



RESEARCH PAPER 01/57
21 JUNE 2001

The Irish Referendum on the Treaty of Nice

The people of the Republic of Ireland voted against ratification of the Treaty of Nice in a referendum on 7 June 2001.

The Treaty contains amendments to the EC/EU Treaties, including institutional reforms to help prepare the EU for enlargement up to 27 members.

This outcome was greeted with shock and disappointment by the Irish Government, the European Commission and other EU Member States, but the European Council has decided that national ratification processes and the enlargement negotiations should continue.

This Paper looks at the background to the Irish referendum, the implications of the vote for Ireland and for Europe as a whole, and options for action in the light of the referendum result.

Vaughne Miller

INTERNATIONAL AFFAIRS AND DEFENCE SECTION

HOUSE OF COMMONS LIBRARY

Recent Library Research Papers include:

List of 15 most recent RPs

01/41	The <i>Adoption Bill</i> [Bill 16 of 2000-2001]	29.03.01
01/42	Economic Indicators	02.04.01
01/43	Parliamentary Pay and Allowances: current rates	03.04.01
01/44	The <i>Elections Bill</i> [Bill 80 of 2000-2001]	03.04.01
01/45	Unemployment by Constituency, March 2001	11.04.01
01/46	Taxation of Charities	12.04.01
01/47	Rural Rate Relief	30.04.01
01/48	Economic Indicators	01.05.01
01/49	The Treaty of Nice and the future of Europe debate	01.05.01
01/50	European Security and Defence Policy: Nice and beyond	02.05.01
01/51	The Burden of Taxation	10.05.01
01/52	Road fuel prices and taxation	11.05.01
01/53	Unemployment by Constituency, April 2001	16.05.01
01/54	General Election Results, 7 June 2001	12.06.01
01/55	Unemployment by Constituency, May 2001	13.06.01

Research Papers are available as PDF files:

- *to members of the general public on the Parliamentary web site,
URL: <http://www.parliament.uk>*
- *within Parliament to users of the Parliamentary Intranet,
URL: <http://hcl1.hclibrary.parliament.uk>*

Library Research Papers are compiled for the benefit of Members of Parliament and their personal staff. Authors are available to discuss the contents of these papers with Members and their staff but cannot advise members of the general public. Any comments on Research Papers should be sent to the Research Publications Officer, Room 407, 1 Derby Gate, London, SW1A 2DG or e-mailed to PAPERS@parliament.uk

Summary of main points

- A referendum was held in the Republic of Ireland on 7 June 2001 to approve the Treaty of Nice concluded in December 2000. The electorate voted by 53.9% to 46.1% against ratification of the Treaty, which would implement a range of institutional and other reforms to facilitate expansion of the EU up to 27 members.
- Although the Irish setback could delay the implementation of institutional reforms, EU leaders decided at the European Council meeting in Göteborg, Sweden, on 15-16 June, that it would not affect the enlargement process. Enlargement does not depend directly on implementation of the Treaty.
- The Taoiseach, Bertie Ahern, is preparing for a period of reflection and understanding, in order to be able to analyse public misgivings about the Treaty and to persuade the electorate of its merits.
- The Commission and the Swedish Presidency have pledged to help the Irish ratification process in any way they can. This might give rise to measures targeted at areas of concern to the electorate. These included concerns over the possible threat to Ireland's longstanding military neutrality and the perceived diminution of aspects of Irish sovereignty and influence in Europe.
- Options to accommodate Ireland, once the areas of concern are fully identified, might constitute a Decision, Protocol or Declaration that would have to be agreed by all 15 Member States. The Irish Government will probably submit the Treaty to a second referendum after a general election in 2002.

CONTENTS

I	Introduction	7
II	Ireland and the EU	7
III	EU Referendums in Ireland	9
	A. Earlier EU Referendums	9
	B. The Treaty of Nice Referendum	10
IV	Parliamentary and Public Views on the Treaty	12
	A. Government and Parliament	12
	B. The Public Campaigns	12
	1. The ‘Yes’ campaign	13
	2. The ‘No’ campaign	14
V	Criticism by the European Commission of Irish Economic Policy	15
VI	Neutrality	17
VII	Reaction to the referendum	19
	A. Ireland	19
	B. The EU and Member States	21
VIII	What happens now?	22
	A. Can enlargement proceed without the Treaty?	22
	B. The Göteborg European Council	22
IX	The ‘Danish solution’	23
X	The Ratification Timetable	25
	Appendix I The Referendum Question	28
	Appendix II Campaign Websites	29

I Introduction

For the second time in the history of EU treaty ratification, the people of a small Member State have voted against an EU treaty, thereby putting at risk important constitutional and institutional amendments, on this occasion reforms aimed at facilitating EU enlargement to 27 members.

46.1% of those who participated in the referendum voted for and 53.9% voted against the Treaty, with a turnout of only 35%.¹ Votes were held on two other constitutional amendments, which would, it was hoped, boost turnout.² This was not the case. Although the ‘No’ vote might have dealt a significant blow to the EU enlargement project and to institutional reform, EU leaders meeting in Göteborg, Sweden, on 15-16 June, decided that the Irish setback should not affect the enlargement process.

In 1992 both the Danish and French electorates revealed the vulnerability as well as the remoteness of the EU and its processes for its citizens in their votes on the *Treaty on European Union* (Maastricht Treaty or TEU). Denmark, which rejected the TEU, forced a rapid rethink among the Member States and EU institutions of policies and plans that had been agreed by political leaders behind closed doors.³ The Nice process, by contrast, was open and transparent, but the issues were complex and the outcome virtually incomprehensible to the layperson.

II Ireland and the EU

Ireland has traditionally been one of the most enthusiastic supporters of the EU and has benefited from generous EU structural funding and Common Agricultural Policy (CAP) subsidies that have helped to boost its economy. Ireland is expected to become a net contributor to the EU budget within the next few years. The following table sets out Republic of Ireland structural fund receipts for the period 1994-1999:⁴

¹ The negative vote came shortly after the European Parliament voted by 338 votes to 98 to adopt a report which criticised the Treaty for failing to redress the democratic deficit in the EU, 31 May 2001.

² Referendums were also held on endorsement of the International Criminal Court and the removal of any provision for the death penalty from the Irish Constitution.

³ The French voted narrowly in favour of ratification of Maastricht, but the referendum result gave rise to concern and some soul searching among EU leaders. For more information, see Library Research Note 92/57, *The Danish Referendum: What Happens Next?*, 3 June 1992, and Research Paper 93/3, *The Maastricht Debate: Clarifications, “Opt-Outs” and Amendments*, 12 January 1993.

