the unanimous agreement of all member states.

The Treaty's importance lies in the provisions which will allow the public access to all Commission and Council documents and to reports on how votes in the Council were taken in relation to the adoption of legislation to be made. This relates to the scrutiny which we should have on how our Ministers act in the Council.

The power of the European Parliament are further strengthened by the Treaty. In terms of legislative power the Parliament is virtually unrecognisable in the European Assembly of 1957. The greater use of the co-decision procedure substantially strengthens the law making powers of the Parliament and gives the public a greater say through their directly elected members. The decision to introduce a common method of voting in the election of MEPs is to be welcomed and may afford Ireland the opportunity to look at the introduction of a list system in our electoral process. The Treaty also provides that the nominee for President of the Commission must be approved by the Parliament. This will provide a direct link between the two and I hope it is a step towards a possible election of

the Commission President by EU citizens.

The Single European Act and the Maastricht Treaty focused largely on the market dimensions of the Union. The Single European Act paved the way for the internal market and Maastricht put in place the process for EMU. The Amsterdam Treaty provides for new powers in a range of areas which relate much more directly to improving the quality of life of EU citizens. That is why it is easier for me to give reasons to support this Treaty than for supporting Maastricht.

Important advances have been made in the area of employment. The employment policy of the Union should be much stronger, but we should recognise that when the treaty was negotiated, Britain, Germany and other countries were represented by conservative Governments who opposed the notion that the EU should concern itself with employment policy. In that context it was a significant achievement by the Irish Government to have it included.

The central economic objective of Maastricht was EMU and there was no specific mention of an employment objective. The debate since Maastricht has raised in the public mind the necessity for convergence, not just on technical measures associated with EMU but on the necessity for convergence on issues that affect us in everyday life. The Amsterdam Treaty has as an objective a high level of employment. While this does not go as far as we would wish, it nevertheless represents a significant advance on the previous position. To support this objective, a number of measures are indicated to bring higher levels of employment to fruition.

Important advances have also been made in equality. As certain occupations are frequently segregated on gender lines, it is sometimes difficult to establish genuine pay equality. To overcome this difficulty the concept of "work of equal value" has been incorporated into the Treaty to overcome the difficulties that arise when exact comparators are difficult to establish.

I am particularly happy with the measures to combat discrimination and social exclusion, which is a polite name for poverty. The Amsterdam Treaty also provides for the principle of non-discrimination to cover the areas of sexual orientation, race and religion. This means that for the first time the Council can legislate in this area. People with disabilities are also the subject of a declaration on measures establishing the internal market, which provides that the institutions of the Community must take account of their needs. Actions under this provision only require qualified majority voting which should enable such measures to be more rapidly put into effect.

The Social Chapter has been strengthened. The European Union, through the Social Action Programme of the 1970s and 1980s and the Social Chapter in Maastricht, has enabled the introduction of progressive social legislation in Ireland with particular emphasis on workers rights. The Amsterdam Treaty fully incorporates the Social Chapter, which the United Kingdom had previously opted out of, as part of EU law. Irish workers will see the greater benefits of this through provisions such as those already adopted and in relation to future measures, particularly in the area of health and safety in the workplace.

As regards combating poverty, the Treaty contains an amendment on social exclusion. As the White Paper said, this was a matter of particular interest to Ireland during the negotiation of the new Treaty. Social exclusion refers to the position of persons who are not merely unemployed but also marginalised and living in poverty as a result of various types of deprivation, including family breakdown, substance abuse and homelessness. Those matters can now be dealt with and responded to at European level; and I compliment former Ministers, such as Deputy De Rossa, who fought strongly against opposition from other countries and succeeded in having that provision included. The problems we saw with the adoption of the proposed fourth anti-poverty strategy will not arise in the future.

A central issue in the future is the question of how the European social model can be sustained and developed in a fashion compatible with combating unemployment and promoting the Social Europe Agenda. This is an agenda to which the Labour Party and the Party of European Socialists are deeply committed.

Major developments are proposed in the field of justice and home affairs. The main feature is the adoption into law of the Schengen agreement, which allows for the removal of passport controls between member states as well as the development of common rules on asylum and visas. Ireland has, along with the United Kingdom, decided to opt out of this agreement by means of a protocol. While it is regrettable that we will not participate in relation to the removal of passport controls, the decision was inevitable following the decision of the UK to opt out. Irish ratification of Schengen without the UK would most likely have led to a passport requirement for Irish nationals travelling to Great Britain or Northern Ireland. We may, however, under the wording of the protocol, participate in other aspects of the Schengen agreement and it is good that we have the capacity to have our voice heard.

While genuine concerns have been expressed about Europol, the essence of the proposed changes must be recognised. They are intended to fight organised crime and drug trafficking, issues which concern all member states, none more so than Ireland. We more than any other country should realise that international co-operation is required to bring criminals to justice.

