Assessing the role(s) of the Irish parliamentarian in European affairs in Ireland

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John Carroll

PhD Candidate, Department of Sociology, NUI Maynooth
Introduction

In responding to the perceived ‘democratic deficit’ within the European Union, national parliaments have been seen at both the domestic and the European level as a key means of addressing this concern. This was clearly identified within the 2001 Laeken Declaration and was one of the areas dealt within the workings of the Convention on the Future of Europe. While the Constitution for Europe proved ill-fated, the detailed provisions that it contained with regards to national parliaments were maintained and arguably strengthened within the Lisbon Treaty. The recently ratified treaty includes a number of measures to improve the delivery of information on proposed European legislative changes, introduces a set eight-week period to allow for national parliaments to consider such measures before they can be approved at European council level, and also creates a role for national parliaments as the guardians of subsidiarity within the European Union.¹ Within the context of the two Lisbon Treaty referenda in Ireland, this ‘improved’ role for national parliaments in European affairs was enthusiastically trumpeted by proponents of the Treaty as a significant advance on the pre-existing position.²

The role of national parliaments in the European Union has attracted increasing academic attention.³ However, this literature has largely focused on the constitutional implications arising from the integration process, and the reactions of national parliaments – individually and collectively - to such changes. Within this, there has been little consideration of the engagement of individual national parliamentarians in European affairs, and their individual responses to the changing role of their own parliament in each country’s European decision-making processes. This paper’s perspective emerges from that significant lacunae in the literature, as the nature of any parliament’s scrutiny and oversight will rest to a large extent on the activities of the parliamentarians themselves.
This paper represents an initial effort to explore this area by examining the role of Irish national parliamentarians in European affairs, to assess their current levels of engagement in this area and to consider some of the obstacles towards stronger activity by parliamentarians in such matters. In the aftermath of the Nice Treaty referendum defeat in 2001, a number of parliamentary reforms were undertaken to improve the role of the Oireachtas in European affairs. Within the context of the initial defeat and the subsequent ratification of the Lisbon Treaty in 2008 and in 2009 respectively, there were two parliamentary inquiries – the Sub-Committee on Ireland’s Future in the European Union (SCIFE) and the Sub-Committee on the Review of the Role of the Oireachtas in European Affairs (SCRROEA) – which in significant part dealt with the role of national parliamentarians in European affairs.

This paper will therefore seek to firstly review the activities of the principle focus of the Nice Treaty parliamentary reforms, the Joint Committee on European Affairs (JCEA), in order to gain a perspective on the level of individual engagement by members of the Oireachtas in European affairs during the course of the last full parliamentary session (2002-07). Moving from that, it will draw upon the evidence of those experts – who include current and former parliamentarians, ministers and academics – who gave testimony before the two committees in order to present a view of the challenges facing Irish national parliamentarians in engaging in this policy field.

The Irish Experience of European Scrutiny

During the 2001 Nice Treaty referendum campaign, the former Attorney-General and No vote campaigner John Rogers argued that the Oireachtas had “been entirely sidelined in the context of legislation emerging from the institutions of the Community.” While the impact of this critique on the public debate has probably been over-stated in its importance, it was
building on a significant body of criticism with regards to the perceived weak nature of Irish parliamentary scrutiny of European affairs.

When Ireland acceded to the EEC in 1973, parliamentary scrutiny of European affairs was assigned to the newly created Joint Committee on Secondary Legislation of the European Community (JCSLEC). This committee was to consist of members of both Houses of the Oireachtas and over its twenty years history included, amongst its members a number of illustrious parliamentarians including the then senators, Mary Robinson and Brian Lenihan Senior. However within a political system dominated by an extremely powerful executive and, with very limited experience of parliamentary committees, the impact of the JCSLEC was very limited. Contemporary fears that the committee would “be overburdened and [would] have little time to devote to an examination of those issues which are not often expressed in the form of legislation but which are nonetheless fundamental to the development of the European Community” proved accurate.\(^v\) Reflecting its limited mandate which was largely confined to reactive examination of the secondary legislation arising from membership of the community, the JCSLEC was soon bogged down in largely technical matters.\(^vi\) The negligible impact of the committee on the wider political system was seen in 1991, when the Dáil devoted time to a plenary debate of a report of the committee. During the debate it was highlighted that this was the first time in seven year that this had occurred – a period of time that encompassed a significant advance in the European integration process.\(^vii\)

Throughout this period the JCSLEC it is important to note that it was one of the few parliamentary committees in existence across a number of parliamentary sessions.\(^viii\) The vast majority of the parliaments’ business was conducted within plenary sessions, and there was a marked reluctance from the dominant Irish political party – Fianna Fáil - to countenance the emergence of a widespread committee system as it may challenge the power of the executive. It was only in 1993, as part of the negotiations to create a Fianna Fáil/Labour Party coalition that a comprehensive committee system was introduced into
Irish political life, a system which has remained largely unaltered to the present parliamentary session.

This new committee system saw the end of the JCSLEC with its remit being subsumed in a newly established Joint Committee on Foreign Affairs. The treatment of European affairs as a sub-category of foreign affairs was not an obvious success, and in 1995 the new ‘Rainbow Coalition’ established the Joint Committee on European Affairs (JCEA). However, these changes appear to have had a limited impact on the parliamentary management of European business, and as mentioned above, this apparent failure was highlighted during the 2001 Nice Treaty referendum.

**Parliamentary Reform Post-Nice 1**

In the aftermath of the 2001 Nice Treaty referendum defeat, the Irish government undertook a number of initiatives to address the concerns raised during the campaign, and to pave the way for a second vote. These included the Seville Declaration which sought to assuage concerns over Ireland’s traditional policy of neutrality and the establishment of the Forum on Europe as a public space for debate on European integration. To address concerns over parliamentary scrutiny of European affairs the government introduced a number of parliamentary reforms. This was done through reformed parliamentary practice as well as by statute, with the enactment of the European Union (Scrutiny) Act in late 2002 following the 2002 general election. ix

While the need for such a statute had its roots in political rather than legislative need, ix its principle impact was to place a statutory requirement for “proposed measures” to be provided to the parliament “as soon as practicable” and accompanied by a detailed information note from the relevant minister outlining the “content, purpose and likely
implications for Ireland of the proposed measure.” The act also requires the relevant Minister to “have regard” for recommendations which emanated from either House of the Oireachtas or any of its committees relating to such measures. However, there is no requirement for the Minister to do anymore than this and this requirement is in no way a legal veto. In addition to these statutory requirements, the government also introduced the practice of Ministers briefing the European Affairs Committee and/or other relevant sectoral committees prior to meetings of the Council of Ministers and the European Council.

The JCEA was to be the primary conduit to give effect to these provisions. The committee took upon itself the role of a filter in relation to European legislation, establishing the Sub-Committee on European Scrutiny (SCES) in this regard. The JCEA itself had a broad remit under its terms of reference, and in their first annual report set out their principal functions as being:

1) to scrutinise “issues and measures” to be taken by the Council of Ministers;
2) consider matters which arise from Ireland’s membership of the EU and its adherence to the Treaty of the European Union;
3) consider the actions of the various institutions of the European Communities; and
4) consider instruments under statute and necessitated by membership of the European Communities.

