

Debate on the Lisbon Treaty referendum

Thu, Jun 05, 2008

Madam, - Danny Haskins's excellent letter of May 29th wonders where are the brave defenders of the whole European Union achievement. Fintan O'Toole (Opinion, June 3rd) explains how the "progressive and civilising" role of the EU in supporting real political struggle by people against power has been swallowed up by the emphasis on structural reform and other abstractions to accommodate EU expansion.

Some of the radio commentary in particular on the Lisbon Treaty has been too focused on such fripperies as the squabble between Taoiseach Cowen and Fine Gael members, with some commentators even claiming that the offended Fine Gaelers may vote No in revenge. This is a far cry from a Bosnian woman activist's urgent plea to a meeting in UCD's Equality Studies department about three years ago to campaign for her country's earliest possible entry to the EU.

Likewise, the wonderful Serbian human rights advocate Sonja Biserko highlighted what EU conflict resolution means for her country following the recent election success of President Tadic's pro-EU party: "An active role by the EU continues to be of primary importance for further developments in Serbia, for it has become evident that there is no alternative to the EU's mobilising force."

Is it of small consequence that a little over a decade ago an atrocious genocidal war occurred at the heart of Europe? Many serious disputes - that in Kosovo being a notable example - persist over boundaries and the rights of minorities. Membership of the EU, with the prospect of urgently needed economic growth, is much the best way of guaranteeing peace and stability in our continent.

Fintan O'Toole's concerns regarding absence of vital political issues from the EU debate has also been highlighted by the British commentator on Europe, Timothy Garton Ash who has warned of grand ennui, the risk that the entire European project will collapse under its own inertia.

Let's try to ensure that we don't contribute to this disintegration on our watch. - Yours, etc,

VALERIE HUGHES,

Cabra,

Dublin 7.

Madam, - Kathy Sinnott (Opinion, June 3rd) makes a number of suggestions as to what the Irish could do with the "enormous leverage" we would have as a result of voting No. We could, she says, ask for real protection for farmers, restoration of our fisheries, a guarantee that the treaty will not supersede our Constitution, a guarantee against tax harmonisation, etc.

Why stop there? We could demand an instant reversal of global warming, complete global redistribution of wealth and an end by 2009 to all world hunger, just to name a few.

Of course the reality is that the Lisbon Treaty is merely an attempt to make the EU more efficient in the light of the massive increase in its membership over the past 12 years. If we vote No, all that will happen is that the institutions will continue to operate in the relatively inefficient way they do now. (Oh, and of course the

Charter of Fundamental Rights will not be officially incorporated.)

Therefore what will actually happen is that more funds will continue to be used in the running of the institutions and less will be available for funding the various projects that benefit all the member-states, including Ireland.

Ms Sinnott suggests further that we could give the EU real democracy. One might argue that one of the examples of real democracy is the right of people to elect someone as an MEP even though that person appears to have little understanding of the institution of which he or she is a member. - Yours, etc,

DAVID ROBBIE,

Seafield Crescent,

Boosterstown,

Co Dublin.

Madam, - I am indebted to Senator Eugene Regan SC (June 2nd) for bringing up several points about the proposed treaty, though in many respects he's the one who has got it wrong.

Senator Regan speaks throughout his letter of EU law. This is a fundamental mistake, one that even a beginning law student would see as clearly wrong. As it stands now, there is no such thing as EU (Union) law, but only EC (Community) law. It is the EC — European "Community" — which has made European laws for the past 30 years, not the European Union, which does not make laws. And the sentence in the Irish Constitution giving supremacy to European law refers to the Community, not the Union.

In this context, what is important to realise is that a new state is to be created under this treaty, and that we are to be citizens of this new state. The Community is abolished in the process.

Indeed, in the Amendment to our Constitution which deals with the Lisbon Treaty, every voter is asked to accept that Ireland is to be a member of a new EU, "established by virtue of that [the Lisbon] Treaty". In other words, the Lisbon Treaty actually "establishes", or one could say "constitutes", a new EU, one which is essentially different from that which we live in today.

In short, the Lisbon Treaty is the EU Constitution in disguise, a Constitution already rejected by the French and the Dutch. It supersedes all other treaties, including the Maastricht Treaty. And, for the first time, primacy is specifically mentioned in the treaty. This is what is new.