To turn to the common foreign and security policy and defence, much has been written about the loss of sovereignty which will occur on ratification of the Amsterdam Treaty. However, the loss of a certain amount of sovereignty is not a new concept in relation to our membership of the European Union. As far back as 1962 the European Court of Justice had clearly stated that the European Community constituted a new legal order for which member states had limited their sovereign rights in certain fields. The loss of sovereignty was, therefore, known about prior to Ireland's accession to the Treaty of Rome in 1973. Many of the more positive changes in Irish law in recent years have arisen through the decision making process of the European Union and the judgments of the European Court of Justice. Businesses, social welfare recipients, workers, holiday makers and students travelling abroad have all benefited from initiatives and decisions of the European institutes. It could be argued that were it not for the pooling of sovereignty within the European Union, Irish citizens would be in a much poorer position today in relation to a whole host of rights and benefits that we now take for granted.

As was stated by the Supreme Court in 1986, only by a constitutional amendment may sovereignty be yielded by the Government. The Amsterdam Treaty provides for less loss of sovereignty than previous Treaties. However, the conferring of extra decision making powers on the EU institutions alters the questions of sovereignty in some respects and thereby necessitates the holding of a referendum.

The issue of a common foreign and security policy is one of the most sensitive areas for Ireland. Since Maastricht, Sweden, Finland and Austria have become members of the Union. While the conditions which were substantially the cause of their neutrality policies — that is, the Cold War — have disappeared, their membership of the Union has given rise to a greater diversity of viewpoints on foreign policy, security policy and defence issues, and that is to be welcomed. In fact, it may be argued that agreement on substantial issues in these areas is now more difficult than heretofore and, furthermore, that further widening of membership to include some of the eastern European states will make convergence of policy in these areas more difficult.

Nevertheless, a number of changes are incorporated in the Amsterdam Treaty which need to be noted. In the area of common foreign policy unanimity is still required. However, an institutional capacity is added whereby a senior civil servant of the Council will assist the Presidency in representing the Union. This role will evolve over time but it is clear that it does not have the capacity to make decisions as these remain the preserve of the national Foreign Ministries led by whichever country holds the Presidency.

While some people have argued that the replacement of the phrase “the Union and its members shall define and implement” common foreign policy by the phrase “the Union shall define and implement” common foreign policy, as a shift away from member states, the retention of decision making in the Council of Foreign Ministers means this change in phraseology is of no practical

consequence.

Much debate on security and defence has focused on Article J7. This article replaces the phrase “the eventual framing of a common defence policy” with the phrase “progressive framing”. There is no doubt that this change in phraseology represents a marginal change in intention, but it is so constrained by requirements that it is difficult to see effective change in practice. For example, any change requires a unanimous decision by the European Council thus giving Ireland a veto on such changes.

I compliment the Minister for his clear enunciation of the position on this matter this morning. He outlined the four locks culminating in a referendum by the people, which would have to be unlocked should Ireland's position in relation to common defence be changed. With respect, I disagree with the opinion expressed by Senator Norris that we could be drawn into a common defence commitment without the necessity of going back to the people. Apart from the fact that both the present Government and its predecessor stated the people will be consulted by way of referendum on this matter, the Constitution provides that only the Dáil can declare war. Any entry into a mutual defence commitment would necessitate a change in our existing constitutional provisions. The people can be doubly reassured on that score.

Article J7 also refers to the role of the Western European Union but in doing so makes specific reference that “this Article shall not prejudice the specific character of the security and defence policy of certain member states”. This provides explicit protection to Ireland's current neutrality. Article J7 defines the content of the common defence policy as including “humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking”. Referred to as the Petersburg Tasks, they do not include the collective defence of Western European Union member states' territories arising from mutual assistance guarantees. I have difficulty with the concept of peacemaking but the Dáil approved the involvement of the Defence Forces in such operations under UN mandate — one led by NATO — in the cases of Bosnia and Somalia.

It is clear that EU international crisis management will continue to be *ad hoc* “coalitions of the willing” reflecting member states' different preferences in relation to different situations.

Environmental protection is substantively strengthened in the Treaty with specific recognition of the need for environmental protection to be considered in relation to all EU funded projects. The Treaty includes a Protocol ensuring proper recognition for the welfare of animals. It states that this will be recognised by the Community in the implementation of its policies, including agriculture.

The Treaty places emphasis *via* a Protocol on a greater role for national parliaments. I hope the Oireachtas will take up not alone the powers it will have should the Treaty be passed, but also the existing powers we already have but do not use to the extent we should. The Treaty also makes a declaration in relation to the abolition of the death penalty in accordance with the European Convention on the Protection of Human Rights.

There is some extension of EU involvement in the area of health which is to be welcomed, particularly in the light of our recent experience of problems with blood products. There is provision for the Council of Ministers to adopt measures to set quality and safety standards in certain areas and to provide incentives for the protection of human health. However, the harmonisation of national laws and regulations is explicitly excluded.

Beidh stádas na Gaeilge i bhfad níos fearr tar éis Chonradh Amsterdam ná mar atá sé faoi láthair. Beidh an ceart ag daoine scríobh chuig aon roinn no oifig d'Aontas na hEorpa as Gaeilge agus freagra a fháil trí mheán na Gaeilge. B'fhéi-dir gur cheart dúinn an ceart seo a chur isteach i ndlí na hÉireann freisin.