In the recent academic consideration of the Oireachtas in the sphere of European affairs, these reforms – although still relatively weak in a comparative context - have been seen as a watershed moment in Irish parliamentary scrutiny of European affairs, a ‘critical juncture’ in the relationship between the executive and parliament in such matters. However, there is an element of caution to be attached to such claims. For example Barrett states that while the various measures brought in at that stage through the European Union (Scrutiny) Act, 2002 were a clear improvement on the previous experience and are “undoubtedly welcome”,
“their effectiveness in securing executive accountability remains open to doubt.” Similar concerns are also expressed by Patricia Conlan who contends that while the current system has shown itself to be somewhat meritorious; in her final conclusion she clearly doubts the overall effectiveness of new measures in controlling government action. With the exception of a number of measures, largely technical, introduced after the passage of the Lisbon Treaty, in the words of Deputy Joe Costello the only development since these 2002 reforms “was that we now have two separate committees – a Joint Committee on European Affairs and a separate scrutiny committee that deals with the scrutiny of legislation.”

Irish Parliamentarians

This paper is therefore seeking to assess the impact of these 2002 changes on parliamentarians’ engagement in European affairs, and the challenges towards improving this engagement in the context of the passage of the Lisbon Treaty. The literature on Irish political practitioners has almost overwhelmingly focused upon TDs, and although rarely approached in an overt fashion, consideration of parliamentarians has long adopted a rationalist framework with a strong emphasis on the importance of constituency orientation and work by TDs.

This is a significant factor which underpins much of the academic commentary on parliamentarians’ engagement with the JCEA, and more generally on the Oireachtas itself, as there are frequent references to the lack of incentives for parliamentarians to engage in such legislative, oversight and scrutiny work. Barrett for example states that “there is … little if any electoral incentive for TDs to participate in [committee work]” and cites the example of an unnamed TD who was warned after election about the dangers of “talk[ing] oneself out of the [Dáil]” by over commitment to committee work. He goes on state that the importance of constituency work is such that “it is simply not possible for the work of
Oireachtas committees to be the top priority of their members. Necessarily, the work of such committees suffers as a result.

In a review of early experimentation with parliamentary committees in the 1980s, Arkins argued that the “clientelist practices undermine the legislative activity of the Dáil deputy chiefly by robbing him [sic] of the time necessary for policy formulation and executive scrutiny.” This view is broadened by Eunan O’Halpin who put forward the case that the “structures and the culture of the Oireachtas” have long inhibited backbench politicians from taking an interest in policy matters or holding the government to account, particularly in European affairs. This viewpoint is regularly found in the broader public and academic consideration of the activities of Irish parliamentarians.

The academic roots of this literature are to be found in the 1960s when the grandfather of Irish political science, Basil Chubb argued that the workload of the average parliamentarian was confined to ‘persecuting civil servants’ on behalf of constituents with little interest in seeking to hold the executive to account.” A viewpoint which was strongly re-enforced in the 1970s and 1980s by works which highlighted the strong local connections between politicians and their voters. This viewpoint was supported by the 2002 General Election survey which highlighted the strong candidate-centric nature of Irish election competition, and that of a candidate’s personal characteristics, it was their constituency service which was the most important.

Certainly with regards to election, it is constituency work which appears to be rewarded, with little apparent return for parliamentary activity. While there has been limited investigation of the factors which influence the selection of candidates by parties in Ireland, or those surrounding promotion within parliamentary parties, those works which have touched upon these areas would not appear to attach much importance to the performance of legislative duties, least of all committee work. Therefore, if we follow this
consideration of Irish parliamentarians, we would conclude that enhancing the scrutiny role of the Oireachtas as was done post-Nice and is currently being done with the implementation of Lisbon Treaty reforms is a largely worthless endeavour. Improving the mechanisms and processes of scrutiny and legislative oversight will achieve little if the operators who are to perform those tasks, lack the motivation to do so.

However, the world in which Irish parliamentarians operate has changed rapidly over the past number of years. With the introduction and institutionalisation of a committee system, the workings of the Oireachtas have moved from outside the confines of the Dáil and Seanad chamber. Previously, where TDs in the past shared offices, and had access to extremely limited secretarial support; since 2004 they now each have their offices with a dedicated staff consisting of a secretarial and parliamentary assistant. The research support open to TDs and Senators has further been expanded by the expansion of the Oireachtas Library research function. In addition to this their role as “local” politicians has been reduced through the abolition of the so-called “Dual Mandate”, as TDs or Senators can no longer serve on local authorities or as MEPs. However, with one exception, there has been no consideration of the potential impact these changes have had, and will have, on the activities of Irish parliamentarians.

Parliamentarians’ Participation

This paper will firstly examine parliamentarians’ participation – in quantitative terms through examination of parliamentarians’ attendance at the JCEA and its sub-committee, the Sub-Committee on European Scrutiny (SCES) that served during the course of the 29th Dáil (2002-07) and in qualitative terms by looking at the nature of participation at a select number of meetings of both committees. This will allow us to see the level of engagement amongst parliamentarians following the post-Nice reforms, and as such, allow an insight into the level of ‘appetite’ amongst parliamentarians for further activity in this area. The
reasons for adopting this approach, as against other works on national parliaments’ engagement in European affairs which have focused on the constitutional, administrative or policy aspects, are threefold.

Firstly, the motivation to involve national parliaments within the European decision making process is borne from a belief that national parliaments, on account of their greater connection and interaction with their citizens, are possessors of a greater democratic mandate, and subject to more obvious accountability, than European level institutions. Therefore, the individual decisions of each individual parliamentarian to participate or not in parliamentary activities relating to European affairs provides a sense of democratic legitimacy that can be attached to the outcome of the process. Within that context, the level and nature of parliamentarians’ participation will provide a crude measure of the success of correcting this aspect of the so-called democratic deficit.

Secondly, there has recently been considered discussion on assessing the impact of parliamentary committees and inquiries in Westminster type parliaments on the broader policy process. Within this, David Monk recently proposed a framework for the consideration of the performance of such committees, with the intent of examining the impact of committee reports on the wider public policy discourse. In seeking to assess this, Monk identified a number of groups – including the parliament - whose reaction to committee reports will give an insight to the impact and the overall performance of the committee and went onto argue that if one of these relevant groups “judges a report positively, then that report is influential regardless of the views of the other relevant groups”.

Although this paper approaches committee work from a different perspective, examining parliamentarians’ participation in the JCEA rather than the reports of the committee, a
similar logic applies. Investigating parliamentarians’ participation in the JCEA will allow us assess whether a crucial sub-section of parliament – those members nominated to the JCEA – invest time and resources in such committee work. Given that individual parliamentarians do not operate in a vacuum and are undoubtedly influenced by their peers within parliament, by working norms and rules, the levels of such activity will give us an insight into the general view of parliament as whole to such committee work.

