



**AN BILLE UM CHOMHPHÁIRTÍOCHT NA SÍOCHÁNA
(POBALBHREITH CHOMHCHOMHAIRLEACH), 1999
PARTNERSHIP FOR PEACE
(CONSULTATIVE PLEBISCITE) BILL, 1999**

EXPLANATORY MEMORANDUM

Purpose of Bill

The Government White Paper on Partnership for Peace states that the necessary preliminary step to Irish participation in Partnership for Peace (PfP) is the provision to NATO of a Presentation Document detailing the basis of Irish involvement in PfP activities. The purpose of this Bill is to provide that the State shall not submit a Presentation Document relating to participation in the PfP unless the terms of that Presentation Document have first been referred to, and approved by, the people in a consultative plebiscite.

A general invitation to enter into a PfP arrangement was made by the North Atlantic Treaty Organisation to all states which are members of the Organisation for Security and Co-operation in Europe, including Ireland. That invitation was made following a summit meeting of the Heads of State and Government of NATO in Brussels on the 10th and 11th January, 1994.

Each PfP arrangement is entered into on a bilateral basis and specific terms and conditions can be negotiated between a particular state and NATO.

The purpose of this Bill is to allow for the holding of a prior consultative plebiscite as to whether the State should enter the PfP. While a consultative plebiscite of this nature is not referred to or provided for in the Constitution, there is of course no constitutional bar or impediment to the holding of a plebiscite.

The outcome of such a plebiscite would bind the Government but would not legally bind the Oireachtas as a constitutional amendment would do. The Oireachtas could decide simply to repeal this Act and to ignore the outcome of a poll held under its provisions. The Government would then enjoy such freedom as if this Act had never been passed.

Plebiscites have been held in other jurisdictions, the most familiar being that which was held in Northern Ireland seeking popular approval for the Belfast Agreement.

Ultimately, a decision of the people is unlikely to be set aside by a popularly elected legislature.

Provisions of Bill

Section 1 provides that the State shall not enter a PfP arrangement

with NATO unless the Government first lays a draft of the Presentation Document before each House of the Oireachtas and a proposal that the State become a party to, and be bound by, that Document has been submitted to the decision and approval of the people by way of a consultative plebiscite held under *section 2*.

Section 2 provides that the submission of a proposal to the decision and approval of the people by way of a consultative plebiscite shall, with the modifications the Government makes by regulations, be conducted in accordance with, and regulated by, the law for the time being in force governing the submission of a proposal, other than a proposal for a constitutional amendment, which may be submitted by Referendum to the decision of the people.

A proposal submitted under this Bill to the decision and approval of the people shall be decided by a majority of the votes cast. (In the case of Bills referred to the people under Article 27 of the Constitution, where there is a conflict between Dáil Éireann and Seanad Éireann, the requirement under Article 47, section 2, is that a proposal is not vetoed unless a majority of votes is cast against it and those votes amount to 33 per cent of all registered votes.)

Where the Government proposes to make regulations for the holding of a consultative plebiscite, it must lay a draft of the regulations before each House of the Oireachtas for their approval.

Section 3 is a standard provision dealing with the short title of the Bill.

*An Teachta Ruairí Ó Cuinn a thug isteach,
Meán Fómhair, 1999.*