The Amsterdam Treaty is a modest step towards European integration. The proposals in Maastricht particularly relating to monetary union are now nearing completion and it is important that the



European Union should address new goals and objectives. The inevitable political and national compromises that were required to bring Amsterdam to conclusion have led to a lesser set of objectives than might have been hoped for. However, the proposals as agreed help in furthering the process of integration and alongside enlarged membership will significantly assist the process of greater co-operation across the entire continent of Europe. Ireland has gained in many ways beyond financial support through our membership of the European Union. Most of the progressive developments in our labour, social and environmental legislation have been brought forward by the European Union.

Developments in areas as diverse as company, insurance and competition law, liability for defective products and consumer protection have emanated from the European Union. The ratification of the Amsterdam Treaty will help further our development with the introduction of further progressive legislation and will maintain our position at the centre of a new and enlarged European Union while retaining our capacity to maintain our traditional neutrality.

Mr. Mooney: I welcome the opportunity to discuss this important and far reaching legislation. I am curious to explore what the current mood is in Europe regarding this Treaty. From what I have read, we are fortunate that this Treaty has been agreed as a move towards further integration of the institutions in Europe and a closer co-operation between member states. I say we are fortunate because the impression seems to be gaining ground that there is a loosening of the determination for further and deeper integration between Germany and France. That has been fuelled primarily by the reunification of Germany which has resulted in a reconfiguration of German thinking on an East-West basis. Allied to that, the decision to relocate the German Parliament from Bonn back to Berlin reorients thinking within Germany. For the first time since the war it has placed Germany in what it sees as its natural habitat as the centre of a psychological middle Europe, albeit geographically non-existent.

This thinking is allied to the decision by the European Union to further expand its membership. This is a significant point because the expansion is inevitably from the east since most of the western European countries have already signed up. In the next few years that expansion will bring in Poland, a large and powerful economic entity with some 60 million people, the Czech Republic to the south of Germany, Slovenia, one of the former Yugoslavian states and Hungary, which is next to Austria. Ironically, that will bring about a rather exciting realignment of the old Austro-Hungarian empire. I mention that for historic rather than any other reasons because that empire was past its sell-by date.

In outlining these changes, the impression seems to be gaining ground that the strong axis between France and Germany — which has provided the engine room of development, particularly in the political arena, over the last 30 years — may be loosening to some degree.

While I do not anticipate the Minister will deliver a lengthy discourse on what is effectively an academic view of where Europe is going, I look forward to his views on the points I have raised regarding the relocation of the German Parliament, the expansion of the Union eastwards and the impact this is having on Germany and on German attitudes to the EU. Perhaps he would also comment on how this will impact on the Union and on Ireland over the next ten years.

I am delighted that Europe, its bureaucrats, civil servants and politicians woke up in time to salvage what appeared to be a serious crisis among the citizens regarding their commitment to further development post Maastricht. It is apparent from the thrust of the Amsterdam Treaty that there has been a realignment of thinking at the highest level in Europe and among the member states towards more citizen oriented policies. That is to be welcomed. The democratic deficit loomed so large as to threaten the future stability of Europe. The results of the referenda consequent on the Maastricht Treaty provided the warning signs, especially in France and Denmark.

It was a miracle that the Danish Government managed to overturn a serious and important referendum result within a short time. What would have happened in Ireland if we had failed to vote

for the Maastricht Treaty? Would the Government have been able and confident enough to go back to the people within a short period of time with the same question in the hope they would reverse their decision? This is what happened in Denmark and it was a good thing, because although we in Ireland have had a traditional enthusiasm for Europe, that has increasingly not been the case among the founding countries of the then EEC.

To a certain extent we in Ireland were inured from that type of thinking because the gravy train has been running since 1973. While it would be unfair to suggest that our only interest in Europe arises from the economic benefits, there is no question but that people in Ireland have benefited substantially. We are more prosperous as a result of the initiatives taken by our European colleagues in the creation of Structural Funds and the continuation of the Social Fund. Although it is not dealt with specifically in this Treaty, I hope Ireland will continue to fight strenuously for a continuance of EU structural and social funding into the early part of the new millennium.

While the arguments are well made, it bears repeating in this House and other public fora that there are gross economic disparities within this country which must be addressed. If there is any diminution in EU Structural and Social Funds to the affected areas — the Border regions and parts of the west, stretching from Counties Donegal to Kerry — the question of subsidiarity will be an academic exercise for the citizens of those parts of Ireland.

I welcome the social inclusion aspirations in the Treaty and the definitive statements that have been made in this regard. After unemployment, social exclusion is the greatest problem facing the citizens of this country. Social exclusion knows no geographical boundaries. It is to be found in my home town of Drumshanbo and the suburbs of Clondalkin. They may be different manifestations but they are two sides of the same coin. If the Government did nothing else in the lead up to the millennium and the expansion of Europe but address the problems our citizens face in those areas, it will have achieved a great deal.

While we can have academic argument about the 15 Articles of the Treaty, go through it line by line, discuss the Schengen agreement and other buzz words, such as flexibility, for the vast majority of people its social and economic impact will decide whether Europe continues to function and progress along the path it has chosen. In this regard, I welcome the emphasis on social exclusion and on the priority given to unemployment. These were absent from the Maastricht Treaty.