In addition, examining parliamentarians’ participation will give an insight of the potential impact that current and possibly future changes in this area may have. Ultimately, while the national parliaments and their committees may enjoy constitutional powers in various areas, the impact of those powers on actual outcomes will largely depend in the first instance on the willingness of parliamentarians to engage with the process, and the extent of their engagement.

Finally, unlike the Dáil and Seanad whose agendas are tightly controlled by the executive, and the Select Committees who are only meet to consider legislation and the estimates and are therefore meet at the behest of the relevant Minister, the joint committees set their own agenda, how often the meet, for how long and so on. While the government always enjoys a majority on committees, and there are government and opposition convenors appointed, the committee system does not generally appeared to be as tightly whipped as the plenary sessions. As such, the number of meetings held by a committee, and the attendance by members, will give a clear insight into how members view the role of their committee work in comparison to other duties.

Therefore this section of the paper will firstly seek to ascertain the level of activity of the committee itself, and put it in context of other aspects of Irish parliamentary life. Moving from this, it will seek to ascertain the level of individual commitment by parliamentarians to the committee by measuring their attendance and participation at committee meetings.
The Activity of the Joint Committee on European Affairs (2002-07)

In the aftermath of the 2002 General Election, the Dáil established a Select Committee on European Affairs consisting of eleven TDs. The Joint Committee was not established until November of that year, after it was enjoined with a Seanad Select Committee. In total, the Joint Committee consisted of seventeen members, eleven TDs and six senators. Committee memberships are allocated on the basis of party strength within the Oireachtas and TDs and Senators are assigned to committees by their party whips. In the opposition parties, membership is allocated in the first instance to the relevant party spokespersons; a situation which means that due to re-shuffles leads to a degree of turnover in membership. However, in the government supporting parties the extent to which members lobby their party whips to be appointed to certain committees is unclear.

Over its five year term, whether in private or public session the Joint Committee – as distinct from any of its sub-committees - met on 142 occasions. In order to place the activities in perspective, and the impact of the post-Nice reforms, it would ideally be hoped to place them in contrast with the JCEA which served in the previous parliamentary session from 1997 to 2002. Unfortunately, the proceedings of committees during this parliamentary session as the records of the debates were not collated and published. However, contemporary analyses of the committee during this time period suggest that attendance was ‘patchy’ and that parliamentarians’ engagement weak.

We can, though, compare the level of activity by the JCEA in public session with other committees of the 29th Dáil (2002-07). This is set forth in Figure 1 which shows that over the course of that parliamentary session, the JCEA was the most active of all such comparable committees. Moving from this, a detailed examination of the parliamentary records meant that it was possible to collate the length of 140 of the 142 meetings of the
Joint Committee. These show that the average meeting of the Joint Committee lasted for 1 hour 35 minutes. The Joint Committee generally meet once a week on days while the Dáil and Seanad were in session, however on a number of occasions it either meet on the Mondays or Fridays of weeks when both or either House was in session (both House only meet on Tuesday, Wednesday and Thursday during this period) and also on days when the Dáil is not in session at all that week. This is important to note, as mentioned previously unlike parliamentary time in the Dáil and Seanad which is strictly controlled by the governing parties, parliamentary committees have discretion over their agenda, how often they meet, and for how long. As such the comparatively large number of meetings held and the length of time they lasted suggests that there was least a desire amongst the core of members to be active in this area. A further useful comparison for the activity of this committee in holding meetings can be judged from the fact that in the same period the Dáil itself sat on 454 days and the Seanad on 392 days.

**Attendance**

Moving from this, Table 1 above shows the attendance levels of the various members of the Joint Committee for 140 of the 142 meetings for which records are publicly available. Overall attendance for Joint Committee members was 62% of meetings, with substitutes attending 2% of the time, and absence being recorded for the remaining 36% of occasions. This translates to 11.2 committee members on average being in attendance. Considering the number of meetings, this should be regarded as a fairly serious engagement by members with the committee.

The attendance record of TDs (62%) was slightly better than that of senators (60%), something which one would expect to be reversed given that Senators – who do not in theory at least represent geographic constituencies - would generally be viewed as having more ‘free-time’ on their hands to engage with oversight and scrutiny.
Turning from that to the attendance record of members, this shows that members of the Government parties (Fianna Fáil and the PDs) – be they TDs or Senators – have, as might be expected, a higher attendance records. Looking at party membership as a guide to attendance, the low attendance records of the opposition Labour and Sinn Féin party members is noteworthy. Whereas a government backbencher, as well as independents, will have few duties beyond their constituency role, an opposition party TD is likely to have far more – particularly in the smaller parties. They are more likely to be spokespeople for their party and as such would be required to take an active role in the media, with national interest groups, engage with Ministers at Question Time in the Dáil as well as being involved with their party on a national level e.g. invited to chair constituency meetings, speak at branch events and so on.

This is will be more significant in the smaller parties, as they are likely to place greater demands on their limited number of parliamentarians. From the figures in Table 1 and 2, the obvious exceptions to this are the PDs who have relatively strong attendance. However, the fact that the PDs did not develop a party spokesperson system – in any meaningful sense – outside of their Ministers and left their party system relatively underdeveloped during this period could account for this.

Table 4 comprises data on the meetings of the committee on occasions when either the Dáil or Seanad was not in session and when meetings were when the Dáil was in session but meetings were held on a Monday or Friday. While the number of these meeting were relatively few, eighteen and eight respectively, the attendance records are interesting. These meetings are frequently cited by TDs when they the Dáil is not in session as examples that they are still at work and not on extended ‘holidays’.
Based on the literature discussion previously, attending to committee meetings would be presumed to have little appeal to parliamentarians compared to constituency work. As such, it is worth noting that the attendance record for TDs is above average on those occasions (69% and 65% attendance when not in session or on Mondays and Fridays against 63% overall). Those who wish to cynicism can take comfort from the fact that committee members could claim allowances for attending such meetings, which may well be an incentive to participate. A further factor in allowing this may well have been the abolition of the ‘Dual Mandate’, which although formally abolished at the 2004 local election the majority of TDs and Senators who enjoyed the position resigned from their council positions during the course of 2002 and 2003.