Type of Fund	Billions euros	£ Billions
European Regional Development Fund (ERDF)	2680.2	1965.7
European Social Fund (ESF)	2038.8	1495.3
European Agricultural Guidance and Guarantee Fund-Guidance Section (EAGGF-Guidance)	1058.4	776.2
Financial Instrument of Fisheries Guidance (FIFG)	48.7	35.7
Total	5826.1	4272.9

If the electorate was concerned that enlargement to the East would result in a loss of EU funds for Ireland, then this belief was mistaken. Ireland's strong economy means that it will probably not qualify for Objective 1 status in any case in 2006, when the next structural funding period begins.

Professor Brigid Laffan looked at Ireland's relationship with the EU from 1973 to 1999 and summarises some of the changes that have taken place in recent years:

Ireland's relations with the EU throughout its 25 years of membership have been relatively smooth. The balance of benefits, both economic and political, are visible throughout the country. EU policies were largely in line with Ireland's interests. This led to a high level of support for EU membership among the Irish public. But Ireland is now in a period of transition in relation to its EU membership. Firstly, Ireland has caught up with EU average income levels in the 1990s and is no longer perceived as poor and peripheral. Secondly, Ireland is a very successful competitor in terms of job creation, with unemployment levels in Ireland falling below EU levels for the first time since membership. Thirdly, Ireland has a corporate tax regime which is seen as far too low in relation to continental European levels. Fourthly, Ireland unlike the other neutrals, has yet to join the Partnership for Peace,⁵ making it an outlier on European defence and security questions.

Ireland is having to chart its future in the EU in a new context. In response to changing circumstances, the Government is analysing the merits of regionalisation within Ireland so that the west and Border counties could benefit from continuing Objective 1 status. CAP reform also raises difficult issues as there is a push to re-nationalise some of the costs of supporting farm incomes. This would raise difficult domestic issues between urban and rural Ireland. Whatever strategy it opts for, it faces a more difficult EU environment than any government in the past.⁶

⁴ Information provided by Tim Edmonds, Economic Policy and Statistics Section, from: *Court of Auditors Annual Report for 1999*

⁵ Ireland joined the Partnership for Peace on 1 December 1999, prior to the publication of this report.

⁶ Professor Brigid Laffan, is the Jean Monnet Professor of European Politics at University College Dublin. Extract from: <http://www.ireland.com/eurotimes/history/inpers.htm>, undated.

III EU Referendums in Ireland

A. Earlier EU Referendums

When ratification of an international treaty requires changes to the 1937 Irish Constitution, then a referendum must be held to approve it.⁷ Earlier referendums on EU Treaties have been positive, although the margin of support in European referendums has declined steadily from 66% in 1972 to 23% in 1998. Below are earlier EU referendum results:

EEC entry, 10 May 1972

Turnout	71%
For	83% (1,041,880 votes)
Against	17% (211,888 votes)

Single European Act, 26 May 1987

Turnout	43.9%
For	69.9% (755,423 votes)
Against	30.1% (324,977 votes)

Treaty on European Union (Maastricht Treaty), 18 June 1992

Turnout	57.3%
For	68.7%
Against	30.8%

Treaty of Amsterdam, 22 May 1998

Turnout	56.2%
For	62%
Against	38%

⁷ This was upheld in the *Crotty* case in 1987, in which the Supreme Court established that any change to the constitution of the EU would have to be approved in a referendum of the Irish people in order to comply with Articles 5 and 6 of the Irish Constitution.

B. The Treaty of Nice Referendum

The decision as to whether or not a referendum was required for Nice was made by the Government, acting on the advice of the Attorney General, Michael McDowell, in March 2001. The referendum was the fifth on Europe since 1972. The wording of the referendum is given in Appendix I.

In the 2001 referendum on Nice, only 35% of the electorate, representing some 983,000 people, voted in the referendum. The results were as follows:

53.9% (453,461 votes) against
46.1% (529,478 votes) in favour
14,887 votes were spoiled.

Only two constituencies, Dublin South (by 51.9%) and Dún Laoghaire (by 53.6%), voted in favour of ratification. The largest majority voting against Nice was in Dublin South West, where 61.6% of voters rejected the Treaty. The Taoiseach's constituency, Dublin Central, also recorded a strong 'No' vote, with just over 60% of votes cast against Nice. At the time of writing this Paper there is no evidence of a detailed analysis of the result, but Professor Richard Sinnott analysed an opinion poll on Nice shortly before the referendum:

Irish people are divided on the Nice Treaty. On several issues, the division of opinion is much more finely balanced than it has been in the past. What is striking, however, is that, with one exception, these divisions do not seem to bear much relationship to socio-demographic characteristics. The exception is gender. On almost all the attitudes and preferences considered, there is a 10 percentage point gap between men and women, with women being less pro-integration in each case.

The main source of the gap in support for integration is the fact that women are more likely to be undecided or otherwise to fall into the "don't know" category. While a gender gap on these issues is not uncommon in other European countries, the gap in the Irish case is much more evident in the second Irish Times/MRBI poll than in the first and seems, therefore, to have been accentuated by the campaign.⁸

⁸ *Irish Times*, 2 June 2001. Professor Sinnott is Director of the Public Opinion and Political Behaviour Research Programme at the Institute for the Study of Social Change at University College Dublin

The full results by constituency are given in the following table⁹:

Constituency	Yes		No		Spoiled	Total Poll
	%	Number	%	Number		
Carlow-Kilkenny	47.74%	14,799	52.26%	16,197	552	31,548
Cava-Monaghan	48.09%	14,031	51.91%	15,145	536	29,712
Clare	48.7%	11,265	51.3%	11,853	386	23,504
Cork East	43.52%	10,490	56.48%	13,613	371	24,474
Cork North-West	45.18%	8,224	54.82%	9,978	444	18,646
Cork South-West	47.34%	8,725	52.66%	9,704	348	18,777
Cork North-Central	40.88%	10,127	59.12%	14,648	305	25,080
Cork South-Central	46.22%	15,428	53.78%	17,952	360	33,740
Donegal North-East	39.9%	5,953	60.1%	8,980	242	15,175
Donegal South-West	39.62%	5,879	60.38%	8,961	208	15,048
Dublin Central	39.95%	8,115	60.05%	12,197	322	20,634
Dublin North-Central	42.91%	11,752	57.09%	15,636	246	27,634
Dublin North-East	43.55%	10,291	56.45%	13,338	214	23,843
Dublin North-West	41.84%	9,078	58.16%	12,621	238	21,937
Dublin South-Central	44.19%	11,199	55.81%	14,141	278	25,340
Dublin South-East	49.3%	11,327	50.7%	11,650	344	23,321
Dublin North	47.99%	12,635	52.01%	13,695	254	26,584
Dublin South	51.88%	20,369	48.12%	18,894	322	39,585
Dublin South-West	38.42%	9,856	61.58%	15,797	249	25,902
Dublin West	44.7%	11,708	55.93%	14,856	182	26,746
Dun Laoghaire	53.58%	19,654	46.42%	17,030	362	37,046
Galway East	47.31%	9,009	52.69%	10,034	398	19,441
Galway West	41.99%	10,100	58.01%	13,951	520	24,571
Kerry North	39.4%	6,786	60.6%	10,426	279	17,212
Kerry South	44.9%	6,924	55.1%	8,486	274	15,410
Kildare North	49.32%	9,923	50.68%	10,196	217	20,336
Kildare South	47.72%	7,771	52.28%	8,513	231	16,515
Laois-Offaly	48.63%	13,950	51.37%	14,736	588	29,274
Limerick East	46.57%	12,720	53.43%	14,593	412	27,725
Limerick West	49.3%	8,246	50.69%	8,476	384	17,106
Longford-Roscommon	47.3%	9,988	52.7%	11,128	410	21,526
Louth	46.62%	12,203	53.38%	13,972	314	26,489
Mayo	44.25%	11,799	55.75%	14,865	531	27,195
Meath	48.02%	15,712	51.98%	17,005	492	33,209
Sligo-Leitrim	44.85%	10,303	55.15%	12,671	531	23,505
Tipperary North	49.43%	9,260	50.57%	9,472	373	19,105
Tipperary South	48.57%	9,410	51.43%	9,965	426	19,801
Waterford	48.2%	11,919	51.8%	12,795	445	25,159
Westmeath	45.07%	7,233	54.93%	8,814	275	16,322
Wexford	48.72%	14,461	51.28%	15,220	550	30,231
Wicklow	46.21%	14,839	53.79%	17,274	474	32,587
Totals	46.13%	453,461	53.87%	529,478	14,887	997,826

⁹ Table from: *Irish Times* on-line, 8 June 2001, at <http://www.ireland.com/special/nice/news/results.htm>.

IV Parliamentary and Public Views on the Treaty

A. Government and Parliament

The Nice Treaty had the support of Fianna Fail (FF) and Progressive Democrats in the Government and of the main opposition parties, Fine Gael (FG) and the Labour Party. It was also supported by the Roman Catholic hierarchy, and by employer and trade union organisations. Against the Treaty were Sinn Fein, the Greens, independents, the far left, pacifists, nationalist groups, conservative Catholic groups and farmers.

The parliamentary Joint Committee on European Affairs supported a positive vote with the dissent of one member, who said the Treaty should be set aside until greater public debate had taken place.¹⁰ The Committee chairman, Bernard Durkan (FG), presented the Committee's report on 29 May with the comment that Ireland should support the Treaty. The committee received written and oral submissions, both for and against the treaty, from individuals and organisations, including the employers' groups, the European Movement, the Peace and Neutrality Alliance, the National Platform and the Institute of European Affairs. The dissenter, Tony Gregory (Independent), did not think the Treaty should be ratified for various reasons, including the "appalling lack of awareness" among the public of the Treaty issues.¹¹

B. The Public Campaigns

The pro- and anti-Nice campaigns were launched in early May 2001 amid considerable voter apathy and a lack of public awareness or understanding of the Treaty. Early opinion polls suggested that the Treaty supporters would win, but the gap narrowed as the referendum approached. The business sector was barely to be heard during the campaign, but the farming community, concerned about the prospect of losing EU money to large agricultural applicant states such as Poland, was vociferously against the Treaty. The websites of the pro- and anti- Nice campaigns are given in Appendix II.

The foreign affairs correspondent at the *Irish Times*, Deaglan de Breadun, commented on the high level of voter apathy:

The complexity of the issues and the near-impenetrable jargon of Brussels-speak have a lot to do with it. There is also the terrible ennui that comes over, not just the Irish people but the whole half-continent, when European issues are mentioned. Rarely can an international political project of such weight and importance have sparked so little interest at ground level.¹²

¹⁰ *Irish Times* on-line, 30 May 2001.

¹¹ *Ibid.*

¹² *Irish Times*, 26 May 2001.

1. The ‘Yes’ campaign

The Government launched the ‘Yes’ campaign on 9 May 2001. The Taoiseach, Bertie Ahern (FF), called on the Irish people to “pay back the generosity shown by the EU”.¹³ Mr Ahern assured the population that the Treaty would not create a two-tier Europe, a European army or a super-state, and that Ireland would continue to determine its own policies on key issues such as taxation. Voting against Nice would be a “national humiliation” and “a sign of meanness on the part of the country”.¹⁴ The Government appealed to the Irish electorate to support the Treaty and EU enlargement so that other states would be able share the benefits Ireland had enjoyed, which had helped to boost the economy.¹⁵

The foreign minister, Brian Cowen, sought to reinforce the rhetoric of re-uniting Europe and the principle of nation states pooling their sovereignty for the benefit of all members:

To refuse to extend the benign partnership of the Union to these deserving countries would not only be wrong in principle, but would also ignore the stabilising effect which membership of the Union will bring to the continent as a whole.¹⁶

In a public information drive, a summary of the Treaty was distributed to every household in both English and Irish. However, as opinion polls began to show decreasing support for the Treaty, the Government was forced to adopt a largely defensive position to counter the No campaign, rather than put forward a positive argument for ratification.

Noel Dorr, the Government’s chief negotiator at Nice, addressed the ‘No’ campaign’s main arguments against the Treaty in an article in the *Irish Times*. He pointed out that some of the institutional compromises agreed at Nice were not necessarily disadvantageous to Ireland, but were, in fact, disproportionately favourable to the smaller States.¹⁷ He also tried to clarify some of the ‘flaws’ in the No campaign’s arguments concerning the militarisation of the EU with the establishment of the EU Rapid Reaction Force (RRF), pointing out that the Treaty itself did not establish the RRF.¹⁸ This had been agreed separately and could be set up without the Treaty. Its use would be decided by unanimity in the Council and with decisions by each Member State on each occasion. Furthermore, Irish law stipulated that Ireland could not send a contingent without a UN mandate and a decision in the Lower House, the Dáil.

¹³ *Irish Times*, 10 May 2001.

¹⁴ *Ibid.*

¹⁵ *Irish Times*, 10 April 2001.

¹⁶ *Irish Times*, 30 May 2001.

