

Elaine Byrne

30th Annual MacGill Summer School 2010 Glenties

July 2010

Political Reform.

The beginning, middle and end.

The ‘significant factors contributing to the unsustainable structure of spending in the Irish economy,’ according to 2010 Honohan Banking Inquiry report into the causes of Ireland’s dramatic economic collapse, were due to the ‘Government’s procyclical fiscal policy stance, budgetary measures aimed at boosting the construction sector, and a relaxed approach to the growing reliance on construction-related and other insecure sources of tax revenue.

The Regling and Watson banking inquiry report also noted these tax reliefs ‘directed to the property sector, often in particular regions of the country . . . contributed to a more general misallocation of resources as some of the tax concessions seem to have been granted on an ad-hoc basis in a not fully transparent way.’ Pg.27

Ireland was awash with tax reliefs, incentives schemes and income tax exemptions for developers and investors which inflated the price of land and overheated the market. These included, according to the Regling and Watson banking inquiry report, tax allowances on ‘multistorey car parks, student accommodation, buildings used for third-level educational purposes, hotels and holiday camps, holiday cottages, rural and urban renewal, park-and-ride facilities, living over the shop, nursing homes, private hospitals and convalescent facilities, sports injury clinics and childcare facilities.’

The Middle. Part One.

Young people do care. *Three examples.*

This is an email correspondence I have entered into recently which is typical of the contact I get from time to time from young people on foot of the debate on political reform.

Dear Dr. Byrne,

My name is Kellan Scott. I am 17 year olds. I am incredibly interested in Politics and eager to learn more and more about the subject. I was watching Prime Time on Rte 1 on 25/03/2010. I was struck with excitement to hear what you had to say.

I see you write about Political reform. Today I got my Easter holidays and I plan to finish an article entitled "Community is our greatest asset in a recession." Irish history also happens to be my favourite part of History especially Cumman na nGaedhal, De Valera's government and the Emergency.

Thank you, Kellan Scott

Dear Elaine

I am sorry for not emailing you the community document. However, I am sending two bills which I have made. One, entitles 16 year olds to vote, the other entitles the public to remove a Cllr, senator, TD or MEP. Please excuse the lack of political correctness and the huge amount of errors and un needed sections. Unfortunately I don't have access of the Attorney General, hundreds of civil servants and a huge advisory panel. The bill which allows 16 year olds to vote I would agree with as I have come across many teenagers willing to help through Comhairle na nÓg.

Yours sincerely, Kellan Scott

- How many people do you know that has voluntarily produced a Bill?

Another example.

Mark Coughlan (22) and Gavin Sheridan (29) established www.story.ie about ten months ago. The website is dedicated to promoting transparency by publishing various government documents online.

This includes previously unreleased or untabulated information detailing in open spreadsheet formats the expenditure of €800 million (broken down by individual or company that received State monies) (€2.7 billion if you include CAP payment distributions) (and shortly to add another €120 million).

In the last ten months:

- 100,000 unique visitors
- 259 public documents (mostly from FOIs which they funded out of their own expense or received public donations) viewed 57,000 times
- How many people do you know that has given such a voluntary commitment to promoting transparency in public life?

Another example.

Earlier this year, for the first time in the history of Trinity College, a fully constituted committee of the Oireachtas sat in College Green. The Joint Oireachtas Committee on the Constitution, chaired by Sean Ardagh heard submissions from my Irish Politics students on electoral reform.

400 people went to that public meeting on political reform. 400 young people, mostly in their early 20s cared about political reform. Their views are reflected within the Committee's report on electoral reform, which is published today.

- In the middle of a busy semester, filled with essays and other assessments, my students voluntarily researched, prepared and wrote detailed views on electoral reform. This was not included as part of their overall assessment grade. They did this because they wanted to. These submissions can be accessed at www.politicalreform.ie

Let me quote you an abstract from a speech by a former member of the PDs.

