

Labour's Plan for a New Constitution



Labour

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LABOUR'S PLAN FOR A NEW CONSTITUTION

A message from Eamon Gilmore

"If it ain't broke, don't fix it" goes the old saying. The opposite is every bit as valid - "If it is broke, then you have to fix it". Our systems have let us down. They have failed to provide the checks and balances that are a vital part of a functioning democracy. We need to fix our country, and part of that involves fixing our political system.

Let's face it, we have not been particularly good at reform in Ireland. When faced with a regulation or an agency that blocks us, we tend, as individuals, to try and find some way around the problem rather than fixing it.

When governments have been faced with bodies that are under-performing or failing to deliver, they have too often preferred the soft option of setting up a new agency to address the problem rather than reforming and restructuring the failed body.

We cannot afford the luxury of stumbling on with broken or under-performing structures and systems.

We have to fix our Republic.

There is no shortage of ideas from different bodies and individuals. Scrapping the Seanad, introducing a new voting system for Dáil elections, and radically overhauling local government are but some examples. All of these ideas, and many more, merit careful consideration.

Labour's proposal is to convene a Constitutional Convention where ordinary people, parliamentarians, associations, academics and other experts can look carefully and calmly at such proposals. How, for example, would a different electoral system work? Would we be better off with such a system?

These are debates Ireland needs. They should not be adversarial confrontations where defenders of a proposal try to shout down ideas from others, but measured, informed and reflective discussions.

That is why Labour wants us to offer ourselves a structured opportunity to do something which has never before been done in Ireland - to collectively design the kind of Republic that meets the needs and aspirations of the Irish people.

Labour is the only party in this election committed to creating such an open democratic structure.

A vote for Labour is a vote for a Constitutional Convention.

I urge you to vote Labour to seize this opportunity to design tomorrow's Republic.

Eamon Gilmore TD
Leader, the Labour Party

WHY WE NEED A NEW CONSTITUTION

If our systems of governance had worked effectively we would not be in the mess that has been imposed on us. We need to fix those systems, taking a hard look at our Republic and its institutions to create an effective 21st century Republic.

Labour in government will establish an open and participative Constitutional Convention, drawing on the best international experiences, to bring together our society's skills to do something unique in Irish history – let the Irish people design the Republic they want.

Our Constitution, Bunreacht na hÉireann, is the basic document of our Republic. It determines our rights, defines our state structures, our electoral and judicial systems.

Our first constitution was adopted in 1922. Those who fought for Irish independence had little time to reflect on the structures of the state they were fighting to establish. The Free State government focused on creating operational state structures in the midst of the Civil War.

When Fianna Fáil came to power ten years later it removed all the imperial trappings and references from the Constitution. It also added elements of conservative 1930s Roman Catholic social policy.

The 1922 and 1937 documents are largely similar. We find ourselves, in 2011, living under a Constitution drafted by people more concerned with establishing structures and procedures than with the rights and duties of citizens and their representatives.

Labour will create the first-ever opportunity for the Irish people to calmly and comprehensively review, discuss, and develop a new constitution and new approaches to governing their renewed Republic.

That is the essence of Labour's Constitutional Convention.

The republic of tomorrow

Labour will bring a cross-section of Irish society together to lay the foundations of a new Constitution to offer

- A modern effective Republic for the 21st century
- Created by citizens, representatives and experts working together
- Scrapping the useless, fixing the broken, and creating the new
- Doing so in 12 months
- With a single referendum to adopt this new Constitution before 2016

HOW CITIZEN'S CONVENTIONS AND ASSEMBLIES WORK

Democracies should be for, and about, citizens. Traditionally citizens have rarely been actively associated with decision-making processes. In today's educated and interconnected societies, this approach is so out-of-touch and out-of-date that it has become undemocratic.

Participative processes have developed around the world directly involving citizens in discussing and proposing political solutions. Several Canadian provinces including British Columbia and Ontario have made extensive use of such approaches on specific questions such as electoral systems. The British Columbia Citizens' Assembly is one of the best-known examples.

British Columbia Citizens' Assembly 2004

160 citizens randomly selected from the electoral register of this Canadian province agreed to work in this assembly in late 2003. After training, there was a 2 month period of consultation with citizens right across BC. The Assembly then spent a further two months debating and deciding on its recommendations for electoral reform before delivering its report at the end of 2004.

US states such as Maryland have also employed this approach, as has the Netherlands. The 2009 Australian Citizen's parliament offers another variant.

**Mandate for Iceland's
2011 Constitutional Assembly**

Reviewing fundamental concepts; the organisation power and its limits; role of the President; judicial oversight and independence; elections and constituencies; public participation and referendums; sovereign powers and international organisations; environment and natural resources.

The Republic of Iceland, facing not dissimilar challenges to our own, has created its own 31-member Constitutional Assembly which begins its work in February 2011. This Assembly has been assigned a broad mandate, and is also free to consider whatever other questions it decides are relevant. It will work full-time for between two and four months.

LABOUR'S CONSTITUTIONAL CONVENTION

Who will take part

Labour in government will create a 90-member Constitutional Convention with a broadly similar mandate to its Icelandic counterpart. It will examine our Constitution, our systems of governance, and such other questions as it considers desirable. It will be asked to retain the best and to elaborate reform and replacement proposals.

The convention will be made up of three 30-member sections.

One section will be composed of members of the Oireachtas appointed to reflect the composition of the next Dáil and Seanad. The second section's 30 members will come from representative associations and organisations, community bodies and will also include academic and legal experts.

The third section will be made up of 30 members of the general public randomly selected from the electoral register in much the same way as citizens are selected for jury service.

The overall composition of the Convention will strive to achieve a gender, generational and geographical balance reflecting Irish society.

The Convention will have an independent president and be supported in its work by a small secretariat.

Working Methods and Timetable

Training and inputs will be supplied for members of the convention. Inputs will include the various reform proposals which have been published over the years.

While the Convention must be free to decide on its own working methods, it is reasonable to assume that most of its work would be carried out in small working groups tasked with examining current practices and reform proposals.

Much of the Convention's work will be carried out on-line, and all its papers and deliberations will be available on its website. Individuals and groups will be welcome to comment on the work of the Convention and to submit their own proposals.

The Convention will also be free to organise such public sessions and meetings as it feels necessary.

One of the Convention's fundamental assets will be its ability to explore and discuss differing proposals on questions such as electoral systems, to consider the relative advantages and disadvantages of different systems and to decide on what the most appropriate system for our Republic might be.

The Convention should complete its work and decide on its recommendations within 12 months.

Results and Implementation

The Convention will be asked to produce a new draft Constitution for our Republic. It will also be free to propose other political and legislative reforms. Its results will be submitted to the Oireachtas. Some of its proposals may only require legislation but our new Constitution will have to be approved by the people in a referendum.

The new draft Constitution will be submitted to the people for approval. If adopted it would establish our new Republic and future elections would take place under the systems established and for the institutions created by our new Constitution.

It is fitting that a new Republic, designed by and for Irish people, should be in place for the 100th anniversary of its proclamation in 1916.

The Labour Party will make several contributions to the Convention. Labour already argues for the abolition of the Seanad. In early January 2011 the Labour Party published its *New Government, Better Government – changing a broken system* policy document on transforming government, politics and the public service. It is a policy document of 140 carefully prepared detailed proposals for reforming our Republic which is available on-line at:

<http://www.labour.ie/download/pdf/newgovernmentbettergovernmen.pdf>