¹⁷ *Irish Times*, 5 June 2001.

¹⁸ See Library Research Paper 01/50. *European Security and Defence Policy: Nice and Beyond*, 2 May 2001.

Heather Grabbe, research director at the Centre for European Reform, suggested that the Irish Government had been “far too complacent about the referendum: the government and the political establishment assumed it would pass and did not rally support against the far more committed ‘no’ campaigners”.¹⁹

2. The ‘No’ campaign

A well-organised anti-EU campaign, led by the veteran anti-EU activist, Anthony Coughlan, concentrated on emotive subjects such as the encroachment of Brussels and the loss of national sovereignty, the threat to Ireland’s military neutrality and its diminishing influence in EU decision-making processes.²⁰ Sinn Fein maintained the Treaty would endanger Irish neutrality and relegate the country to the EU “second division”.²¹

Another anti-Nice campaign was launched on 11 May by Denis Riordan. The “No to Nice” campaign criticised the government for trying to rush through the referendum without “real and honest debate”²² (the referendum was announced only 21 days before polling day), the weakening of Ireland’s influence in the EU institutions as a result of new allocations of votes in the Council and EP, and the loss of a permanent Commissioner after enlargement. Mr Riordan also rejected the Government’s claims about the economic benefits of EU membership, saying: “The truth is that all the applicant countries are already free trade areas and that access to their markets for Irish products is already possible.”²³

The campaign focused on the Treaty’s effect on Irish sovereignty, stating that the Irish constitution was being eroded, that Ireland was being drawn into a European community in many respects foreign to Irish traditions, in which Ireland would play a minimal role.²⁴ One anti-Nice poster proclaimed: “You will lose – power, money, freedom – Vote No to the Nice Treaty”.²⁵

The No campaign countered the government’s appeal to the conscience of the nation by saying that people could vote against the Treaty and still feel good about themselves. Another anti-Nice group, the Peace and Neutrality Alliance (PANA), chaired by Roger Cole, campaigned under the slogan, “No to NATO, No to Nice”, with posters depicting a wounded soldier being carried from the battlefield. PANA is an umbrella group of organisations supporting the retention of Irish neutrality and the use of the United Nations, rather than the EU or NATO, as an umbrella for Irish peacekeeping missions.

¹⁹ Heather Grabbe, *The Irish shock to enlargement*, Centre for European Reform, 8 June 2001.

²⁰ There have been press reports of support for Mr Coughlan’s campaign from Conservative eurosceptic organisations. See, for example, *Independent*, 6 June 2001.

²¹ *Irish Times*, 9 April 2001.

²² *Irish Times*, 12 May 2001.

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ *Independent*, 7 June 2001.

A former Attorney-General, John Rogers,²⁶ contributed to the debate by stating that the power of Irish citizens to influence decisions affecting their lives would be “significantly reduced” by the Treaty of Nice. Pointing to examples of EC laws in the areas of agriculture, and judicial and civil cooperation, he lamented the erosion of Irish sovereignty and the threat to constitutional and moral values that the new Treaty, he claimed, would present. He was particularly concerned about Irish divorce and abortion laws²⁷. He regretted the eventual loss of a permanent Commissioner and the diminished power for Ireland in the Council of Ministers, concluding:

I am prepared to vote against the Treaty of Nice. Arguments in support of the treaty have been presented on the basis of the duty of this State to provide for the accession of the expected new member-states. I wish to see the Community being enlarged but I don't think the Irish electorate should be blackmailed into voting for this treaty on the basis that to do otherwise is to offend and disappoint those states expecting accession.

One commentator criticised the No campaign for misleading the electorate by raising doubts about what Nice offered and “sow[ing] confusion in the minds of the electorate as to what the Treaty provisions may entail.”²⁸ He cited one leaflet, put out by the Christian Solidarity Party, that warned of the dangers of “Soviet-style government” with the Commission taking on the role of “a government for the new European superstate”.²⁹

V Criticism by the European Commission of Irish Economic Policy

The referendum was the first test of public attitudes towards the EU since the dispute in January 2001 between the Irish Government and the European Commission over Ireland's budget and compliance with the Maastricht criteria for Economic and Monetary Union (EMU). Ireland became the first euro-zone state to be reprimanded by the EU under EMU provisions on its economic policy. The Commission's draft recommendation criticised the Government for having loosened its fiscal policy to the extent that it was inconsistent with the euro-zone's broad economic policy guidelines. It called on the Government to cut back its budgetary plans by 400 million pounds. The ECOFIN ministers formally adopted the Commission's draft recommendation on 12 February 2001. The Council acknowledged Ireland's “bright performance” economically, but stated that:

²⁶ John Rogers served as Attorney-General in the Fine Gael/Labour coalition government of 1984-87, and is now a Senior Counsel.

²⁷ *Irish Times*, 19 May 2001.

²⁸ Joseph O'Malley, *Independent*, 7 June 2001.

²⁹ *Ibid.*

The Irish budget for 2001 is expansionary and pro-cyclical and therefore inconsistent with the Council's 2000 broad guidelines of the economic policies, which state that the Irish authorities should "be ready, already in 2000, to use budgetary policy to ensure economic stability given the extent of overheating in the economy; gear the budget for 2001 to this objective". The Commission estimates that restrictive measures equivalent to at least 0.5% of GDP would offset the expansionary nature of the budgetary plans for 2001.

The Council recommended:

1. To remove the inconsistency with the broad guidelines of the economic policies, engendered by the budget plans for 2001, the Irish government should take countervailing budgetary measures during the current fiscal year. Under the macroeconomic assumptions of the 2000 update in the Stability Programme, this should ensure that no reduction in the underlying budgetary surplus from 2000 takes place.³⁰

The Belgian Finance Minister and Eurogroup Chairman, Didier Reynders, contributed to the tension when he gave voice to resentment allegedly harboured by some EU Member States with regard to Ireland, a main beneficiary of EU funding: "If aid permits a region or a country to catch up to EU levels, people wonder if it is being abused when they see taxes or other charges being lowered."³¹

Quite apart from arguments as to whether or not the reprimand was justified, given Ireland's fiscal surplus and the fact that it has not broken the stability pact rule of running a budget deficit of more than 3% of GDP,³² the political wisdom of the move was perhaps questionable, in view of the impending referendum on the new Treaty. The Commission saw its role here as one of deterring "bad behaviour", although some have concluded that Ireland was the scapegoat that would allow the Commission "to chase bigger countries' sins when they really matter".³³ The *Economist* concluded, however, that to "launch a scarcely credible attack now on the euro's most successful member is no way to boost the credibility or authority of any future attacks".³⁴

A report in the *European Voice* suggested that the criticism and its aftermath had led to a "public relations war", and continued:

Selling euro-zone membership to Swedish and British Social Democrats just got even harder and Irish MEPs have warned that their countrymen may punish the EU by refusing to ratify the Nice Treaty in a referendum due in May.³⁵

³⁰ Council press release, ECOFIN meeting, 12 February, at: <http://ue.eu.int/newsroom/main.cfm?LANG=1>.