Consumer policy has been identified as an area of prime importance by the Treaty. Behind the worthy phrase “defence of consumer interests” is the reality of pricing. There are gross disparities in pricing within the EU. For example, why should citizens of this country pay more to buy a motor vehicle than citizens in Northern Ireland, the rest of the UK or some other EU countries? Why have we tolerated this iniquitous vehicle registration tax, which has been proposed and encouraged by successive Administrations once they found a way around the relevant EU directive? They will continue to get away with it because the EU has no competence in the setting of internal tax policy. That is not a free Europe and it does not make any contribution to the ideal of a Single Market, where we speak in lofty terms about the free movement of goods, people and services. The sooner the Government starts to dismantle this tax the sooner we will move towards a more equitable situation.

We are the largest economic trading block in the world, yet, as my colleagues who have visited the US will testify, one will pay half the price there for the same goods as one will pay in this country, France, Germany or England. Why is this? I am pleased the EU Commission has woken up to the fact and has in recent weeks indicated that there is now the beginnings of a debate. I will be interested in the Minister's comments on the Irish contribution. It does not appear logical that if we are creating a big trading block, our consumer prices are greater than the American model, on which we have to a large extent based our economic model, even down to the creation of a single currency.

Labelling is another area of consumer policy that is of interest to the citizen. There is no uniformity in the labelling of food products across the EU and there are still unscrupulous, large corporations

operating within the EU who are hiding behind subterfuge and double speak, which is not in the best long-term interest of the health of the citizens of the EU. Much has been done and I applaud the efforts of the EU Commission, but a great deal more needs to be done. Again, I am interested in ascertaining Ireland's input into this important area of consumer policy.

We live in a world of great uncertainty, especially in the food chain area. Our people need to be reassured. Our lakes, rivers and seas are being polluted on a regular basis. As an island nation, we have a proud reputation as a food exporting country. Our success in agriculture has been because of our clean, green image. We jealously guard that image, which is now under threat. Farming organisations in Europe recently picketed outside the Commission building while Agriculture Ministers were inside. I compliment our Minister, Deputy Walsh, on holding firm to protect Irish agriculture but the reality is that we are losing the power to involve ourselves in this area. However, the Amsterdam Treaty will go some way towards allaying those fears.

I have no real problem defending Europe's borders. The greatest weakness of the European Union has been an absence of a common foreign and defence policy. This came to fruition with the explosion of hatred and war in the former Yugoslavia. That stands as a black mark on European cohesion which I hope will never be repeated. At least, the megalomaniac and tyrant Slobodan Milosevic has not been allowed to sweep the events in Kosovo under the carpet. I applaud the cohesion Europe is showing in that area. I have no difficulty with our movement towards a common foreign policy as long as our borders are at issue.

I join my colleagues in welcoming this initiative and debate. I wish all of us well on this ship as we sail into the new millennium.

Mr. O'Dowd: Tá súil agam go dtiocfaidh torthaí mhaith as an díospóireacht atá ar siúl againn.

We must sell the Amsterdam Treaty to the public. As we enter the new millennium our country will become increasingly involved with the European Union and it is important for our young people to be confident and forward looking. The boundaries of European countries have frequently changed as a result of wars but European ideas and philosophies have echoed forever in the world, particularly the ideals of the French Revolution of liberty, equality and fraternity which, unfortunately, are still sought in some countries.

The Irish nation has historically been very insular in its views and has had a limited involvement in Europe. The tremendous investment made by the EU over the past ten or 15 years in our roads, environment and infrastructure has made a magnificent contribution to Ireland. Young people, in particular, have a great confidence and awareness and feel very much part of Europe. European studies are very highly thought of in our schools. The passing of this Treaty will be an act of faith for our young people. We are Europeans who want to play our full part in Europe. We are a highly educated, young country which can contribute greatly to the European Union, which will undoubtedly expand in the future.

Defence policy is important. There has been trouble in the Balkan region for centuries. I agree with the thoughtful contributions of Senator Mooney and others that there will be serious problems as Europe expands. We are not in an historic position as a country to understand the problems in areas such as the former Yugoslavia or to know how to solve them. However, we can, as a nation, give a commitment to Europe to solve the problems which will affect the borders of that country.

We have an increasing part to play in supporting a policy of peace in Europe. It is shocking to read about the horrors which occur in those countries, which are much more strife torn than Northern Ireland. It is up to the Government to decide, through a referendum, what role we have to play but I think we should be more involved in such issues. We must play our full part, without offending anyone's policies on neutrality.

I was at a meeting yesterday with the Environmental Protection Agency concerning an asbestos issue in County Louth. There is an EU directive on hazardous waste but, unfortunately, it does not

mention asbestos. However, it was great to be able to refer in a debate which affected a small community in County Louth which was concerned about the effect on public health of an asbestos dump which was built without planning permission, to EU rules and laws and to get what we think will be a very sensible and scientific investigation of the issue. The local authority was unable to deal with the matter because, unlike the EPA, it did not have the necessary knowledge. It is great to see the European Union is filtering down to the little village of Togher in County Louth.

I look forward to my three young children playing their part in Europe. It is as easy for them to travel to Brussels, London or Bonn as it is to travel to Cork. Young people will be happy to support this Treaty as am I.