Although all members of the Oireachtas have the right to attend committee meetings, this is relatively rarely used\textsuperscript{xi}. Finally, if we examine Figure 2, this shows the number of meetings and average attendance by committee members in three Dáil ‘terms’; January to March, March to August, and September to December. The intention of this is to examine the trend of meetings over the term of the Dáil, and the attendance by members during that time in order to test the view developed elsewhere that after initial enthusiasm, attendance at committee meetings wanes amongst TDs.\textsuperscript{xii} Given that the meetings of the JCEA are self-set it is notable that there is no obvious fall-off in meetings prior to early 2007 when it is clear that election mode had been slipped into. A downward trend in average attendance is noticeable, possibly due to declining enthusiasm. However, this may also have to do with changes in committee membership, with a substantial change over in membership taking place due to the promotion of some committee members to Ministerial office, changes in opposition spokespersons, as well as some members leaving the committee due to their election to the European Parliament.\textsuperscript{xiii}
We now move to an analysis of the participation of parliamentarians in the working of the committee. Initially it was proposed to do this on a quantitative basis, by measuring the number of contributions or interventions made by members of the committee. However, this proved difficult to do as meetings regularly changed in formats with some comprising of briefings by Ministers and Civil Servants while others involved open debate and discussion on the committee on resolutions, motions and reports. Furthermore, such an approach would not take account of the possibility that parliamentarians may be engaging with issues superficially, and asking questions for the sake of it, as highlighted by a previous review of the Public Accounts Committee.

Therefore, this paper examines four committee debates which are reflective of the general working of both the Joint Committees and based on these examples make some subjective assessments. Based on personal observations of a number of JCEA meetings, as well as the extensive trawl of the debate transcripts these meetings in style and substance offer a reasonable insight into the overall tenor of such meetings.

The first debate to be examined relates to the Report of the Advisory Group on role of the European Court of Auditors (ECA). This report was a desktop review carried out by a group of seven private individuals on the instruction of the JCEA in the context of the Irish presidency of the European Union in 2004, and the challenges that would emerge for the ECA due to enlargement. The authors of the report made a presentation to the JCEA on the 10th of December 2003, and following which the report was agreed to forward it to COSAC for further discussion.
The report itself is a substantial document, which made a number of recommendations on the future direction of the ECA which attracted controversy in the print media. Seven TDs and three senators were in attendance, with seven members engaged in questioning of the report’s authors. In this questioning, the members all showed themselves to be familiar with the report which had been circulated beforehand, and engaged with the subject. However, despite some members expressing disagreement with the report, no-one proposed any amendments to the report, and it was sent unaltered to COSAC as a discussion document.

The next meeting to be covered for examination is a November 2002 briefing from the Minister for Foreign Affairs, Brian Cowen and his junior minister Tom Kitt prior to a meeting of General Affairs and External Relations Council of the European Union. As highlighted previously, this briefing was an innovation which developed in the aftermath of the first Nice Referendum, with the Minister ‘honour bound’ to take the views of the committee onboard when negotiating in the Council. As such, the briefing from the Minister before the Council meetings offers an opportunity to committee members not only to hold the Minister to account for actions already undertaken, but also to influence the policy undertaken at the Council meeting.

On this occasion, thirteen members were in attendance and one substitute, ten of whom were TDs. The Minister gave a detailed overview of the issues which would arise at the Council meeting, such as enlargement, Resolution 1441 and the potential war in Iraq, the Israel-Palestinian conflict amongst other issues. There was quite detailed questioning of the Minister by nine of the committee members, and this questioning shows the members to have a firm grasp of many of the issues which were on the Council’s agenda. However, the main purpose of the questioning was information seeking, primarily to elucidate the finer points of policy, rather than to influence policy greatly, or to challenge actions or position already held. In this regard questions posed by the chairperson, Gay Mitchell are a good example of the information gathering purpose of many of the interventions:
• “The note refers to the Mediterranean dimension to the ESDP being discussed. What is the objective of the Mediterranean dimension? What are the ideas behind that?

• With regard to EU access to certain NATO crisis management infrastructural support, what sort of infrastructural support is envisaged? Have relations between the EU and NATO been damaged by the comments made by Mr. Giscard d’Estaing regarding the application of Turkey to join the EU? Turkey is likely to be co-operative in relation to the Petersberg Tasks. Has that co-operation been damaged by those comments?

• The humanitarian crisis in South Africa is not mentioned in the note but the Minister mentioned the Horn of Africa. In Ethiopia, a country with which Ireland has a direct concern, 6 million people are threatened by what could be one of the worst crises for some time. The Development Council has been abolished. Is the Minister satisfied that the General Affairs Council is as capable of responding to this sort of humanitarian crisis as was the Development Council, with its separate identity?”

At a May 2005 meeting, the committee considered a European legislative proposal on development and economic co-operation which was referred to it by the European Scrutiny sub-committee. The meeting consisted of a presentation by a civil servant of the measures contained within the proposal, and while there were ten members in attendance, the interaction by committee members was limited with only four members engaging in discussion on the proposal, and of those only two appeared to engage in detail on the proposal. One year later, in May 2006, the committee heard a detailed presentation on EU-Russian relations from Professor Ron Hill of Trinity College Dublin. This meeting was attended by eleven members, with six members engaged in detailed questioning of this expert witness on the policy area with each demonstrating a clear familiarity with the subject area.
Across these debates a number of issues come to the fore. While plenary sessions in the Dáil and Seanad are highly partisan events, as would be expected, the meetings examined here appear to be played out in a highly consensual manner. For example in questioning ministers, committee members show few signs of party difference, with no adversarial approach adopted by the opposition members, or an overly differential style by those from the minister’s party. Members by and large seem willing to ‘participate’ during the public aspects of the committee meetings, and when doing so, express a clear knowledge of the subject matter at hand. However, their questioning – and this was particularly evident during the 2002 meeting detailed above with the Minister for Foreign Affairs – are largely for the purposes of information gathering rather than seeking to influence policy. This would appear to reflect the massive gulf in available resources, as there are extremely limited dedicated research resources available to members of the JCEA and the anecdotal evidence would suggest that the small political staffs employed by individual TDs and senators are principally engaged in constituency matters. As such, it may be fairest to describe the participation of members as that of ‘enthusiastic amateurs’ - individuals with a good knowledge of the area, but unable – or possibly unwilling – to delve into the finer areas of policy.

The Sub-Committee on European Scrutiny

One of the first actions of the JCEA upon its establishment was to appoint the Sub-Committee on European Scrutiny (SCES). This committee which consisted of seven members, five TDs and two senators all of whom also served on the JCEA. The committee, under the initial chairmanship of Gay Mitchell TD and later Bernard Allen TD first met in October 2002 and over the subsequent five years met on a total of 79 occasions in public or private session.
As stated in the chairman’s introduction to the SCES first annual report covering the period to December 2003, the sub-committees tasks is to consider, “in advance all proposals for Decisions, Directives and Regulations before these are decided on by the Council of Ministers. ... The Sub-Committee decides which draft proposals for Decisions, Directives or Regulations and other documents such as Green papers should receive deeper Oireachtas scrutiny and refers only those draft proposals to Sectoral committees for their attention and scrutiny, and on occasions simply for their information. The Sectoral committees keep the Sub-Committee informed of how they dealt with the proposals so referred.”

As will be appreciated, there are a significant number of documents therefore to be scrutinised, and over the course of the term of the SCES – as can be seen from Figure 3 – the committee considered between 300 and 600 documents each year. This represents a very significant workload upon members, and the committee during this period meet approximately every two to three weeks when the Houses of the Oireachtas were sitting.

