

SDLP Response to Consultation on Reform of Seanad Eireann

June 2003

INTRODUCTION

The SDLP welcomes the opportunity to comment on the structure and functions of Seanad Eireann. We believe that reform of the second chamber can create a body more representative of the society it serves, more effective in the discharge of its functions and more reflective of political developments on the island, especially in light of the Good Friday Agreement.

The Good Friday Agreement is the most significant constitutional and political event in the history of Ireland and of Anglo-Irish relations since 1920. Endorsed in referenda in both parts of Ireland it recognises that "it is the birthright of all of the people of Northern Ireland to identify themselves, and be accepted, as Irish or British or both, as they may so choose...". Underlying this recognition is the fact that the Irish nation embraces, potentially at least, all of the people living in Northern Ireland and not just those who for the present identify themselves as Irish.

The SDLP has a particular interest therefore in considering the composition of the Seanad, as a forum in which the Irish nation can be as fully represented as possible.

Due to its distinct mandate and structure, the Seanad brings a unique perspective to bear on social issues and legislation. At a remove from the particular pressures of the Dáil timetable, it offers an opportunity for detailed debate on broad ranging reports and additional scrutiny of legislation. The SDLP sees great value in exploring methods of facilitating and enhancing that work.

A. Composition

1. Manner and Basis of Election

The method of election to the Seanad should, in the view of the SDLP, remain distinct from that to the Dáil. It should be designed to ensure that the legislature as a whole is inclusive

and representative of the widest range of opinions and as many sectors of Irish society as possible.

Direct elections on a national list system would enhance the democratic legitimacy of the chamber. It would further create a distinct electoral basis for the election of Senators while making it more feasible for a number of prominent independent candidates to achieve the required threshold of around 2% to secure a seat.

However, the SDLP favours retention of a portion of seats for allocation by electoral colleges comprising district Councillors and other elected representatives. Such a mechanism would contribute to ensuring a geographic spread of candidates and would provide a suitable mechanism for increasing northern representation in the Seanad as outlined below.

2. University representation

While the SDLP fully acknowledges the enormous contribution made by many excellent university senators over the years, we regard the system for electing such candidates as elitist and anachronistic. It is unacceptable in a modern democracy to grant citizens additional democratic entitlements on the basis of educational attainment. In our view, therefore, the university constituency should be abolished. A more democratic mechanism should be sought for encouraging independent input from candidates outside the party system.

Should the university constituency be retained, however, it could not be done on a credible basis without at least extending the franchise to graduates of all third level institutions including those in the North. With respect to the Northern institutions, an anomalous situation exists in that Northern graduates of Southern institutions can vote, yet Southern graduates of Northern institutions cannot.

3. Nominations by an Taoiseach

Nomination by an Taoiseach should remain a method of selection for Seanad. We acknowledge that the retention of a government majority is important although we believe that in addition, there should be an onus on an Taoiseach to use his/her nominations to enhance the number of Senators from under-represented groups, e.g. women, minority ethnic groups, those with disabilities etc.

The list could also be used to address geographic imbalance if necessary, including representation from the North. This would be essential in the event that our subsequent recommendations are not accepted. In such a case, we would urge that the number of Northern nominees be increased from the present number to acknowledge the new political context on the island.

4. Northern representation

The SDLP recommends that a dedicated number of Senate seats be assigned to the North, commensurate with population-size.

Although direct election would be preferable in democratic terms, we acknowledge the practical difficulties that exist. We would therefore wish to see a panel of Northern Senators elected by a college comprising the elected representatives in the North, i.e. district councillors, assembly members, MPs and MEPs, conducted by postal ballot.

Were the Review to endorse the previous Committee's proposal for direct elections on a national list system to elect the majority of Senators, we would propose an amendment so that a number of Senate seats be allocated on such a basis, with a further number elected by a college of elected representatives, North and South.

This would ensure a geographic spread of representation in the Seanad and would guarantee Northern representation in the absence of additional popular elections. Election via the panel system provides a different cross-section of society based on recognition beyond an immediate local constituency setting.

An alternative model might see elected representatives from the four provinces each elect a number of Senators, using the list system. Again such a mechanism would bring the benefits of college elections as set out, guarantee geographic spread and would further ensure consistency across the island, rather than having the North treated entirely as a separate entity. Such a proposal is not without precedent; in elections to the European parliament, constituencies are designed partly on a provincial basis.

It is acknowledged that in either case the votes in the Northern Ireland counties of Ulster would have to be weighted proportionately in accordance with the number of councillors in both jurisdictions.

B. Functions

1. Legislation

The SDLP would endorse the recommendations of the most recent All-party Report on the Constitution, suggesting a greater role for the Seanad in reviewing Statutory Instruments and EU legislation. However, we also believe that this should not be permitted to stifle the other functions of the Seanad discussed below, particularly a role in reviewing all-Ireland developments under the Agreement and long-term policy discussion.

We further believe it is quite in order for the Seanad to initiate and comment on legislation, however, the primacy of the Dáil would require the final stages to be taken there. Such primacy must however be reconsidered in the event that direct elections to the Seanad give the body a new popular legitimacy, bringing it closer in structure to the system in the United States.

2. Parliamentary Scrutiny and Accountability

The SDLP acknowledges that the primary responsibility for scrutinising government falls to the Dáil.

However, the Seanad is widely acknowledged as having a relatively non-partisan atmosphere and is therefore particularly suited to discussion of medium to long-term policy perspectives and the achievements of government over longer periods. In this way, the Seanad could contribute to public scrutiny and accountability of the Oireachtas.

3. Review of all-Ireland Relations

The SDLP endorses the view of the 7th Progress Report of the All-Party Oireachtas Committee on the Constitution that Seanad Eireann is particularly suited to assuming increased responsibility for the all-Ireland dimensions of the Agreement. Indeed we feel the Seanad should take responsibility for monitoring its overall implementation.

The all-Ireland dimensions of the Agreement have already transformed relationships on the island but their potential remains to be explored and developed for the benefit of citizens North and South. The work of the Implementation Bodies established under the auspices of the North-South Ministerial Council could be reviewed in Seanad Eireann. So also could initiatives taken with respect to areas of co-operation as set out in the Good Friday Agreement. Already the benefits of enhanced co-operation are seen, for example in approach to tackling Foot and Mouth disease and promoting the interests of Ireland's farmers in Europe as well as in the formal work of the implementation bodies.

The assumption of an enhanced role regarding all-Ireland developments would be entirely consistent with Seanad consideration of broader and long-term policy perspectives and EU legislation as referred to elsewhere.

4. EU and International Affairs

The SDLP would acknowledge that the Seanad is well placed to consider EU Affairs. Such a role would be consistent with that proposed in terms of all-Ireland relations and broader/longer-term perspectives on policy.

The Seanad would also be an appropriate forum in which to discuss Ireland's role in the wider world, including relationships with the Developing World and the UN.