This step would add a whole new dimension to the issue of citizens' rights, for we would henceforth have EU citizens' rights, as well as Irish citizens' rights, and the EU Court of Justice would decide what they are in any case of doubt or dispute.

The rights of EU citizens are set out in the Charter of Fundamental Rights, which becomes legally binding for the first time, and once we are made into real EU citizens, the ECJ will decide what our rights are in specific court cases in the years and decades to come.

If Senator Regan and the other legal correspondents, Mr Walshe and Mr Geary, read the 28th Amendment on which we shall vote June 12th, it is clear that the Irish Constitution, and any protections attached to it, are superseded by the all-embracing provisions in the Amendment.

Ireland has already surrendered its competency on "services". This includes abortion, as the EU regards abortion as a "service". Under the treaty, a citizen of the new EU would be entitled, under the Charter of Fundamental Rights, to bring a case to the European Court of Justice (ECJ) seeking that this "service" would be available in Ireland, as it is elsewhere throughout almost all the EU.

I find it extraordinary that Senator Regan, Mr Walshe and Mr Geary, purporting to use their legal expertise, have got it so profoundly wrong. - Yours, etc,

RICHARD GREENE,

Cóir,

Capel Street,

Dublin 1.

Madam, - As pointed out by lawyers such as David Geary (May 27th) and Declan Walsh (May 28th), several of the No-to-Lisbon arguments put forward by groups such as Cóir are factually incorrect, and founded on a misrepresentation of the Lisbon Treaty.

How unfortunate that the outcome of a key referendum on an international treaty, painstakingly negotiated among 27 nations, may be influenced by the propaganda of groups which employ arguments that have been shown to be invalid.

It is an extraordinary fact that a false statement concerning one's neighbour can result in litigation (although only one person is affected), while public statements that are demonstrably untrue, and may adversely affect the future of both Ireland and the entire European Union, can be made with impunity. - Yours, etc,

Dr CORMAC Ó RAIFEARTAIGH,

Lecturer in Physics,

Waterford Institute of Technology,

Waterford.

Madam, - Although I never agreed with Barry Desmond's attitude to the republican movement, I nonetheless hold him in the highest personal regard. In particular he distinguished himself as the only Minister for Health in my lifetime who stood up to the powerful vested interests of consultants. Simultaneously he fended off attempts to slash health spending by Thatcherite elements in the government of the day.

However, he grossly misrepresents our union's position on the Lisbon Treaty in his letter of June 4th. We have made no demand for a Government declaration to implement "statutory union negotiating rights". Our position is that we will support the Lisbon Treaty if the Government commits to legislate for an entitlement to the benefits of collective bargaining for workers (and, by implication, prohibition against discrimination for seeking to organise to achieve it). This is enshrined in the treaty through the Charter of Fundamental Rights. It is already enjoyed by workers in virtually every other country in the EU. However, it will be of little practical value here even if the treaty is ratified, unless the Oireachtas legislates for it.

The issue is far far more significant than industrial relations, important though they are. It is one of the critical measures balancing the interests of workers with those of business in the treaty, which promotes a free-market economy. It affords ordinary people some possibility of developing a countervailing force to the awesome power of global capitalism. It provides a basis for articulating their interests in political lobbying, affording them some influence in the course of events. It strengthens democracy in society and it has been central to the success of the EU project.

Barry's allegation that I "know full well that successive taoisigh have already given commitments that, in the event of the charter being adopted with the Treaty, it will be given legal force", is simply untrue. I know nothing of the kind. However, if it were the case, it must be possible for the Taoiseach to reiterate those commitments and offer some reassurance as to what they mean. In that case we would be able to recommend support for the treaty. - Yours, etc,

JACK O'CONNOR,

General President,Siptu,

Liberty Hall,

Dublin 1.

Madam, - I have a dilemma. I really want to vote in the forthcoming Referendum. I have listened to both sides and read a range of material and I still don't know. Many colleagues, friends and family find themselves in the same position.

I am considering one possible solution: a pairing arrangement. I pair off with another don't know. One of us votes Yes and the other votes No. In this way we both cast our votes and respect the fact that we truly don't know. — Yours, etc,

FRANK NAUGHTON,

Ballyfermot,

Dublin 10.