As is seen in Table 5, approximately two-thirds of members were in attendance when substitutes are taken into account. In contrast with the JCEA attendance rates, and more in line with intuitive expectations, there is – in terms of attendance – stronger engagement from the two members of Seanad than from the five members of the Dáil. In further contrast to the JCEA, where there was much stronger engagement from the government parties than from their opposition counterparts, attendance rates for Government members of the committee, as can be seen within Table 7, is lower than that for opposition members. This may be reflective of non-partisan trends within the committee. The committee’s purpose is to act as a ‘clear-housing’ for European scrutiny, and with regard to this, they have five options available to them when documents comes before them. They can, in the words of the SCES’s first annual report:

a. “Agree that a particular document requires additional scrutiny and will agree to refer this proposal to an appropriate sectoral committee;
b. Agree that the particular document does not warrant additional scrutiny by a sectoral committee. In this case no further action is required;

c. Agree to defer consideration of a proposal to a future meeting, for example should further clarification on some element be required;

d. Agree to note a proposal. This can happen, for example, where a proposal for exceptional reasons does not reach the Sub-Committee until after its adoption and where the Sub-Committee accepts the exceptional circumstances involved;

e. Agree to forward any proposal to a sectoral committee for information.

Within such a context, and noting that all of the members of the sub-committee (including subsequent replacements) supported the second Nice Treaty referendum, there would appear to be limited opportunities for ‘mischief-making’ from opposition members, and as such the need to maintain a regular government majority would not appear to be important. This may be suggestive that the scrutiny work - in this instance at least – takes place in a non-partisan context.

Considering that the workload of the SCES is in addition to that of the JCEA, the level of activity by the sub-committee would appear to be impressive. When the number of sub-committees meetings are compared to those of the full joint sectoral committees highlighted in Figure 2, we can see that this workload is comparable to that of many of the fully sectoral committees. This would appear to suggest serious engagement by the active members of the SCES in such committee work.

When moving to the participation at such sub-committee meetings, these meetings are – by their document based nature – necessarily staid and formulaic. When the SCES was initially established, the first meetings of the committee were held in private session. In the minutes of the first committee meeting, it is noted that “the Scrutiny of the Proposals could have been conducted in public. It was also noted that there would be difficulty for [the committee] staff at such meetings who would not be permitted to speak. It was agreed to continue with Private meetings in the short
term and work toward meeting in Public in the future.” This highlights the importance of the committee staff to members to carry out their scrutiny function, given the quantity of documents appearing before them. However, from early 2003 meetings of the sub-committee were in public session.

For the purposes of this paper, three meetings were examined. The first meeting to be examined was that on the 6th November 2003 which lasted for forty minutes. In addition to the chairman, Gay Mitchell TD, four members of the committee were in attendance. The structure of this and other meetings of the committee were similar. The chairman will introduce the various items for scrutiny, giving a general overview of the measure, and then recommend them for one of the five measures detailed above (pages 20-21). In total 15 measures were examined by the committee, with 7 been referred to sectoral committees for further scrutiny, 5 marked for no further scrutiny, and 3 measures were noted.

Many of the measures had limited, if no significance for Ireland and as such the Chairman would merely read out a summary of the measure and propose that no further scrutiny is warranted. However, where there was significance for Ireland, questions and debate occurred with two of the members, Deputy Michael Mulcahy and Senator Paul Bradford engaging in detailed questioning on various matters. One further member engaged in questioning in relation to one measure, while the final member did not appear to make any contribution to the meeting. With regard to the chairman, and the two other members who engaged in detailed questioning, they would appear to be familiar with the documents that they are scrutinising and the potential implications of same. While there may have been debate over various matters, from following this and other debates in SCES, the decision on what to do with a particular measure – whether to note it, refer it for further scrutiny or to decide if no further scrutiny was required –this was always decided by consensus and vote are not called.

The next meeting to be examined is that of 11th of May 2005, the meeting was attended by three members in addition to the new chairman, Bernard Allen TD. The meeting last for thirty minutes, and considered ten measures. Of these, three matters were referred to other sectoral committees and seven were marked for no further scrutiny. In the same manner as the previous meeting, the
chairman detailed each measure and proposed what action would take place – each of which would appear to have been made by consensus. However, it is worth noting that with the exception of a minor interruption, no other member beyond the chairman made any contribution to the meeting.

The final meeting to be examined is that on 14th of December 2006 which also lasted for thirty minutes. The meeting considered thirty items, twenty-five of which it decided merited no further scrutiny, one of which was referred to a sectoral committee for further consideration and five measures which were noted. Once more, this was a meeting dominated by the chairman who detailed the various measures and proposed the committee’s decision. There were no substantive contributions from the other committee members.

Its is difficult to get a sense of the level of the engagement of other members at the sub-committee with the committee’s workload from the later two meetings, however from the first it is clear that some members are clearly engaging. To a large extent the sub-committee is reliant on member’s carrying out their homework and being familiar with the subject matters under discussion. In this regard they are aided by the secretariat of the committee, as well as information notes made available to them by the Department of Foreign Affairs as required under the 2002 Act. However the later is also potentially worrying. Repeatedly during the meeting of December 2006, the chairman made reference to the Department of Foreign Affairs’ note on whether this matter had implications for Ireland or not, and appeared to use this as a guide towards his recommendation, for example with regard to one measure he stated “The Department’s note indicates its view that the adoption of the measure has no implications for Ireland.” Given that this committee is designed to be part of a process that seeks to assert the parliament’s role vis à vis the executive, this is undermined if they are largely following their cue on such matters.

The Aftermath of the Lisbon Treaty Referendum Defeat

The rejection of the Lisbon Treaty in June 2008 by a decisive manner prompted a considerable degree of soul-searching amongst the pro-European political elite and
“initiated a need to assess Ireland’s future in Europe.” As part of this the Joint Committee on European Affairs established the Sub-Committee on the Future of Ireland in Europe under the Chairmanship of the Fine Gael Senator Paschal Donohoe. The committee consisted of twelve members, heard from 110 witnesses from 40 organisations and published a detailed report on their recommendations in November 2008.

When the Lisbon Treaty was inevitably put to a second referendum, subsequently passed and then ratified, the Oireachtas introduced a number of largely technical measures to implement the provisions of the Lisbon Treaty as they pertained to national parliaments. In addition however, the JCES created the Sub-Committee on the Review of the Role of the Oireachtas in European Affairs (SCRROEA). This committee, under the chairmanship of Deputy Lucinda Creighton, meet in early 2010 and reported in July 2010. The committee received submissions from all the parliamentary parties with the exception of Sinn Féin, and heard from 11 witnesses.

Although the remit of the SCIFE was broad, a substantial amount of its work dealt with the role of the Oireachtas and its members in European affairs, and a quarter of its final report were devoted to the role of the Oireachtas in European affairs, while this was the principle focus of the SCRROEA. While much focus of these reports was on the balance of power in European affairs between the Oireachtas and the government and the institutional measures that could be used to challenge the current dominance of the executive of this relationship – in particular the introduction of a scrutiny reserve which was recommended by both committees – they do also touch upon the more “micro” factors which inhibit parliamentary engagement in this area, and measures which could improve upon this.