Senator Mooney referred to the fact that consumer goods are much more expensive in Ireland than in the US. I investigated that as far as I could; I discovered a cartel operates in Ireland in the clothing sector whereby wholesalers will not supply to shops which sell the clothes at less than the price the wholesalers set. The solution is for the relevant Minister — I presume it is Deputy Harney — to tackle such cartels, particularly in the clothing trade. It is an absolute disgrace that clothes are three times more expensive here than in New York, even allowing for a weaker currency.

I welcome the Minister of State. I look forward to playing my full part in the debate. I wish the European Union every success and I look forward to my children playing their part in the future of Europe.

Minister of State at the Department of Health and Children (Dr. Moffatt): I thank those who contributed to this important debate. The Amsterdam Treaty, concluded in June 1997 and signed in Amsterdam in October 1997, has not sprung out of thin air. In a debate on its merits it is important, therefore, to situate the Treaty by outlining briefly the challenges it is designed to address, the context in which it was negotiated and the constraints which applied in those negotiations.

The European Union faces a complex and constantly evolving array of challenges. The Union must accommodate significant further enlargement while at the same time continuing the process of closer European integration. The widening and deepening of the Union must go hand in hand. Senator Mooney made interesting comments about the long-term prospects for the EU and the future attitudes and commitments of some of the larger member states. I agree that some of the long held assumptions may be under review at present if not under threat. It is important that the governments and people of Europe do not begin to take the EU and the process of integration for granted.

The Union must retain and, if possible, increase public support. The European Union belongs to its citizens. It can only succeed and deserve to succeed if it addresses their direct concerns. Its priorities must be the priorities of its people. Its functioning must be open and effective and its institutions must deserve and retain the confidence of the public. The Union must also chart a direction for its future development. It is not fixed in stone. It must combine the ability to act at European level when necessary, with the right to act at national level when appropriate. A delicate balance is required.

It is important to understand also the context in which the intergovernmental conference which negotiated the Amsterdam Treaty sought to address these challenges. As far as the past is concerned, the European Union of today has been created and shaped by a series of Treaties negotiated over a period of almost 50 years. The Amsterdam Treaty amends those existing Treaties and constitutes another step in a process to which the Irish people have committed themselves on several occasions. I emphasise that the Treaty provisions on Economic and Monetary Union have not been affected in any way. As far as the future is concerned, the negotiations were not only aimed at equipping the Union to tackle more effectively key issues such as unemployment and crime, but were also designed to take a step towards shaping the enlarged European Union of tomorrow.

The intergovernmental conference operated on the basis of unanimity. No Treaty change could be agreed unless every member state accepted it. This requirement was an appropriate and necessary

protection for each member state. However, an awareness of this self-evident constraint is necessary to any understanding of the negotiations and any evaluation of the outcome. Many people, freed of such constraint, might have written the perfect Treaty — perfect, except that it would lack the balanced welding together of national perceptions, aspirations, sensitivities and interests which lie at the heart of the European Union. It is that welding together of difference in the common interest which still makes the European Union the most exciting venture in relations between free democratic countries anywhere and at any time.

Support for the Treaty is rightly understood as support for the continued, full and committed participation of Ireland in the process of European integration. The Amsterdam Treaty is a good deal for Ireland, for Europe and for the European citizen. It addresses core issues which affect daily life throughout Europe, such as employment, the environment, social policy, in which all 15 member states will now participate, public health, consumer rights and combating discrimination, including provision for protection for the disabled. It establishes fundamental rights on a treaty basis for the Union. It creates a framework in which freedom of movement can be progressively realised to the maximum extent possible. It couples this with flanking measures in areas such as external border controls and fighting international crime.

There will also be widespread support for those aspects of the Treaty which deal with the related areas of freedom of movement and fighting international crime. The aim of the Treaty in this area is to enhance the capacity of member states to ensure the safety of their own citizens by developing common action among themselves in the fields of police and judicial co-operation in criminal matters. The Amsterdam Treaty subjects this type of co-operation, which has been developed in the Union since Maastricht, to democratic and judicial controls for the first time. I emphasise that the new role which the Amsterdam Treaty assigns to the European Parliament and to the European Court of Justice in third pillar matters will help to ensure that co-operation between member states in police and judicial matters develops in accordance with the principles of fundamental rights which are enshrined in the Treaty.

The Treaty is a good deal for Europe because it strengthens and makes more coherent the foreign policy capacity of the Union and better prepares the Union for the next historic enlargement phase. Importantly for Ireland, there is no change in the right of each member state to nominate a full member of the Commission. In advance of the Union's membership exceeding 20, the Union's institutions will be further examined to ensure that the functioning of the Union is not impaired by enlargement. The outcome of this future review of the Union's institutions is not prejudged in any way.

I welcome and endorse the view that the European Union should play a full and positive role on the international stage. I want to take up some of the issues raised by Senators during the debate. I repeat in the clearest possible terms that Ireland's neutrality is not affected by this Treaty. This Government's commitment, which repeats commitments given by successive Governments, to put the issue of a common defence to the people for decision, if it were ever to arise in the future, ensures that the issue of military neutrality remains one for the people to decide.

