



Bringing in the Diaspora

Seanad reform: Global Island solutions

REPORT SUMMARY

- * Seanad reform should include representation of Irish citizens resident overseas

- * a diaspora panel of three elected senators is the most democratic and effective form of representation within the present constitutional framework

- * should the Working Group conclude that diaspora representation best be provided by means of nominations of the Taoiseach; we recommend a broadly-based Diaspora Advisory Panel to make recommendations on appointments and consider the future of Diaspora representation

- * the Government should undertake a programme of research and analysis, promoting a global debate to involve the Diaspora in discussion about the form of representation most suitable and appropriate for modern Ireland

- * the Seanad has a role to play in development of the Irish Diaspora

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Introduction

As the representative voice of the Irish in Britain, we believe that Irish communities and citizens overseas have a major contribution to make to Irish public life: getting involved, being engaged and having a voice. We are looking for practical measures to facilitate change.

Across the social and political spectrum, there is consensus that Irish well-being and economic recovery depend on our openness and global reach. The Irish Diaspora is a vast resource of social capital. Not just trading in Irish goods for Irish consumers, but sharing insights into new markets, fresh ideas on products and branding, new investment, opportunities for growth; Irish enterprise and professional networks.

Irish around the world believe strongly in retaining their identity and supporting Ireland however they can. From life-saving remittances in times of hardship to the support given for The Gathering in 2013; Irish migrants have displayed a profound generosity towards their families, the people and places they left behind. On a daily basis, hundreds of thousands of Irish migrants volunteer and willingly assist as ambassadors for Irish arts and sports.

There is no doubt about what the Diaspora has to offer Ireland. The commitment of the Government to recognise and engage with the Diaspora is clear. It is a two-way relationship and we continue to find new ways in which this can develop of working together. For this, we benefit from the indispensable support given by the Taoiseach; the Department of Foreign Affairs and Trade; and most recently from Ireland's first Minister for Diaspora Affairs, reaching out around the world and taking Diaspora issues to the heart of government.

The Irish Government has made a remarkable contribution to the growing confidence of the Irish diaspora, through Ireland's role in international bodies, through its network of Embassies and consular bodies; the Emigrant Support Programme, the Global Irish Economic Forum and innumerable initiatives and events providing support for diaspora networks.

Jennie McShannon
chief executive, Irish in Britain

Context for our submission on Seanad reform

In “Giving and Getting”, our February 2014 submission to the DFAT Comprehensive Review of Diaspora Policy initiated by the DFAT in October 2013, Irish in Britain argued that Irish citizens resident overseas have a major contribution to make to Irish public life. We put forward four proposals for action:

- * to appoint a minister for Diaspora engagement
- * to facilitate a Diaspora vote in Presidential elections
- * to end disenfranchisement of recent migrants
- * to provide for Diaspora representation in the Oireachtas

On the appointment of a minister for Diaspora engagement: Members of diaspora organisations across the world were delighted by the appointment of Jimmy Deenihan as Ireland’s first Minister for Diaspora Affairs in July 2014. The decision to appoint a special minister symbolised Government recognition of the importance of the Diaspora and offered the prospect of more change to come. Six months later, evidence of a sea change in diaspora relations is already apparent. Diaspora organisations are becoming more confident and focussed. Politicians and Government departments are listening and beginning to make a difference.

On the Diaspora vote in Presidential elections: The Government referred this matter to the Constitutional Convention. After due consideration, 78% of Convention members voted in favour of a Constitutional amendment allowing Irish citizens abroad to vote in Presidential elections. While Convention rules require a Government response within four months; more than a year has passed without a decision to set a referendum date. Currently, the Department of Environment, Community and Local Government is considering practical aspects of overseas voting.

On the disenfranchisement of recent migrants: The Government is currently considering its response to criticisms made by the EU Justice Minister and to the report and recommendations of the Oireachtas Joint Committee on European Union Affairs that call for the Government to accept the principle that voting rights should be extended to Irish citizens abroad.¹

Diaspora representation in the Oireachtas

On Diaspora representation in the Oireachtas: Support for voting rights for Irish citizens abroad, continues to grow. Irish in Britain submissions to the Constitutional Convention pressed the argument that the link between citizenship and political representation is one of the most fundamental principles of democracy.