A primary concern across a wide number of contributors to both committees was that the engagement of European affairs was being confined to only a small number of TDs and Senators who were serving on the two European affairs committees. In the words of the
former TD and MEP Pat Cox, there was a danger that this practice was making the committee a “silo which becomes a European dustbin into which everything is dumped and is disconnected from the rest of the system.” The chairman of the SCRROEA suggested that through this practice of having scrutiny of European legislation confined to the JCES, there was a “fear and a risk that the task of scrutiny of European legislative proposals remains the preserve of a committees in the bunker of Leinster House.” In this regard John Perry TD, the Chairman of the JCES had a damning indictment of the general engagement of other members of the Oireachtas in European affairs. Arguing that European affairs should not be left to the small number of TDs and Senators in the two Joint Committees he went on to say that the “lack of awareness [of European affairs] amongst Members is appalling.”

In seeking to overcome this silo-isation members highlighted the need to have European matters debated more frequently and in greater detail in the plenary debates of both houses. It was mentioned by the Labour Party TD Joe Costello that there was no structured time for European affairs within the plenary session of the Dáil beyond when the Taoiseach provides a briefing after a Council meeting. The Deputy John Perry, in particular highlighted the difficulty of getting time during plenary sessions of the Dáil for debating matters, something which the former Minister and TD Alan Dukes argued was a long-standing failing of the Oireachtas;

“I saw this happen for a long time as a Member of this House. It is very unsatisfactory for committee members to put the work in and then find it impossible to get time for a debate on the floor of the House on the issue raises. ... It may be impertinent of me to say that 21 years as a Member and eight years outside the House, I heard committee members make that complain and some subsequently found themselves members of Cabinet. They did nothing about it when in Cabinet because the Executive here is very jealous of the headlock the Constitution gives it. The only way it will be sorted is if the Government makes a decision to do it differently.”
In addition, there were a number of proposals to involve the sectoral joint committees more heavily in European affairs. Concern was expressed that when the JCES passed items of European legislation to other sectoral committees for further examination, little was done in this regard. In the words of John Perry;

“Specialised committees have raised the game here but if we send a report from the Joint Committee on European Scrutiny to sectoral committees for a report back, one invariably finds it is rubberstamped. .. I give the example of a report by the Joint committee on European Scrutiny about a directive on fisheries. This will be sent to the committee with responsibility for fisheries but it will be sent back without any major due diligence on the document. That is the current difficulty.”

To overcome this, the SCRROEA proposed that the standing orders of both Houses of the Oireachtas be changed so that the sectoral committees were obliged to report back to the JCEA and JCES when a matter was referred to them. Furthermore with regard to government accountability, it was noted by a number of contributors that Ministers outside of the Minister for Foreign Affairs rarely, if ever, appeared before sectoral committees in relation to European matters. The Labour Party in particular, argued strongly to deepen the involvement of the other sectoral committees in European affairs, to having the European affairs committees taking a co-ordinating role, but leaving the detailed scrutiny to the sectoral committees; a proposal which is a slightly neutered form was proposed by the SCRROEA.

Surprisingly, with the exception of a contribution by Fianna Fáil backbencher Beverley Cooper Flynn, there seems to have been little consideration given to providing dedicated training or education for Members of the Oireachtas in European Affairs. Speaking during the appearance of the Chair of the House of Common Scrutiny Committee she suggested
that while a much of the apparent apathy to European affairs amongst members was down to a “lack of knowledge.”

Within this context of greater knowledge of European affairs, it was highlighted by across a range of contributors to both committees that in comparisons to other stake-holders in the European political process – national governments, the Commission, the European Parliament and NGOs – the National Parliament and its members arrive late to the game, and lack the insider knowledge of European politics. With this in mind, there was detailed consideration given as to how better to engage with Irish members of the European parliament in order to improve their access to information, in particular about future developments. Furthermore, it is noteworthy that in giving evidence to the SCRROEA mentioned the experience Deputy Lucinda Creighton had in the European People’s Party. This is interesting in that it highlights not so much Deputy Creighton’s experience in this regard, but rather its suggests that it is unusual and that there would appear to be an apparent absence of similar engagement with the European political wings of their parties from other members.

One of the innovative proposals which emerged from the SCFIE was the creation of a new panel for Seanad vocational panel of 5 members to be drawn from people who have experience and knowledge in European affairs, in order to allow the Seanad to play a greater role in the discussion of such matters. This was endorsed by the SCRROEA, which heard from a number of witnesses, most notably Michael McDowell who placed great emphasis on the possible stronger role the Seanad could adopt in scrutinising the Executives actions in this area.

With regards to scrutiny of European legislation, a particular concern expressed by members of the JCES was the sheer quantity of the legislation being presented to them, much of which had nothing to do with Ireland. The manner in which this information is presented
without prioritisation led one member to describe it as being presented in almost
“telephone directory” with all the measures appearing “on the pages as if they are of the
same importance.” Drawing on the evidence of Dr. Gavin Barrett who highlighted the
Luxembourgish example, the SCRROAE in this final report suggested that there be the
division of documents presented for scrutiny into A and B lists which would prioritise those
measures which related to Ireland.

One issue which resonated across a wide range of contributors was the perceived poor
return for members of the two committees to engage in detailed committee work.
Reflecting the academic works detailed earlier in this piece, the former TD, Attorney General
and Minister, Michael McDowell stated that:

“In the real world, Oireachtas Members have many calls on their time and commitments
and they also appreciate that they could put a lot of efforts into scrutiny that would go
completely unrewarded and unacknowledged, especially by the media.”

Pat Cox pinpointed blame for this to the role of the electoral system in this regard claiming
that it is “a major inhibitor for the evolution of a proper committee system that works” as it
imposed a great deal of other commitments on parliamentarians who did not “have the
power of bi-location.” However, the former Taoiseach John Bruton that there was a need
to harness the “individualism of [Irish] politicians.” A means proposed in a number of the
submissions to the SCRROEA to achieve this was the creation of a rapporteur system – a
proposal which was ultimately included as one of the key recommendations within the final
report of that sub-committee. The creation of such a system was strongly argued for by
John Bruton would suggested it would be “an opportunity, especially for a backbencher who
is not on the Front Bench or a junior Minister to be appointed as the rapporteur on
important legislation and for that person to shine. The committee should harness that
capacity.” He went onto to state that:
“Committees do not stand for re-election; Members stand for re-election. If a committee holds a press conference, nobody will come to listen or promote it particularly well. If an individual member, however, has been appointed rapporteur on something and he or she wants to get publicity, he or she will get publicity because it is in his or her personal interest to get it. We need to harness the natural individualistic competition that is political life in Ireland for a good cause by using the rapporteur system and giving members something for which they personally can take credit.”