The EU does not aspire to become a nuclear superpower, waging war on neighbouring countries or regions and there is nothing in the Amsterdam Treaty which supports such a contention. The inclusion of the Petersberg tasks in the new Treaty should not be seen as a threat to the United Nations. Successive Secretaries-General, including Mr. Kofi Annan, have called for greater regional support for the efforts of the United Nations in the peacekeeping and crisis management areas. The Treaty explicitly situates the CFSP in the context of the principles of the UN Charter.

In recent years the experience of the international community in former Yugoslavia, Albania and the Great Lakes region of Africa have all demonstrated that if the international community is going to play a role in conflict management and post-conflict rehabilitation, a greater degree of commitment from the EU is required. The progressive framing of a common defence policy is situated in the context of the Petersberg tasks, which were conceived in the context of support for the UN and



OSCE. This is in line with Ireland's position on international peacekeeping, an area where the members of our Defence Forces and Garda Síochána have served with distinction for many years with the popular and proud support of the Irish people. Ireland wants the EU to make an improved contribution to international peace and security in accordance with the principles of the UN charter. We are willing to contribute to these tasks on a case by case and voluntary basis.

It was suggested this morning that Ireland could be brought unwillingly into participation in international actions. This is absolutely not the case. I repeat that any participation by Ireland in conflict prevention or crisis management tasks under the provisions of the Amsterdam Treaty would be on a voluntary and case by case basis.

It was asked why Ireland did not seek an opt-out or protocol in relation to the CFSP provisions of the Treaty of Amsterdam as Denmark had done. This comparison is misleading. Denmark is a member of NATO, and its concerns have been based not on a policy of neutrality, but on a concern that NATO's role in European security and defence should not be undermined. I should also point out that as there is no threat to Ireland's neutrality in the Treaty of Amsterdam, the question of an opt-out or protocol to protect our position does not arise.

Ireland is not a member of the Western European Union and has no intention of joining. Our three fellow neutral members of the EU, Austria, Finland and Sweden are, like Ireland, observers at the Western European Union. The importance of our continuing observer status in the Western European Union is underlined by the inclusion in the Amsterdam Treaty of the Petersberg Tasks, which will be carried out by the Western European Union at the instigation of the EU. Integration of the Western European Union into the EU is not an agreed objective of the EU and is not provided for anywhere in the Treaty or its Protocols. The Amsterdam Treaty's provisions on the common foreign and security policy are in keeping with Ireland's constructive approach to foreign policy.

It is clearly in Ireland's interest and in accordance with our long established European policy to be at the heart of the process of European integration. The Government and, I believe, the people of Ireland would wish the State to have the capacity and the freedom to continue to participate fully in the Union's development. The wording of the constitutional amendment contained in the Bill before the House, and which the Government proposes to put to the people will, if accepted, ensure that Ireland can remain at the heart of the European project. The tasks ahead in the process of European integration are very significant for the development of peace and security in Europe as a whole. Ratification of the Amsterdam Treaty is a next and necessary step in the completion of those tasks. I believe this view is shared by the overwhelming majority in this House. The views expressed in this debate encourage me to have confidence that the Government's support for the Amsterdam Treaty will be endorsed by the people as a whole in the forthcoming referendum.

Cuireadh agus aontaíodh an cheist.

Question put and agreed to.

Aontaíodh na Céimeanna eile a thógáil inniu.

Agreed to take remaining Stages today.

## An Bille um an Ochtú Leasú Déag ar an mBunreacht, 1998: An Coiste agus na Céimeanna a Bheidh Fágtha. - Eighteenth Amendment of the Constitution Bill, 1998: Committee and Remaining Stages.

### **Wednesday, 1 April 1998**

An Leas-Chathaoirleach: As the substance of the debate on the Bill will relate to the wording of the proposed constitutional amendment contained in the Schedule to the Bill and since it would be appropriate to have that Schedule decided upon before deciding on section 1 of the Bill which actually provides for its insertion into the Constitution, I am suggesting that the House postpones consideration of sections 1 and 2 of the Bill until after the Schedule shall have been agreed. This is a procedure which has been adopted on Committee Stage in the Seanad in the case of previous Bills to amend the Constitution and which, I suggest, would lend itself to a more logically ordered debate. I would, therefore, ask the Leader of the House to move, in accordance with Standing Order No. 89, that consideration of sections 1 and 2 of the Bill be postponed until the Schedule shall have been disposed of.

Mr. Lydon: I move: "That, in accordance with Standing Order 89, the consideration of sections 1 and 2 of the Bill be postponed until the Schedule shall have been disposed of."

Question put and agreed to.

Aontaíodh leis an Sceideal.

Schedule agreed to.

#### ALT 1. SECTION 1.

Tairgeadh an cheist: "Go bhfanfaidh alt 1 mar chuid den Bhille."

Question proposed; "That section 1 stand part of the Bill".

Mrs. Taylor-Quinn: This is a proposal fundamentally to amend Article 29 of the Constitution. The Minister, in his response to Second Stage, reiterated what the Minister for Foreign Affairs had said earlier about neutrality.