³¹ Tim Jones, *European Voice*, 1-7 March 2001.

³² *Economist*, 17 February 2001.

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ *European Voice*, 1-7 March 2001.

VI Neutrality

For over a decade Irish governments have been anxious not to compromise Irish neutrality in the course of negotiations on political union that have included a defence role for the EU. The basis of the Irish commitment to neutrality has been a matter of discussion among political commentators, who question whether it is rooted in a determination to maintain an independent foreign policy or perhaps in a belief in the moral superiority of neutrality. Neutrality has not been without its critics, and former Taoiseach, Dr Garret Fitzgerald, thought that the policy could relegate Ireland to an EU second league.

Opinion polls leading up to the referendum revealed that, in spite of the opposition of the No campaign, a majority of voters were in favour both of Irish military neutrality and participation in the Rapid Reaction Force.³⁶ According to an *Irish Times/MRBI* poll published in mid-May 2001, some 72% wanted the policy of military neutrality to continue, 16% wanted to end it and 12% did not know.³⁷ Participation in the RRF was supported by 50 per cent, opposed by 17 per cent and 21 per cent did not know.³⁸

In an article in the *Irish Times* Joe Carroll considered the history of Ireland's position on military neutrality:

From the time Ireland began to move towards EEC membership, successive political leaders of Fianna Fáil declared readiness to take part in eventual defence arrangements by member countries of the Community. When this would take place nobody knew, but it was accepted that it would mean the end of Irish neutrality. The Fine Gael party had no problems with this but Labour was opposed. As taoiseach, Seán Lemass, a veteran of 1916 and the War of Independence, told the *New York Times* in July 1962: "We recognise that a military commitment will be an inevitable consequence of our joining the Common Market and ultimately we would be prepared to yield even the technical label of neutrality. We are prepared to go into this integrated Europe without any reservations as to how far this will take us in the field of foreign policy and defence." This sweeping declaration followed Ireland's first application to join the EEC and was made in the context of efforts by the six EEC members to move towards a European union which would include defence co-operation, probably within the Atlantic Alliance and NATO.

Lemass had also said: "Although we are not members of NATO, we are in full agreement with its aims ... We think the existence of NATO is necessary for the preservation of peace and the defence of the countries of western Europe, including this country".

³⁶ See Library Research Paper 01/50.

³⁷ *Irish Times*, 19 May 2001.

³⁸ *Ibid.*

He also claimed that Irish membership of NATO would not mean formal acceptance of partition just because Britain was also a member.

By the time Ireland was involved in EEC negotiations eight years later, the ambitious plans for European Union had melted away as the six could not agree among themselves. Lemass's successor, Jack Lynch, was less forthright on neutrality and NATO.

He pointed out that there were no defence commitments in the EEC treaties. But he said that as a member of the EEC, Ireland "would naturally be interested in the defence of the territories embraced by the communities. There is no question of neutrality there".

During the referendum on membership in 1972, the neutrality issue was played down and the white paper summarising the terms of entry stated Ireland fully accepted the goal of "political unification" while not yet knowing whether it would be "a federal Europe" or a looser form of political co-operation. In 1981, neutrality again became a live issue. The Dáil in March had one of its rare debates on defence following the Anglo-Irish summit in Dublin the previous December where the taoiseach, Charles Haughey, was rumoured to have discussed with Margaret Thatcher the abandonment of neutrality if there were to be re-unification. In the debate, Haughey accepted that in the event of "full political union" for the EEC, there would be an end to Irish neutrality.

The Labour Party's amendment that neutrality be written into the Constitution was rejected. Later that year Fianna Fáil and Fine Gael got into a confrontation as to which party was selling out on neutrality as pressure came on from West Germany and Italy in the Genscher/Colombo proposal to move towards European union by increasing co-operation in "security".

Up to then, the EEC foreign ministers held informal discussions on "European political co-operation" (EPC) in which they tried to reach common positions on foreign-policy issues, for example at the United Nations or on the Middle East. Brian Lenihan, who had been the minister for foreign affairs in early 1981, and Garret FitzGerald who became taoiseach in June that year, entered into what today would seem as a surreal debate over whether discussions on "security" as part of EPC would be going down the "slippery slope" to end Ireland's neutrality.

Dr FitzGerald claimed that neutrality was saved by Ireland insisting that only the "political aspects of security" could be discussed and not military matters. Brian Lenihan, now in opposition, argued that this formula meant "the whole area of weaponry and military and defence aspects in relation to political security". It was a far cry from the Lemass readiness to embrace NATO and Lynch's to get involved in the defence of a Community of which Ireland was a part.

But behind the obfuscation over what "security" meant, Ireland's neutrality was being gradually clarified and the Lemass position, adopted at a critical point in the Cold War, disowned. Fine Gael minister for foreign affairs, Dr FitzGerald said in May 1973 the Irish attitude was "one of not wishing to become involved in any pre-existing defence organisation such as NATO or WEU". Ireland wanted

to distinguish between "a possible independent European defence body in the more distant future" and existing alliances, he said. NATO with its reliance on nuclear weapons also became increasingly anathema to Fianna Fáil. But Haughey, son-in-law of Lemass, in March 1981 speaking as taoiseach conceded that "in the event ... of the European states being organised into a full political union, we would accept the obligations, even if these included defence".

Some nine months later in opposition, he laid down economic criteria for the discussion of any Irish participation in future EEC defence, which included Ireland's per-capita income rising to "at least 80 per cent of the Community average" instead of the 61 per cent at that time. Today Ireland is fully part of the EU's common European security and defence policy and a member of NATO's Partnership for Peace which Fianna Fáil in opposition had denounced.

Ireland has representatives on the EU's new military committee and is soon to provide troops for the Rapid Reaction Force.

The former battles over neutrality seem remote and irrelevant. The end of the Cold War and the collapse of the Soviet Union have removed the threat of communism which was the backdrop to Ireland's initial approach to the EEC. But the basic Irish "military neutrality" is alive and well. Ireland will join with EU partners in "crisis-management" tasks with a UN mandate but there will be no commitment to come to the aid of an EU member under attack or to be part of the mutual defence of the Union, a position presumably shared with other "neutrals" like Austria, Finland and Sweden.