In aiding TDs to engage more significantly in this regard, the resources available to the committees and parliamentarians were highlighted by a wide number of speakers and within submissions. It was noted by Dr. Gavin Barrett that the committees were chronically under-resourced, and there was palpable envy when it was stated by the Chairman of the British House of Commons Scrutiny Committee, Michael Connarty, MP that their committee enjoyed the support of 15 members of staff including seven specialists. The need for extra resources for parliamentarians to carry out this work was highlighted within the submission from the Fianna Fáil parliamentary party which argued strongly for increased resources for committee members stating that membership “of the committee[s] involves a significant [increase] in the volume of work for each committee members. Furthermore the work is ... technical and complex in nature.”

Conclusion and Discussion

The examination of meetings of the Joint Committee on European Affairs, and its Subcommittee on European Scrutiny show that in terms of meetings and attendance, that there are parliamentarians that are seeking to engage in this area of policy. However, it would appear that this engagement is confined to a small number of parliamentarians (the silo in the buker) within the Oireachtas, and that there are a variety of considerable constraints
upon that such engagement—as were highlighted within the proceedings and reports of the SCFIE and SCRROEA. It is questionable as to whether the proposals to improve parliamentarians’ engagement with European affairs contained within both reports, in particular the SCRROEA will ever be implemented. As highlighted by Alan Dukes at a meeting of the SCRROEA—and referred to above—the track record of the Oireachtas in this regard is poor, and testament to that, there would appear to be no sign that the report of the SCRROEA which was laid before the House of the Oireachtas in July, will be the subject of parliamentary debate in either House in the near future.

This works begins a consideration of the engagement of national parliamentarians in European affairs within the Oireachtas. Moving from this paper, further research will seek to quantify the wider parliamentary engagement in European affairs by parliamentarians, through participation in plenary debates where they occur, oral and written questions to ministers, and when European matters arising at the various sectoral committees. It will seek to draw out the manner in which factors referred to within paper, most notably constituency service, but also aspects such as education and knowledge about the European Union, intra-party competition, promotion with party and within government, party discipline and so forth which either encourage or inhibit parliamentarians to engage with European affairs. In most of the consideration of national parliaments and the European Union, the individual parliamentarian gets lost, and ultimately, it is those individual parliamentarians who are those expected to make this system work. As such future research will have to engage as much, if not more so, with those parliamentarians who do not engage with European affairs and draw out the reasons for that lack of participation, as much as those parliamentarians who do.

In conclusion, the contribution of Deputy Creighton to a meeting of the SCFIE is apt. “European law-making, no matter how voluminous or important, in the future will not be considered relevant by the Irish people until our parliament begins to take it seriously, and
regard it as being relevant, and until our politicians, particularly our Dáil Deputies take it seriously."
Tables and Figures

### Table 1: Attendance by Parliamentarians at Joint Committee on European Affairs (2002-07)- Overall, TDs & Senators

<table>
<thead>
<tr>
<th></th>
<th>Overall</th>
<th>TDs</th>
<th>Senators</th>
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<tr>
<td>Number of Members</td>
<td>17</td>
<td>11</td>
<td>6</td>
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<td>Attended Meetings</td>
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<td>63%</td>
<td>60%</td>
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<tr>
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<td>2%</td>
<td>6%</td>
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<tr>
<td>Absent</td>
<td>32%</td>
<td>34%</td>
<td>34%</td>
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*Source: Minutes and Proceedings of the Joint Committee on European Affairs meetings*

### Table 2: Attendance by Parliamentarians at Joint Committee on European Affairs (2002-07) - By Party

<table>
<thead>
<tr>
<th>Party</th>
<th>Fianna Fáil</th>
<th>Fine Gael</th>
<th>PDs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Members</td>
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<td>3</td>
<td>2</td>
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<tr>
<td>Attended Meeting</td>
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<td>65%</td>
<td>66%</td>
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<td>Substitute</td>
<td>5%</td>
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<td>2%</td>
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<tr>
<td>Absent</td>
<td>27%</td>
<td>30%</td>
<td>32%</td>
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<tr>
<th>Party</th>
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<th>Independents</th>
</tr>
</thead>
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<td>Number of Meetings</td>
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<td>1</td>
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<tr>
<td>Attended Meeting</td>
<td>46%</td>
<td>42%</td>
<td>61%</td>
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<td>Substitute</td>
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<td>4%</td>
<td>3%</td>
</tr>
<tr>
<td>Absent</td>
<td>53%</td>
<td>55%</td>
<td>36%</td>
</tr>
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</table>

*Source: Minutes and Proceedings of the Joint Committee on European Affairs meetings*
Table 3: Attendance by Parliamentarians at Joint Committee on European Affairs (2002-07) - Government & Opposition Supporting Members

<table>
<thead>
<tr>
<th></th>
<th>Government TDs</th>
<th>Opposition TDs</th>
<th>Government Senators</th>
<th>Opposition Senators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Members</td>
<td>6</td>
<td>5</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Attended Meeting</td>
<td>70%</td>
<td>62%</td>
<td>72%</td>
<td>48%</td>
</tr>
<tr>
<td>Substitute</td>
<td>3%</td>
<td>2%</td>
<td>7%</td>
<td>5%</td>
</tr>
<tr>
<td>Absent</td>
<td>27%</td>
<td>37%</td>
<td>21%</td>
<td>47%</td>
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Source: Minutes and Proceedings of the Joint Committee on European Affairs meetings

Table 4: Attendance by Parliamentarians at Joint Committee on European Affairs (2002-07) when Dáil or Seanad is not in session

<table>
<thead>
<tr>
<th>When Dáil not in session</th>
<th>TDs</th>
<th>Government TDs</th>
<th>Opposition TDs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Meetings</td>
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<td>Substitute</td>
<td>7%</td>
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<td>8%</td>
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<tr>
<td>Absent</td>
<td>24%</td>
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<td>25%</td>
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</table>

<table>
<thead>
<tr>
<th>When Seanad not In Session</th>
<th>Senators</th>
<th>Government Senators</th>
<th>Opposition Senators</th>
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</thead>
<tbody>
<tr>
<td>Number of Meetings</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Attended Meeting</td>
<td>51%</td>
<td>63%</td>
<td>39%</td>
</tr>
<tr>
<td>Substitute</td>
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<td>17%</td>
<td>19%</td>
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<td>Absent</td>
<td>31%</td>
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<td>43%</td>
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Source: Minutes and Proceedings of the Joint Committee on European Affairs meetings
### Table 5: Attendance by Parliamentarians at Sub-Committee on European Scrutiny (2002-07) - Overall, TDs & Senators

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<th>Overall</th>
<th>TDs</th>
<th>Senators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Members</td>
<td>7</td>
<td>5</td>
<td>2</td>
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<tr>
<td>Attended Meetings</td>
<td>61%</td>
<td>58%</td>
<td>67%</td>
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<tr>
<td>Substitute</td>
<td>6%</td>
<td>4%</td>
<td>13%</td>
</tr>
<tr>
<td>Absent</td>
<td>33%</td>
<td>38%</td>
<td>20%</td>
</tr>
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</table>