We recognize that democratic citizenship carries with it both rights and responsibilities. While the right to vote is a citizen’s entitlement; making an informed choice and casting a vote is a voluntary duty and civic responsibility. Every citizen has the right to vote regardless of their life circumstances. Men and women, rich or poor, those with disabilities or claiming benefits, members of minority groups - everyone has an equal right and responsibility to cast an informed vote.

¹ See Appendix

In our “Giving and Getting” submission to the DFAT review on diaspora engagement, we considered and, we think, answered each of the concerns that have been expressed about extending the franchise and providing for representation in the Oireachtas: Fears that overseas voters wouldn’t know the issues; that potential voters sought representation without taxation; that diaspora votes could swamp our democratic institutions were all addressed.

Irish in Britain has also called for government departments to work together in order to establish an overseas register of voters; to make practical arrangements for the selection of candidates, for the distribution of ballot forms, for voting and counting procedures; and to draw up a draft bill containing regulations for the conduct of overseas elections, measures to regulate fundraising and prevent electoral fraud.

Some countries, most notably France and Italy, have created specially designated or 'reserved' constituencies for the representation of overseas voters in national assemblies. The circumstances are very different, but this approach certainly merits study.

In Ireland, such an arrangement would set to rest any residual fears of ‘swamping’ because it would establish in law the number of Members to be elected. Perhaps more importantly, it would provide for the nomination of candidates for election to a constituency specifically established to represent the experience and interests of the Diaspora.

To allow for effective representation of the global diaspora, Irish in Britain advocated the creation of a five-seater constituency in Dáil Éireann with elected TDs reflecting the most populous regions of Irish migration. Such an arrangement would encourage politicians and political parties to engage more directly with the citizens of the Irish Diaspora and the issues that are specific to that constituency.

In January 2015, an Irish in Britain seminar in the UK Parliament was addressed by Christophe Premat, an elected member of the French National Assembly representing French citizens living overseas in Northern Europe. Since 2012, the National Assembly has eleven overseas constituencies. **Ireland should study and learn from other democracies on how to facilitate diaspora representation. We urge the Working Group to make such a recommendation.**

Diaspora representation in the Seanad

In light of the referendum vote against a Government proposal to abolish the Seanad, discussion on Seanad reform has continued. **Irish in Britain has argued for options to include the creation of a special panel that would be elected by registered overseas voters to provide a voice for the Irish Diaspora.** A three-member panel would facilitate representation of the most populous diaspora communities in Great Britain, North America and Australia.

We do not believe that representation of Irish citizens overseas should be an ‘either-or’ choice between the Dail and the Seanad. The two chambers are equally part of the Oireachtas and have specific roles to play, both of which would be enhanced by the participation of diaspora representatives.

For the Seanad, we believe the option of a diaspora panel of three elected members is the most democratic and effective form of representation within the present constitutional framework and we urge the Working Party to endorse this proposal and call on the Government to set out a timetable for its implementation.

Appointment by an Taoiseach

It is of course always open to the Taoiseach to include members of the Diaspora within the eleven appointments provided for within the constitution and some have urged this option as a short-term alternative. Such a route to representation might be perceived as lacking transparency. Involvement of citizens and the election of Senators through the democratic process would give diaspora communities a far greater sense of belonging and strengthen the partnership that we need.

Diaspora Advisory Panel

Should the Working Party be attracted to this means of bringing in the Diaspora, we would recommend the establishment of a broadly-based Diaspora Advisory Panel to make recommendations on appointments and consider the future of Diaspora representation.

The Reform Working Group will wish to consider how the Seanad can itself become more representative of the communities it serves. If Diaspora representation was to be considered in the absence of an election process; we would press for the creation of a Diaspora Advisory Panel that involves and integrates civil society. Civil society would bring a breadth of knowledge and experience reflecting the diversity of the Diaspora.