“those who seek and insist on accountability in our democracy are nothing but trouble-makers, begrudgers, character assassins, opponents of enterprise, saboteurs of agriculture, economic vandals or anti-employment... We are not anti-enterprise or anti-job creation, we just want accountability. We do not moralise, but we seek democratic accountability for the way in which power is exercised in our society.”

Michael McDowell TD, 2 September 1994 on his contribution to the Dáil debate on the Beef Tribunal Report.

On my last count, thirty-two public inquiries have been initiated to examine matters of public concern within politics, business, church, police, finance, public service, professions and health in the twenty year period between 1990 and 2010. what has become a permanent process of institutional self-scrutiny, a variety of non-statutory, companies act, tribunal and parliamentary inquires have comprehensively challenged the very character of authority in Irish public life.

A seachange in attitudes towards the integrity of self-regulated institutional authority has occurred. This was long overdue and marks a positive development in Irish public life. Traditional values of blind deference, misguided loyalty and the fear of asking questions have underwent an electrifying process of clarification.

Ireland has allowed institutional authority to do the thinking. The character of authority has now since changed, changed utterly. Irish citizens have lost confidence in the integrity and capability of public life. It has been convenient to believe that the advent of the Celtic Tiger has somehow weakened traditional Irish values. This flawed assumption rests on the premise that those so-called values which genuflected with due deference before authority, without ever taking individual responsibility for the consequences of the absolute power of the Church, politics, Garda and professions, were acceptable standards to define the values of a Republic in the first place.

The End. Part One

(The different approaches to reform.

(some) changes that can be done in the morning.

changes that do not require constitutional change.)

1. A reformed relationship with the North. A cathartic vision of a shared future would seek to implement the rest of the Good Friday agreement. The establishment of the North-South Parliamentary Forum would provide a political space for members from the Oireachtas and the Northern Ireland Assembly to exchange experiences.

This body could drive forward new initiatives such as an all-island energy market or the creation of an all-island IDA body. It would also complement and give greater political legitimacy to discussions held yesterday by the NSMC on cross-Border roads, the strategy for recovery and developing co-operation on the “smart” economy.

2. A reformed definition of a Republic. A coherent vision of what a reformed Ireland wishes to be should be reflected in the preamble of the Constitution. Our constitution does not contain the word republic and although we talk a lot about a republic we have never formally defined it. The preamble of the Constitution of Ireland, Bunreacht na hÉireann, is contrary to the notion of republican ideals with its emphasis on “the Name of the Most Holy Trinity, from Whom is all authority and to Whom, as our final end, all actions both of men and States must be refer.” In a republic, power is derived from its people, not from religious doctrine. Neither does a republic distinguish between the genders of its citizens. Symbolism matters.

The integrity of the word republic was held hostage by those of violent intent for much of Irish independence. A new generation no longer carries the nationalistic inhibitions that held those of a previous generation captive.

3. A reformed governance.

David Farrell, Eoin O'Malley, Jane Suiter and I are the co-authors of a website politicalreform.ie, which is under the auspices of the Political Association of Ireland, and detailed information on the following reform suggestions can be found there. We welcome people to contribute to this website.

Examples of reforms:

- Renewed investigative powers for Committee system.
 - A public appointments transparency Act.
 - Open Government. Routine publication of government documentation.
 - A register of lobbyists.
 - Publish all donations.
 - Revenue-raising powers to local government.
 - Dublin mayoralty with real powers.
 - Ceann Comhairle elected by TDs
-
- Regulatory impact analysis (RIA)—This is evidence-based policymaking which allows for a systematic early consideration of the benefits, costs and compliance issues of new legislation, rather than the crisis-led approach or kite-flying that has characterized Irish policy making. This method of effective public sector reform would open up decision-making to interested stakeholders and the wider public rather than our traditional Civil Service-led policy approach.

- Echoing what Pat Rabbitte said, the Dáil will not be more powerful if it has longer sitting hours, marginally better procedures or if the number of TDs is reduced. This is tinkering-at-the-edge stuff.

