

14 May 2008

Referendum Commission must fulfil its statutory obligation

Former Green Party MEP Patricia McKenna has called on the Referendum Commission to fulfil its statutory obligation and explain clearly to people what they are being asked to vote on on the 12th of June. McKenna was responding to the Referendum Commission's booklet which is being delivered to homes throughout the county this week. She said "The Referendum Commission is thus far failing in its statutory duty to provide and explain the full text of the 28th Amendment to our constitution. The fact that the full text of the amendment is not being provided and explained to voters by the Commission indicates a major problem that will have to be legally addressed if it is not rectified."

McKenna said, "The 1998 Referendum Act makes it clear that the Referendum Commission is statutory obliged '*to prepare a statement or statements containing a general explanation of the subject matter of the proposal (i.e. the proposal to amend the Constitution) and of the text thereof in the relevant Bill and any other information relating to those matters that the Commission considers appropriate.*' It is deeply disturbing that this independent body, which has the important function of providing and explaining the constitutional amendment being proposed has not even give voters the text the must consider. Indeed the Commission does not even have the full text on its own web site."

Speaking about the booklet which is being delivered to homes throughout the country, Ms McKenna said "The Commission's booklet is quite misleading in that it states, on page 2: '*You are being asked to decide whether or not to change the Constitution of Ireland to allow Ireland to ratify the Treaty of Lisbon.*' But this omits a significant part of the decision Irish voters are being asked to make on June 12th regarding the proposed constitutional amendment.

The first sentence of the constitutional amendment, set out in the 28th Amendment of the Constitution Bill 2008, makes clear that the amendment's purpose is to enable the state to ratify the Treaty of Lisbon and to be "*a member of the European Union established by virtue of that Treaty.*"

Ms McKenna said "It is most disturbing that the Referendum Commission does not mention the second part of this sentence and also makes no reference to the vital sentence following, which would give the "laws, acts and measures" of the post-Lisbon European Union constitutional superiority over our Irish constitution and laws."

"The Referendum Commission has been given nearly €6 million of taxpayers' money to explain to the people what they will be voting on on the 12th June. It is vital that this money is well spent and that people are in no doubt about what they are being asked to agree to" concluded McKenna.

Relevant text of amendment:

"10° The State may ratify the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon on the 13th day of December 2007, *and may be a member of the European Union established by virtue of that Treaty.* (emphasis added)

11° No provision of this Constitution invalidates laws enacted, acts done or measures adopted by the State that are necessitated by membership of the European Union referred to in subsection 10° of this section, or prevents laws enacted, acts done or measures adopted by the said European Union or by institutions thereof, or by bodies competent under the treaties referred to in this section, from having the force of law in the State."

[ENDS]

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