The latest MRBI poll shows that 72 per cent want "military neutrality" to continue while 50 per cent agree with Ireland participating in the EU Rapid Reaction Force which could be used for peacekeeping in say the non-EU Balkans. This seems to mean almost three-quarters of the Irish people are unwilling to give a commitment to defend the EU 30 years after joining. But it more likely means they are confused at the twists and turns on the issue of their political leaders.³⁹

VII Reaction to the referendum

A. Ireland

The Cabinet decided on 12 June to set up a National Forum on Europe, at which it hopes to allay the public fears that led to the referendum defeat. The *Irish Times* reported that the government's post mortem on the referendum "has concluded the treaty was lost due to broad concerns relating to sovereignty, militarisation and other issues that went well beyond the Nice Treaty."⁴⁰

³⁹ Joe Carroll, "Political parties in a spin over military neutrality", *Irish Times*, 30 May 2001.

⁴⁰ *Irish Times*, 13 June 2001.

The Government appears to have ruled out a “quick-fix” solution to the dilemma and the forum is expected over time to build a pro-EU consensus that will ultimately facilitate the approval of Nice in a second referendum. The Labour Party had proposed such a forum several months ago. The new forum is to be modelled on other fora established in Ireland, namely the Forum for Peace and Reconciliation⁴¹ and the National Economic and Social Forum, and is expected to begin work in the autumn. Mr Ahern has said that it will be representative of the political parties and the social partners. This would give it a largely pro-Nice composition, although the anti-Nice parties will also be represented, and a wide range of bodies and individuals will give evidence. Mr Ahern has pledged a “genuine and comprehensive” debate with “no uniform blueprint”.⁴² The Government is apparently also considering ways of enhancing parliamentary scrutiny of EU legislation to make the decision-making process more transparent.⁴³

Fears that the Government would attempt to thwart the democratic process in order to obtain the result it wanted prompted the Coughlan-led anti-Nice National Platform to call for the resignation of the foreign affairs minister, Brian Cowen, who, they claimed, was trying to ‘overturn’ the referendum result and overthrow the verdict of the Irish people.

The Nice defeat has revealed cracks in the Irish Government’s views on Europe and moves towards further integration. The Minister for Arts, Heritage, Gaeltacht and the Islands, Síle de Valera, is “seriously concerned” about the future direction of the European Union.⁴⁴ The Minister of State for Agriculture and Rural Development, Éamon Ó Cuív, supported the Government’s Yes campaign but voted No in the referendum. He has defended his decision to vote against the Treaty and said that it was “most extraordinary” that his right to vote would be questioned.⁴⁵ Mr Ó Cuív has since offered repeated assurances that he supports the Government’s EU policy, while avoiding making a commitment regarding his stance on any further referendum on Nice.

The Attorney General, Mr Michael McDowell, has also expressed concern about the future direction of the European Union. Addressing the Institute of European Affairs in Dublin on 18 June, Mr McDowell said that there was a sharp division between the federalist European project and what the Irish people wanted, and that the people “should not allow themselves to be silenced by a sense of gratitude or inhibited by a sense of relative size.”⁴⁶ He also agreed with his Labour predecessor as Attorney General, Mr John Rogers SC, with regard to the absence of “real democratic input” and accountability in areas that were “potentially vital aspects of legislation affecting our rights as citizens.”⁴⁷ Mr McDowell supported ratification of the Nice Treaty because he believed it

⁴¹ See Library Research Paper 98/57, *Northern Ireland: political developments since 1972*, 11 May 1998.

⁴² *Irish Times*, 13 June 2001.

⁴³ *Irish Times*, 12 June 2001.

⁴⁴ *Irish Times*, 11 June 2001.

⁴⁵ *Ibid.*

⁴⁶ *Irish Times*, 19 June 2001.

⁴⁷ *Irish Times*, 19 June 2001.

was necessary to separate the issues of enlargement and integration, but he said that it had always been apparent to him that “Nice would contain little by way of self-interested ‘good news’ for the Irish voter”.⁴⁸

B. The EU and Member States

Mr Ahern, together with the Swedish Prime Minister, Göran Persson, representing the Swedish EU Presidency, and Romano Prodi, the Commission President, have committed themselves to finding a solution to the crisis after a period of reflection on, and analysis of, the referendum outcome. In a joint statement on the Irish referendum on 8 June 2001, Mr Persson and Mr Prodi expressed their disappointment in, but respect for, the referendum result. They continued:

The Presidency and the Commission are ready to contribute in every possible way to help the Irish Government find a way forward, taking into account the differing concerns reflected by this result, without changing the substance of the Nice treaty.

Meanwhile, of course, the work of the Union must continue and the Member States and the Commission will pursue the enlargement negotiations with undiminished vigour and determination, in line with our firm commitment given to the applicant countries.

The objective of an enlarged Europe must be realised. We must now find the most appropriate way to pursue the goals decided upon at Nice. Our will to secure the accession of new members must be clearly demonstrated.⁴⁹

The statement concluded with words that echoed those made after the Danish ‘No’ in 1992, that the results underlined “the need for greater efforts from all of us to explain Europe to our citizens and to involve them more thoroughly in the debate about the Union, its role and its future direction”.⁵⁰

The reaction from the other Member States and the applicant states was one of disappointment, but equally, a determination that the enlargement process should continue. At their 77th bilateral summit on 12 June, the French and German leaders, Jacques Chirac and Gerhard Schröder, issued a joint declaration underlining their determination to keep up the momentum of the European agenda set out at Nice and to continue with the ratification processes in their respective states.

⁴⁸ *Irish Times*, 19 June 2001

⁴⁹ From Presidency website at: http://www.eu2001.se/eu2001/news/news_read.asp?iInformationID=15745

⁵⁰ From: http://www.eu2001.se/eu2001/news/news_read.asp?iInformationID=15745

The situation was discussed at the General Affairs Council on 11-12 June, which concluded:

While respecting the will of the Irish people, Ministers expressed their regret at the results of the Irish referendum on the Treaty of Nice. They excluded any reopening of the text signed in Nice. The ratification process will continue on the basis of this text and in accordance with the agreed timetable.

Ministers noted that the Irish Government is deeply committed to the European Union and to the ratification of the Treaty of Nice. The Fourteen expressed their readiness to contribute in every possible way to help the Irish Government find a way forward, taking into account the concerns reflected by this result, without reopening the text of the Nice Treaty.

They underlined the Union's commitment to enlargement and to sustaining the good progress in the accession negotiations.⁵¹

VIII What happens now?