Irish in Britain found an appropriate model for defining civil society published by the Irish Aid division of the Department of Foreign Affairs & Trade. It is a broad-based definition that includes formal and informal organisations, associations and individuals that operate independently of the state. Examples include trade unions, professional associations, sport and cultural organisations, community-based organisations, faith-based organisations, social movements and networks, independent media and academia.

In “Giving and Getting”, Irish in Britain first proposed a role for a global Irish forum for civil society and we were delighted to learn that the Minister for Diaspora Affairs is considering proposals to host a Global Civic Forum for representatives of Irish welfare, business, sports and cultural organizations.²

Drawing upon international experience

The most appropriate way to provide for representation of Irish citizens abroad is unlikely to look anything like that established in other jurisdictions in other societies. But much can be learned from international experience, not least of which is to see the different forms that representation can take and how it can develop over time.

Earlier, this submission referred to the French decision in 2011 to create 11 overseas constituencies, each electing a member of the National Assembly. This was not the first attempt to provide for overseas representation.³ It was in 1945 that the French Senate first introduced overseas constituencies. Three senators were elected. In 1958, representation increased to six seats. A further Increase to nine in 1962 and again to twelve in 1983.

² *Irish Times*. 28 January, 2015

³ For this background information, we are grateful to the House of Commons Library briefing for Chris Ruane MP, see S Collard, “The Expatriate Vote in the French Presidential Elections of 2012” *Parliamentary Affairs* #66 (2013) pp 213-233)

In 1948, France created the Upper Council of French Citizens Overseas (*Conseil supérieur des Français de l'Étranger*, CSFE). This was a separate assembly elected entirely by citizens overseas. Initially, the CSFE had an advisory role but later became a de facto electoral college for the election of the Senate. Elected members of the CSFE themselves then elected Senators for the Overseas constituencies. Since 2004, the CSFE has been known as the Assembly of French Citizens Overseas (*Assemblée des Français de l'Étranger*).

In his presentation to the Irish in Britain seminar mentioned earlier, M. Premat praised the voluntary work of CSFE councillors as elected good will ambassadors representing overseas citizens across the world. Such an approach would have merit in having elected councillors that remain in close touch with citizens where they live and in a position to make representations on their behalf. Diaspora councillors would be well-qualified to select diaspora senators.

It seems entirely appropriate for the Working Group to recommend the Government facilitates a global debate and consultation about the form of a democratic process for diaspora representation that would be suitable and appropriate for our Global Island.

Practicalities of overseas voting

While the practicalities of voting from overseas would have to be examined in detail, the evidence from other countries is that there are no insurmountable barriers to an effective system of voter registration, the creation and maintenance of an overseas electoral roll, a plan for distribution of information and administration of the ballot. A review of electoral law and rules governing donations to political parties should be undertaken to combat potential fraud and abuse.

Irish Embassies or Consulates may provide the facilities of a polling station or designate other locations. Citizens overseas could apply for a ballot paper to be sent by post and returned to be counted. On-line systems can now be put in place providing instant voting at a fraction of the cost. It would be necessary to employ suitable security for a secret ballot and scrutiny against electoral fraud. Special measures would also be required to ensure the electoral process was equally accessible to hard-to-reach sections of the community and those less familiar with digital technology.

Role of the Seanad in the political process

On 13 January, *Taoiseach*, Enda Kenny, and Minister for Foreign Affairs and Trade, Charlie Flanagan TD published the result of the first major review of foreign policy priorities in twenty years. Its visionary title: “The Global Island - Ireland’s foreign policy for a changing world”⁴ reflects the extent to which the framework for our national debate and narrative has changed.

Minister Flanagan pointed to the range of services DFAT provides for Irish people living, working and travelling abroad and its role in “*leading the Government’s engagement with the global Irish diaspora. This includes the new generation of young Irish who have found opportunities abroad in recent years.*”

⁴ <https://www.dfa.ie/our-role-policies/our-work/casestudiesarchive/2015/january/the-global-island/>

“Ireland is a country with a global people, economy, culture and outlook. Ireland’s foreign policy is an essential tool to serve the Irish people and promote their values and economic interests abroad. The Global Island offers a progressive. Forward-looking vision of Ireland’s place in the world.” (Irish Times 14 January, 2015)

Consideration of the role of the Seanad in the political process might lead the Working Group to make recommendations on specific contributions the Upper House could make to the development of the Irish Diaspora.

