

Referendum Commission Launches its Public Information Campaign on the Lisbon Treaty

Lisbon Treaty's main points explained

Thursday 3rd September 2009. The Referendum Commission has today launched its public information campaign designed to explain the Lisbon Treaty in advance of the referendum on October 2nd.

Speaking at the launch, the Chairman of the Referendum Commission, Mr Justice Frank Clarke said, "The Lisbon Treaty Referendum, which takes place on 2nd October, is mainly concerned with changing the way the EU makes decisions, and it also affects some of its powers."

If the Treaty is ratified the main changes would be:

The European Parliament would have joint power over some areas – such as agriculture and the entire EU budget - in which decisions are currently made by the Council of Ministers alone;

Some decisions which currently must be taken unanimously would be taken by a qualified majority vote. These areas include energy, asylum, immigration from outside the EU, judicial co-operation and sport (Currently Ireland can choose to opt out of areas such as asylum and immigration and so can decide not to be affected by EU decisions anyway);

Some decisions would continue to be taken unanimously, such as those in the areas of defence and taxation;

There would be a new post, that of President of the European Council;

The EU Charter of Fundamental Rights would be given the same legal value as the main treaties;

and EU countries would be obliged to assist each other if one is attacked, but only in a way that does not affect countries' policies on security and defence such as Ireland's policy on neutrality.

The Chairman continued, "We have seen that since the vote on the Treaty last year, the European Council has set out the effects of the Lisbon Treaty on Irish laws and policies on the issues of abortion, taxation and defence. These statements from the Council have been referred to as assurances or guarantees and say essentially that nothing in the Lisbon Treaty will affect Ireland's laws on these issues. The Referendum Commission said the same thing last year and is happy to do so again. These statements from the Council may provide extra assurance to people concerned about these issues but they don't change the Treaty in any way.

"Our role is to explain the Treaty content rather than comment on claims being made about the political consequences of a Yes or No vote. For example I have heard people on the Yes side claim that a rejection of the Treaty will cause economic damage to Ireland in the future. I have heard people on the No side claim that ratification of the Treaty will open the door to an erosion of workers' rights as they currently exist. Nothing in the Treaty explicitly addresses these issues and so it is for the people, and not the Commission, to assess these matters."

The Commission is currently distributing a guide to the Treaty to 1.9 million homes. This guide highlights the main points of the treaty in a simple way. It explains the main proposed changes to the way in which the EU is run and to how it makes decisions. It also outlines specific issues which were important to some voters during the last campaign and explains the effect, if any, the treaty would have on these key issues.

It has also produced a more detailed guide, for those who wish to know more about the proposed changes. This is available online at www.lisbontreaty2009.ie or by calling the Referendum Commission's phone line 1890 270970.

The Commission's website www.lisbontreaty2009.ie gives a detailed explanation of the treaty, further information of interest to voters, as well as information on how to check the register and how to register to vote.

The Commission's extensive advertising campaign is informative and creative and will comprise a balanced mix of TV, radio, press, outdoor and online. The TV, press and radio ads are designed to give information about the content of the Treaty. The outdoor advertising will concentrate on encouraging people to vote.

In his concluding remarks the Chairman said, "Don't let anybody patronise you and tell you that you can't understand the Treaty. We explain its key content in six and a half pages of uncrowded text in our guide. Of course there are always legal details that require a bit of study if you want to understand them. But the same applies to the title deeds of a house if you buy one, but you don't read these line by line. You trust somebody you hire to do it for you and you can trust us to tell you what is in the treaty."

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Note to Editors:

On Tuesday 7th July 2009 the Minister for the Environment John Gormley made an order setting up the Referendum Commission. Mr Justice Frank Clarke was appointed as chairperson of the Referendum Commission on the nomination of the Chief Justice John Murray. The other members are the Clerk of the Dáil Kieran Coughlan; the Clerk of the Seanad Deirdre Lane, the Ombudsman Emily O'Reilly and the Comptroller and Auditor General John Buckley.

Role of the Referendum Commission

The Referendum Commission is an independent body, set up by the Referendum Act 1998 as amended by the Referendum Act 2001. The role of the Referendum Commission is to explain the subject matter of referendum proposals, to promote public awareness of the referendum and to encourage the electorate to vote at the poll.

The Act of 1998 provides that the Chairman of the Commission shall be a former judge of the Supreme Court or the High Court or a judge of the High Court. The other members of the Commission shall be the Clerk of the Dáil, the Clerk of the Seanad, the Ombudsman and the Comptroller and Auditor General. The Referendum Commission is independent in its actions.

Under the Referendum Act 1998, on each occasion that a referendum falls to be held the establishment of a Referendum Commission is at the discretion of the Minister for the Environment, Heritage and Local Government. The Referendum Commission is therefore not a standing body, but is established for the purposes of a specific referendum. Once its functions are completed, it prepares a report for the Minister within six months on the carrying out of its functions, and the Commission dissolves one month after the submission of this report.

Under the 1998 Act, Commissions were required to outline arguments for and against specific referendum proposals, and to foster debate on the proposals. The Referendum Act 2001 changed the Commission's role, and it no longer has the role of outlining the arguments for and against referendum proposals or of fostering and promoting debate and discussion on referendum proposals.

Referendum Commissions have previously been established in connection with the following referendums:

- Amsterdam Treaty and the Northern Ireland Agreements which were held on 22 May 1998;
- Constitutional Recognition for Local Government which was held on 11 June 1999;
- Abolition of the Death Penalty, the Acceptance of the Jurisdiction of the International Criminal Court and the Treaty of Nice which were held on 7 June 2001;
- Abortion referendum which was held on 6 March 2002;
- Treaty of Nice which was held on 19 October 2002;
- Citizenship Referendum, which was held on 11 June 2004;
- Lisbon Treaty Referendum which was held on Thursday June 12th 2008.