A. Can enlargement proceed without the Treaty?

Enlargement can proceed, but not, as yet, on the basis of the Treaty of Nice. Technically, the admission of new member states is not conditional upon implementation of the Treaty of Nice, and it would be possible for some enlargement (up to five states perhaps) to take place under existing Treaty provisions. New member states accede to the EU following the ratification of accession treaties agreed by all existing Member States and the applicant states in question.⁵²

However, for a wider expansion, it is generally acknowledged that institutional reforms will be needed if the EU is to function efficiently. Treaty amendments to implement institutional and constitutional changes will then become imperative, whether they are contained in the Nice Treaty or in a different instrument agreed in the context of an Intergovernmental Conference.

B. The Göteborg European Council

The European Council met in Göteborg on 15-16 June and declared that the enlargement process was irreversible. Not only has the Irish referendum failed to deter EU leaders from pushing on with the enlargement process, but it seems to have prompted an even greater determination to press ahead quickly. The date for completing negotiations for the

⁵¹ Council Press Release, 12 June 2001, from: <http://ue.eu.int/en/summ.htm>.

⁵² See Library Research Paper 00/62, *EU Enlargement: from Luxembourg to Helsinki and beyond*, 14 June 2000, for background to the enlargement process.

first entrants was set at 2002, in spite of earlier resistance from Germany to fixing a tight timetable, with new members participating in the 2004 European Parliament elections.

Mr Prodi stressed that ratification of the Nice Treaty should go ahead as planned over the next eighteen months. He declared that, in the meantime, the EU Member States and the Commission would reflect together on any measures that might be needed to respond to Irish concerns, adding that: “The great challenge now is to listen carefully and to understand”.⁵³ The Göteborg Presidency Conclusions stated:

The ratification process for the Treaty of Nice will continue so that the Union is in a position to welcome new Member States from the end of 2002. In respect of the Irish referendum, the European Council confirms the conclusions adopted by the General Affairs Council in Luxembourg on 11 June, including willingness to contribute in every possible way to helping the Irish government find a way forward. It reaffirms its commitment to enlargement and to sustaining the good progress in the accession negotiations.⁵⁴

IX The ‘Danish solution’

The Treaty of Nice must be ratified by all Member States in order to become law. When Denmark voted against the Treaty on European Union in 1992, the Treaty itself was not subsequently amended, but clarifications and opt-outs were agreed in a ‘Decision’ of the Edinburgh European Council in December 1992. The EU heads of state and government adopted a set of texts which resolved the “Danish problem” by agreeing to opt-outs from the third stage of EMU, elements of security and defence policies and other matters, which, when submitted to a second referendum in 1993, received the support of the electorate.

The Member States and the Commission clearly do not want a full-scale renegotiation of the Nice Treaty, for which it would be necessary to convene another Intergovernmental Conference (IGC). The Commission has already indicated that it wishes to resolve the Irish situation without changing the substance of Nice. A political solution is likely to be sought akin to the “Danish option” by identifying specific problem areas and accommodating them with special, legally binding provisions that would not re-open or contradict the Nice Treaty.

If Ireland’s neutrality is a major obstacle, as it was for the Danes, a special provision might be agreed which would preserve this status for Ireland, without compromising the Treaty for other States. It has already been suggested that the Government might seek a

⁵³ Romano Prodi, 16 June 2001, from: http://europa.eu.int/comm/gothenburg_council/index_en.htm.

⁵⁴ From *Europa* website at: <http://ue.eu.int/newsroom/LoadDoc.cfm?MAX=1&DOC=!!!&BID=76&DID=66787&GRP=3565&LANG=1>.

special declaration to the Treaty which would exclude Ireland from any involvement with the Rapid Reaction Force (to which the Irish Government had pledged 850 soldiers).⁵⁵ It would also reaffirm Ireland's non-aligned status and stress that participation in all EU military operations would remain a sovereign decision for each Member State.⁵⁶

The Edinburgh Decision in 1992 was described not as a decision taken by the European Council but by the heads of state and government meeting within the European Council.⁵⁷ It was thus strictly speaking an agreement of the then 12 governments and not of the European Council as an institution. Under international law any combination of governments may make a binding agreement among themselves which need not be signed (in practice, they usually are) or ratified, unless the parties have stipulated that it should be. Ratification is necessary when some or all parties need to pass domestic legislation in order to comply with an agreement, and is usually an implied condition when an agreement is formally designated a 'treaty'. The Edinburgh Decision was not regarded as a treaty.⁵⁸ The Danish parliament was asked to adopt legislation directly associated with the Edinburgh agreement, not thereby 'ratifying' the agreement, but as a stage in the Danish ratification of the Maastricht Treaty *in the light of the Edinburgh Agreement*.

The British Government described the Edinburgh Agreement as "a clarification agreement" and "an agreement in the sense of Article 31 of the *Vienna Convention on the Law of Treaties*".⁵⁹ Article 31 of the Vienna Convention concerns the rules for interpreting treaties. It recognises two categories of agreements which may be taken into account in interpreting a treaty: those which are made "in connection with the conclusion of the treaty" (31.2.a) and "any subsequent agreement between the parties regarding the interpretation of the treaty or the application of its provisions" (31.3.a). The Edinburgh Decision fell into the second category.

Based on this model, it would be possible to negotiate an agreement on Ireland and the RRF, for example, which would stand alongside the Treaty and be taken into account in any future EU decisions in this area. However, it would be more difficult to construct such an agreement in the case of the institutional revisions to which the 'No' camp objected. These were reached only after tortuous and complex negotiations, at the end of which compromises were reached offering possibly the best, if not the only, solutions to the demands of existing large and small Member States, as well as those of the applicant states. Changes in this area could affect not only Ireland but the rest of the EU and the candidate states. The Irish Government might have to clarify these institutional amendments and find a way of convincing the electorate that they do not pose a threat to

⁵⁵ *Irish Times*, 11 June 2001.

⁵⁶ Denis Staunton, *Irish Times*, 12 June 2001.

⁵⁷ See HC Deb, 17 December 1992, c356W.

⁵⁸ See HC Deb, 14 December 1992, c37.

⁵⁹ HC Deb, 17 December 1992, c356W.

Irish sovereignty or to the powers of the smaller EU States, as claimed by the 'No' campaign.

Although it is now fairly clear that any second referendum would be on the basis of an unchanged Nice Treaty, provisions of the nature described above have not been ruled out. These could clear the way for another referendum in Ireland within the target date for ratification of the Treaty by the end of 2002, but there can be no guarantee that the Irish electorate would accept anything other than a material change to the Treaty. The Irish government believes that the Irish people do not really wish to obstruct enlargement, and that with more explanation and assurance, they would support the Treaty in a second referendum. If agreements or declarations concluded by the 15 governments gave rise to another No vote in Ireland, the Treaty would almost undoubtedly fall.