*Source: Minutes and Proceedings of the Sub-Committee on European Scrutiny meetings*

### Table 6: Attendance by Parliamentarians at Sub-Committee on European Scrutiny (2002-07) - By Party

<table>
<thead>
<tr>
<th>Party</th>
<th>Fianna Fáil</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Number of Members</td>
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<td>2</td>
</tr>
<tr>
<td>Attended Meeting</td>
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<td>74%</td>
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<tr>
<td>Absent</td>
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<table>
<thead>
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<th>Party</th>
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</thead>
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<td>Number of Meetings</td>
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<tr>
<td>Attended Meeting</td>
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<tr>
<td>Absent</td>
<td>61%</td>
<td>17%</td>
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</table>

*Source: Minutes and Proceedings of the Sub-Committee on European Scrutiny meetings*
<table>
<thead>
<tr>
<th></th>
<th>Government Members</th>
<th>Opposition Members</th>
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<tbody>
<tr>
<td>Number of Members</td>
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<tr>
<td>Attended Meeting</td>
<td>70%</td>
<td>62%</td>
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<tr>
<td>Substitute</td>
<td>3%</td>
<td>2%</td>
</tr>
<tr>
<td>Absent</td>
<td>27%</td>
<td>37%</td>
</tr>
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</table>

*Source: Minutes and Proceedings of the Sub-Committee on European Scrutiny meetings*
Figure 1

Public Meetings of Joint Committees (2002-07)
Figure 2

Meetings & Attendance Trends

- Number of Meetings
- Average Attendance including Substitution

Data:

- September - December 2002
- January - March 2003
- April - August 2003
- September - December 2003
- January - March 2004
- April - August 2004
- September - December 2004
- January - March 2005
- April - August 2005
- September - December 2005
- January - March 2006
- April - August 2006
- September - December 2006
- January - March 2007
Figure 3. Proposals Dealt with the Sub-Committee on European Scrutiny (2003-06)

Notes and References


iv p.8, Roger, John (2001) ‘Voters should not be blackmailed into voting Yes to avoid giving offence’, The Irish Times, May 21st

v p.242, Keatinge, Patrick (1973), The Formulation of Irish Foreign Policy, Dublin: Institute of Public Administration


vii Dáil Éireann (1991) Report of Sixth Joint Committee on the Secondary Legislation of the European Communities: Motion, 8th November, Volume 412, Columns 870 to 976

viii The only other notable, non-“housekeeping” committees in this regard were the Public Accounts Committees which has existed across the history of the Oireachtas, and the Seanad Select Committee on Statutory Instruments which existed, in a variety of guises, from the 1950s to 1981.

ix Unusually for Irish politics, but reflecting the cross-party consensus on Europe that exists within the Oireachtas, the act had its genesis in a private members bill introduced by the opposition Labour Party.


xi Section 2 (1), European Union (Scrutiny) Act 2002, available from http://www.irishstatutebook.ie/2002/en/act/pub/0025/index.html. There are certain qualifications made within the Act to the process outlined above, where time or confidentiality do not permit such activities to occur.

xii S.2(3), ibid

xiii p.283, Hegarty, op cit

xiv P.287, ibid

xv p2-3, Houses of the Oireachtas (2003), Joint Committee on European Affairs, Annual Report 2002/03: Dublin: Houses of the Oireachtas
xi. P.163-4, Ibid, see also p.178
xxi. p.8, Monk, David, op cit
xxii. p.2, Houses of the Oireachtas (2003) Joint Committee on European Affairs, Annual Report 2002/03, Dublin: Houses of the Oireachtas. Ministers and Ministers of State at the Department of Foreign Affairs are ex-officio members of the committee, but only irregularly participate, whilst Irish Members of the European Parliament – from both the Republic of Ireland as well as Northern Ireland – have the right to participate but not to vote at JCEA meetings. This is unusual in a comparative European context, but it is a right which is infrequently
exercised with a cumulative total of 54 MEPs attendances recorded on 33 occasions, with only one northern Irish MEP availing of the opportunity to attend.

These meetings included briefings from Ministers prior to General Affairs and External Relations Council of Minister meetings, exchanges of views with members of the Commission, and discussions on ongoing developments within the European Union – in particular when the Convention on the Future of Europe was sitting. Further to the meetings which are the subject of analysis here, the Committee also engaged in a number of fact-finding meetings around the country, represented the Oireachtas at events such as the COSAC bi-annual assemblies, and in addition to their annual reports and work plans, laid thirteen reports on policy matters before the Oireachtas.

This comparison only includes the activities of the “full” Joint Committees, and does not include the activities of sub-committees (e.g. in the case of the JCEA, the sub-committee on European Scrutiny). Similarly, it does not include the activities of Dáil Select Committees, which generally only meet to consider legislation and therefore are dependent on the relevant government minister appearing before the committee to present the legislation.

The comparison is between other Joint Committees which carried out public sessions throughout the period. A small number of committees were founded during the course of the parliamentary session (e.g. the Joint Committee on Child Protection was established in July 2006 and reported in November of that year, only meeting in public session on six occasions.)

This is partially explained by the fact that of the six senators, three were generally viewed as using the Seanad as a form of ‘resting home’ for the Dáil with both Derek McDowell and Paul Bradford running in 2002 General Election and John Dardis having been expected to run in the 2007 election having been an unsuccessful candidate in 2002 General Election as well. When the attendance record including substitution of the three Senators who were not seeking elevation to the Dáil at the next election was 81% against 52%, which would be in keeping with intuitive expectations.

This would be partly due to the fact that most would be in a position to attend the committee meetings as substitutes. On 36 occasions, TDs or Senators are recorded as having attended the committee meetings and are not recorded as being substitutes or witnesses. This was largely due to a small number of parliamentarians with a noted interest in European matters, such as John Bruton.

Deputies Gay Mitchell and Kathy Sinnott were elected to the European Parliament in 2004 and subsequently left the committee. Promotions for Pat Carey and Sean Haughey to Junior Ministerial rank saw them leave the committee. Front-bench reshuffles saw Bernard Allen join the Committee when he became Fine Gael spokesperson on Foreign Affairs. The same is the case Joe Costello of the Labour Party.


Oireachtas, Joint Committee on European Affairs, 10th December 2003 available at http://www.gov.ie/committees-29/c-europeanaffairs/20031210-J/ accessed 27th July 2010


p.3-4., ibid


p.20, Sub-Committee on the Review of the Role of the Oireachtas in European Affairs, Report of the Sub-Committee on Review of the Role of the Oireachtas in European Affairs, Dublin: Houses of the Oireachtas, 2010

op cit.

Oireachtas, Joint Committee on European Affairs, Sub-Committee on the Review of the Role of the Oireachtas in European Affairs, 5th May 2010 (Dr. Gavin Barrett) http://debates.oireachtas.ie/DDebate.aspx?F=EUR20100505.xml& accessed 11th September 2010