We have a strong government and weak parliament which is contrary to the provisions of the Constitution. Article 28 states: “The Government shall be responsible to Dáil Éireann.” The Dáil has the power to make the government accountable to it but it has chosen not to. The whip system has ensured that the Dáil has allowed itself to be irrelevant by not exercising its obligation to hold the executive to account. Deep-seated institutional change must rebalance the relationship between the government and the Dáil, as intended by article 28.

4. A reformed civil society.

- Irish citizens resident outside Ireland should have the right to vote in Irish presidential elections.
- A new social partnership model that seeks to empower civil society.
- As envisaged under the first Constitution, a public petition system to the Dáil be established.
- direct democracy initiatives

5. A reformed Seanad.

The first Senate met on December 11th, 1922, at the National Museum on Kildare Street. Sir Thomas Henry Grattan Esmonde, the great grandson of Henry Grattan, was the first to take his seat in this new Senate.

From 1922-1936, of the 489 Bills received, the Senate substantially amended 182 before they became law. The weight of the Senate's authority was such that of their 1,831 amendments made to primary legislation, the Dáil agreed to 1,719. In 14 years, the Dáil accepted 95 per cent of all amendments and only rejected outright 86 Senate amendments. These were no ordinary amendments.

It was because of a Senate intervention, for example, that district judges were made full-time, paid and legally qualified, and therefore insulated against locally vested interests and financial pressures, which was in pointed disparity to the unprofessional nature of their corrupt Resident Magistrate predecessors. We take many of these basic principles for granted today.

Of course, those were different times. The remarkable independence of the then Senate, which in its early years was not divided on party lines, is not practical for a second house in a modern parliament. But it does serve as an example of how a second house can substantively contribute to the establishment of a new state. It is how we can potentially accomplish a second Republic.

Suggested amendments of powers of Seanad.

- Additional powers to review proposed EU legislation,
- Take presentations from the public on matters of national importance,
- Interview applicants for various prescribed public positions such as the Comptroller and Auditor General and ombudsmen positions.
- The exceptional shortcomings of how we elect our Senators should be transformed into a virtue. The reorganisation of the Seanad appointment process would open up Irish politics to include the representation of those with international private sector experience, the diaspora, our ethnic and religious minorities and our Northern neighbours.

The End. Part Two.

HENRY GRATTAN retired from parliament in 1797 in protest over his proposed political reforms being ignored. He was convinced that in the absence of vital and fundamental reform, Ireland was drifting towards rebellion. No one believed him.

In his 24-page “Letter to the citizens of Dublin”, Grattan explained his dramatic decision. In order to “save the country”, he wrote, it was “absolutely necessary to reform the state”. The “continuation of the old system” would lead to Ireland’s downfall because the people no longer had confidence in parliament.

A year later, the 1798 rebellion occurred.

Grattan returned to public life a couple of years later to protest at the imminent Act of Union, which sought to unite the Kingdom of Great Britain and the Kingdom of Ireland and create the United Kingdom of Great Britain and Ireland. It was too late. The Irish parliament voted itself out of existence and Ireland was robbed of legislative independence for 120 years.

In the last week of March in 1800, 210 years ago, Henry Grattan gave his final speech to the Irish House of Commons. Grattan always believed in Ireland even when it seemed Ireland had given up on itself.

“The constitution may for a time seem lost. The character of the country cannot be lost.

Yet I do not give up my country. I see her in a swoon, but she is not dead. Though in her tomb she lies helpless and motionless, there is on her lips a spirit of life, and on her cheek a glow of beauty.

While a plank of the vessel holds together I will not leave her. Let the courtier present his loyal sail to the breeze, and carry the barque of his faith with every wind that blows: I will remain anchored here; with fidelity to the fortunes of my country, faithful to her freedom, faithful to her fall.”

(summary of>>>>>>)