The *Guardian* commented:

The message to the Irish people from Europe is: vote again, and next time do it properly. But there's no guarantee they will get the right outcome. Thursday's result: 54% in favour, 46% against, with a turnout of only 33% was unlike all previous referendums in Ireland. Pollsters suspect that, if anything, the margin may have increased in recent days thanks to the dismissive response in other European capitals. ... Ministers are now trying a different tack. They've announced a Forum on Europe a talking shop to argue out in public the pros and cons of the EU. Nobody, however, can agree who should be in it, and the anti-Nice lobby believes it is a device to soften up public opinion before a second referendum is held.⁶⁰

X The Ratification Timetable

The European Commission has urged Member States to proceed with their national ratification procedures in spite of the Irish setback.

Ireland is due to hold a general election in 2002. In the past, a high turnout in referendums has been sought either by holding more than one referendum at the same time or by holding them in conjunction with a general election.⁶¹ However, the Government will be reluctant for the Nice Treaty to dominate the general election campaign. It is likely that the election will be held in the spring of 2002, before a second campaign and referendum on Nice. Government support for this timetable was reported in the *Irish Times*:

⁶⁰ *Guardian*, 15 June 2001.

⁶¹ The Nice vote was held with two other referendums. In May 1998 the vote on the Amsterdam Treaty was held at the same time as a vote on changes to the Constitution, whereby Ireland would give up its territorial claim to the 6 counties of Northern Ireland.

Most Ministers believe a new referendum should take place after the general election, due by June 2002 or earlier. While some Government figures do not rule out a pre-election referendum, there is unanimity that the two polls should not take place on the same day.⁶²

The ratification process has already begun in the other Member States.

The British Government had pledged to introduce a Bill on the new Treaty as soon as possible in the new Parliament. This process began on 21 June 2001 with the First Reading of the *European Communities (Amendment) Bill* to “make provision consequential on the Treaty signed at Nice on 26th February 2001 amending the Treaty on European Union, the Treaties establishing the European Communities and certain related Acts”.⁶³

The French National Assembly debated the Treaty on 5 June 2001 and formally approved it on 12 June by 407 votes to 27.⁶⁴ It is likely to pass through all stages before the summer recess.

Germany's two chambers of parliament, the *Bundestag* and the *Bundesrat*, are to consider the Treaty in the autumn and it is likely to be approved before the end of 2001.

In Spain a draft ‘organic’ law authorising ratification of the Nice Treaty was presented by the government on 8 June and is presently being considered by the foreign affairs committee.

In Denmark, the Treaty is likely to be approved by parliament before the end of June in spite of the powerful Eurosceptic lobby. On this occasion it was not considered necessary to hold a referendum.

In Finland the process begins in June with a debate in parliament, after which there is a committee stage. The measure returns to parliament for a vote in the autumn of 2001.

The parliaments of the Netherlands, Austria, Greece and Luxembourg are already in the process of considering ratification. In Belgium and Portugal the ratification bill has still to be examined by various committees and in Sweden a public hearing has yet to take place before the bill can go to the parliament.

⁶² *Irish Times*, 13 June 2001.

⁶³ For an account of the EC Treaty ratification process in the UK see section XVII of Research Paper 01/49, *The Treaty of Nice and the Future of Europe Debate*, 1 May 2001.

⁶⁴ The verbatim report of the debate can be found on the French National Assembly website at: http://www.assemblee-nationale.fr/cra/2000%2D2001/2001061215.asp#P142_33496.

Italy's recent change of government, bringing in the right-wing Silvio Berlusconi, has created political uncertainty about the timetable for ratification.⁶⁵

⁶⁵ For a brief description of the ratification process in each Member State, see Research Paper 01/49, *The Treaty of Nice and the future of Europe debate*, 1 May 2001

Appendix I The Referendum Question

The Wording of the Referendum⁶⁶

Introduction

If you vote in the referendum on 7 June, you will be asked to accept or reject a proposed amendment to Article 29 of the Irish Constitution. This Article deals with international relations and includes provisions already inserted following the referendums held to ratify membership of the European Communities (1972) the Single European Act (1987), the Treaty on European Union (the Maastricht Treaty) (1992) and the Treaty of Amsterdam (1998).

Text of the Proposed Agreement

You are being asked to add two further subsections:

Proposed subsection: Article 29.4.7°

"The State may ratify the Treaty of Nice amending the Treaty on European Union, the Treaties establishing the European Communities and certain related Acts signed at Nice on the 26 February, 2001."

Proposed subsection: Article 29.4.8°

"The State may exercise the options or discretions provided by or under Articles 1.6, 1.9, 1.11, 1.12, 1.13 and 2.1 of the Treaty referred to in subsection 7° but any such exercise shall be subject to the prior approval of both Houses of the Oireachtas."

The options and discretions referred to in the proposed Article 29.4.8° relate to the enhanced co-operation provisions of the Treaty. These are explained further below.

⁶⁶ Information provided in a booklet published by the Referendum Commission, available at: <http://www.refcom.ie/RefCom/real/ref.nsf/60380ded48d4d04880256a4d006bd504/6222a40edf6fd49c80256a54003fa38c?OpenDocument>. The text of the Twenty-fourth Amendment of the Constitution Bill, 2001, can be found at: [http://www.refcom.ie/RefCom/real/ref.nsf/60380ded48d4d04880256a4d006bd504/3ecbcea4a71a33a980256a54003fcfc7/\\$FILE/24bill.pdf](http://www.refcom.ie/RefCom/real/ref.nsf/60380ded48d4d04880256a4d006bd504/3ecbcea4a71a33a980256a54003fcfc7/$FILE/24bill.pdf).

Appendix II Campaign Websites

Websites for party campaigns

For:

Fianna Fáil	http://www.fiannafail.ie/Nice/ .
Fine Gael	http://www.finegael.com/main.htm .
Labour	http://www.labour.ie/nice/core.tmpl .
Progressive Democrats	http://www.progressivedemocrats.ie/campaign/referendum/nice/ .

European Movement, Ireland	http://www.europeanmovement.ie/ .
----------------------------	---

Against:

Green Party	http://www.greenparty.ie/nice.htm .
Sinn Féin	http://www.sinnfein.ie/ .
Socialist Party	http://www.socialistparty.net/home.html .
Workers Party	http://www.workers-party.org/wpNotoNice2001.html .
National Platform	http://www.nationalplatform.org/notnice/ .