However, there is a fundamental flaw in what the Minister said on this issue. In my view the proposed amendment will, for the first time, place in the Constitution our position of neutrality. The Minister has said it will not have this effect but, in my view, it will. I believe that to give a constitutional basis to Ireland's neutrality will be a retrograde step. I am concerned that a body of opinion holds that the Amsterdam Treaty threatens our neutrality and will lead to Ireland becoming part of a European military alliance. The contrary is the case. As a result of this constitutional amendment our neutrality will be formally framed in the Constitution and cannot be changed unless an intergovernmental conference is held on the issue, the Council of Ministers unanimously agrees to the change and a referendum is held here. It is dangerous for the Government to articulate the view that the proposed amendment will not alter Ireland's position of neutrality.

An Leas-Chathaoirleach: We are debating section 1. Your comments would have been more appropriate to the Schedule which we have already agreed.

Mrs. Taylor-Quinn: That is a matter of interpretation. I think you could give me the benefit of the doubt.

An Leas-Chathaoirleach: I have given you that so far.

Mrs. Taylor-Quinn: The Minister, in his response, referred to conflict management and post-conflict rehabilitation. The terminology is convoluted. Why do we not have the honesty to talk about war and peace. We should speak in simple terms so that people know what we are talking about.

Mr. Mooney: Think of all the people who would lose their jobs if we did that.

Mrs. Taylor-Quinn: The more convoluted our language the more difficult it is to understand. We are not in the business of confusing people.

An Leas-Chathaoirleach: Have you a question for the Minister, Senator?

Mrs. Taylor-Quinn: We should speak clearly about war, peace, peacekeeping and peace enforcement. The more simple the language the more likely people are to know for what they are voting. If we are to communicate our message before 22 May it is important that we use straightforward language rather than the jargon of high diplomacy, which is meant only for the select few. I hope the officials will further dilute and simplify the detail surrounding this issue. It is fundamental that the Government should ensure that the question of neutrality is clearly presented to the people. In my view, the Minister seems to take a different position on this matter.

Minister of State at the Department of Health and Children (Dr. Moffatt): I am glad the Senator expressed a personal view. Hers is not the view held by——

Mrs. Taylor-Quinn: To which of my views is the Minister of State referring?

Dr. Moffatt: I was referring to her view on neutrality.

Mrs. Taylor-Quinn: It is also my party's view.

Dr. Moffatt: The Senator reiterated that it is a personal view, it is not my view or that of the Minister for Foreign Affairs. The general opinion is that acceptance of the Treaty will not affect our neutrality.

The Senator referred to a term used in my reply to Second Stage, with which she had some difficulty. The precise wording I used was “post-conflict rehabilitation”.

Mrs. Taylor-Quinn: That is the phrase to which I referred.

Dr. Moffatt: The Senator knows all about rehabilitation. The term “post-conflict rehabilitation” has been part of the vocabulary of the UN for a long period.

Mrs. Taylor-Quinn: It is not part of the vocabulary of the normal Irish voter.

Dr. Moffatt: The term “rehabilitation” means just that, regardless of who uses it.

Mr. Mooney: The term describes what is happening to the Clare hurling team at present.

Cuireadh agus aontaíodh an cheist.

Question put and agreed to.

Alt 2 aontaithe.

Section 2 agreed to.

Aontaíodh leis an Teideal.

Title agreed to.

Tuairiscíodh an Bille gan leasuithe, chun an bhreithiú deiridh a dhéanamh air agus ritheadh é.

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

## **An Bille um an Ochtú Leasú Déag ar an mBunreacht, 1998: Tairiscint. - Eighteenth Amendment of the Constitution Bill, 1998: Motion.**

**Wednesday, 1 April 1998**

Mr. Lydon: Tairgim:

GO ndéanfar an ráiteas atá leagtha amach sa Sceideal a gabhann leis an Rún seo a fhorordú mar eolas do vótálaithe he bhun alt 23 d'Acht an Reifrinn, 1994 (Uimh. 12 de 1994), i ndáil leis an togra chun Airteagal 29 den Bhunreacht a leasú atá ar áireamh sa Bhille um an Ochtú Leasú Déag ar an mBunreacht, 1998, agus is ábhar do reifrinn bunreacht.

### An Sceideal

1. Is é atá beartaithe leis an mBille um an Ochtú Leasú Déag ar an mBunreacht, 1998, na fo-ailt seo a leanas a chur isteach i ndiaidh fho-alt d'alt 4 d'Airteagal 29 den Bhunreacht:

“5<sup>o</sup> Tig leis an Stát Conradh Amstardam ag leasú an Chonartha ar an Aontas Eorpach, na gConarthaí ag bunú na gComhphobal Eorpach agus Ionstraimí gaolmhara áirithe, a síníodh in Amstardam an 2ú lá de Dheireadh Fómhair, 1997, a dhaingniú.

6<sup>o</sup> Tig leis an Stát na roghnuithe nó na rothanna a fheidhmiú a shocraítear le hAirteagail 1.11, 2.5 agus 2.15 den Chonradh dá dtagraítear i bhfo-alt 5<sup>o</sup> den alt seo nó fúthu agus leis an dara Prótacal agus leis an gceathrú Prótacal atá leagtha amach sa Chonradh sin nó fúthu ach beidh aon fheidhmiú den sórt sin faoi réir ceadú a fháil roimh ré ó dhá theach an Oireachtais.”