The Seanad, surely, has a role to play in the Decade of Commemorations and reflect with others upon its own history. As an institution, the Seanad has its place among the democratic institutions of the world and in the dialogue with parliamentarians, globally.

Already, the Upper House has hosted plenary sessions of the British Irish Parliamentary Assembly, bringing together representatives of British and Irish parliaments and devolved bodies in Northern Ireland, Scotland and Wales.

Members of the Westminster-based All Party Parliamentary Group on Irish in Britain have expressed interest in strengthening cross-party dialogue between parliamentarians from across the Diaspora with an Irish heritage or interest.

We believe Initiatives to foster such dialogue or host events falls entirely within the remit of the Working Group and we propose it makes a recommendation accordingly.

SUMMARY OF RECOMMENDATIONS FOR WORKING GROUP ON REFORM OF THE SEANAD

- * Seanad reform should include the representation of Irish citizens resident overseas
- * the option of a diaspora panel of three elected senators is the most democratic and effective form of representation within the present constitutional framework
- * should the Working Group conclude that diaspora representation be provided by means of nominations of the Taoiseach; we recommend the establishment of a broadly-based Diaspora Advisory Panel to make recommendations on appointments and consider the future of Diaspora representation
- * the Government should undertake a programme of research and analysis, promoting a global debate to involve the Diaspora in discussion about the form of representation most suitable and appropriate for modern Ireland
- * the Seanad has a role to play in the development of the Irish Diaspora

APPENDIX – CITIZENS ABROAD RIGHTS ISSUE

“It is the entitlement and birthright of every person born in the island of Ireland, which includes its islands and seas, to be part of the Irish Nation. That is also the entitlement of all persons otherwise qualified in accordance with law to be citizens of Ireland. Furthermore, the Irish nation cherishes its special affinity with people of Irish ancestry living abroad who share its cultural identity and heritage.” (Article 2 Bunreacht na hEireann)

Citizenship and Political rights

The link between citizenship and political representation is one of the most fundamental principles of democracy. It is a strange anomaly that Irish citizens in Britain - members of the Irish community - can vote in Britain but not in Ireland. British citizens living in Ireland can vote in Irish elections and remain entitled to register as overseas voters to participate in British elections. The law as it stands creates a second class of Irish citizenship for the Irish in Britain.

The International Covenant on Civil & Political Rights (ICCPR) is a core document of international law and human rights within the United Nations. Ireland is committed to its provisions and until recently served as a member of the UN Human Rights Council.

ICCPR Article 25 provides (in part) that *“every citizen shall have an equal right and opportunity without unreasonable restrictions: (a) to take part in the conduct of public affairs, directly or through freely chosen representatives; (b) to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors..”*

The UN provides a supplementary ‘general comment’: “The right to vote at elections and referenda must be established by law and may be subject only to reasonable restrictions, such as setting a minimum age limit for the right to vote. It is unreasonable to restrict the right to vote on the ground of physical disability or to impose literacy, educational or property requirements.”

European Union

In the European Union Citizenship Report, ‘EU Citizens: Your Rights, Your Future’ (2010), the Commission stated its belief *“that full participation of EU citizens in the democratic life of the EU at all levels is the very essence of Union citizenship”*.

On 29 January 2014, EU Justice Minister, Viviane Redding proposed: *“Member States that limit the rights of their nationals to vote in national elections based exclusively on a residence condition should enable their nationals to make use of their right to free movement and residence in the European Union to retain their right to vote if they demonstrate a continuing interest in the political life in the Members State of which they are nationals, including through an application to remain registered on the electoral roll.”*

The Oireachtas Joint Committee on European Union Affairs has recommended that:

- i) The Government accept the principle that voting rights should be extended to Irish citizens abroad;
- ii) the Government proceed to design a system that would be workable in an Irish context; and
- iii) an Electoral Commission be established to implement recommendations 1 & 2 above.

The logo for Irish in Britain, featuring the text "Irish in Britain" in white on a green, rounded rectangular background.

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