2. MÁ THOILÍONN TÚ leis an togra, cuir X os coinne an fhocail TÁ ar an bpáí-péar ballóide.

3. MURA dTOILÍONN TÚ leis an togra, cuir X os coinne an fhocail NÍL ar an bpáí-péar ballóide.

4. Is féidir cóip den Bhille a iniúchadh nó a fháil saor in aisce in aon Phost-Oifig.

I move:

THAT the statement set out in the Schedule to this Resolution be prescribed for the information of voters pursuant to section 23 of the Referendum Act, 1994 (No. 12 of 1994), in relation to the proposal to amend Article 29 of the Constitution which is contained in the Eighteenth Amendment of the Constitution Bill, 1998, and is the subject of a constitutional referendum.

### Schedule

1. The Eighteenth Amendment of the Constitution Bill, 1998, proposes to insert the following subsections after subsection 4<sup>o</sup> of section 4 of Article 29 of the Constitution:

“5<sup>o</sup> The State may ratify 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.

6<sup>o</sup> The State may exercise the options or discretions provided by or under Articles 1.11, 2.5 and 2.15 of the Treaty referred to in subsection 5<sup>o</sup> of this section and the second and fourth Protocols set out in the said Treaty but any such exercise shall be subject to the prior approval of both Houses of the Oireachtas.”

2. IF YOU APPROVE of the proposal, mark X opposite the word YES, on the ballot paper.

3. IF YOU DO NOT APPROVE of the proposal, mark X opposite the word NO on the ballot paper.

4. A copy of the Bill can be inspected or obtained free of charge at any Post Office.

Cuireadh agus aontaíodh an cheist.

Question put and agreed to.

## **Ordú an Reifrinn (An Páipéar Ballóide), 1998: Tairiscint. - Referendum (Ballot Paper) Order, 1998: Motion.**

**Wednesday, 1 April 1998**

Mr. Lydon: Tairgim:

Go gceadaíonn Seanad Éireann an tOrdú seo leanas ina dhréacht:

Ordú an Reifrinn (An Páipéar Ballóide), 1998.

Ordú ar leagadh cóip de in a dhréacht faoi bhráid Sheanad Éireann an 13ú lá de Mhárta, 1998.

I move:

That Seanad Éireann approves the following Order in draft:

Referendum (Ballot Paper) Order, 1998.

A copy of which Order in draft was laid before Seanad Éireann on the 13th day of March, 1998.

Mr. Mooney: I cannot let this opportunity pass to compliment the Minister and his officials. This is a momentous occasion because we are enacting legislation to change the Constitution, which does not often happen. I compliment those involved in reaching a speedy resolution to the debate.

Mrs. Taylor-Quinn: I join Senator Mooney in complimenting the officials of the Department of Foreign Affairs and the various Ministers — in this Government and its predecessor — who did trojan work through the intergovernmental conference and the reflection group in drafting this legislation. Much discussion and negotiation took place and member states had to compromise to ensure that everyone was satisfied with the final conclusions. While I would prefer the Treaty to be stronger in certain areas, we must recognise that it was developed in tandem with negotiations on economic and monetary union.

The officials in the Department of Foreign Affairs are to be complimented for their efficiency and effectiveness. They are some of the most competent and capable people in Europe. In the past Irish interests were well protected through their efforts and we have gained many benefits since 1973, particularly from the negotiations on the Single European Act and the Maastricht Treaty. We will continue to benefit but we are now faced with having to make a contribution. We will do so with the generosity traditionally associated with the Irish people. I hope the referendum will be successful because it is in our interests as citizens of Ireland and Europe that it is passed on 22 May.

Mr. Gallagher: This morning I complimented the Minister for Foreign Affairs, Deputy Andrews, on his contribution and the officials involved in the negotiations on the Treaty in recent years. I reiterate those compliments now.

We have decided to put before the people a proposal to change the Constitution. Those of us who agree that it should be changed in the direction outlined in the debate have a job to convince the people in that regard. We will not be able to engage in an eve of vote plea to people to vote in favour of acceptance because of the money involved. Perhaps that is good because we will be obliged to address the substantive issues.

I wish the new commission well in its arrangements for putting the information, pro and con, to the people. It has a major job to do. However, I am sure it will be no worse than the efforts made in



respect of the bail referendum when one needed a magnifying glass to read the details printed in newspaper advertisements. I trust the Commission's efforts will be more comprehensive and easier for people to understand. A number of meetings will be organised during the campaign at which arguments in favour of and against acceptance will be put forward. I look forward to taking part in them.

It is good that money is not an argument because our eyes might be opened to the real success of the European Union. This morning I stated that I had been convinced to vote in favour of the Maastricht Treaty by virtue of a speech made by John Hume in Galway. He placed the conflict in this country, which we are currently trying to resolve, in the context of the peace which has existed in Europe since the foundation of the European Economic Community. It is within that context that we have a duty to advocate our arguments. I trust that the referendum will be successful.

Minister of State at the Department of Health and Children (Dr. Moffatt): I thank Senators for their contributions. I will return to a number of the questions I answered, particularly those related to food labelling, when the House deals with the food authority Bill. I thank the officials from the Department of Foreign Affairs for their assistance.

Cuireadh agus aontaíodh an cheist.

Question put and agreed to.

*Sitting suspended at 3.30 p.m. and resumed at 6 p.m.*

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