

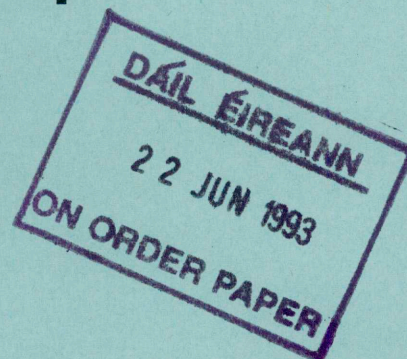
**European Parliament
Constituency Commission**

Report 1993



**An Coimisiún Um Thoghlaigh
Pharlaimint Na hEorpa**

Tuarascáil 1993



EUROPEAN PARLIAMENT CONSTITUENCY COMMISSION

REPORT

CONTENTS

1. Recommendation.
2. Background.
3. Proposals for revision.

APPENDICES

- First Appendix: Statistics relating to proposed and existing constituencies.
- Second Appendix: Statistics relating to 1991 population and 1992/93 European electorate.
- Third Appendix: List of persons and organisations from whom submissions were received.

1. RECOMMENDATION

- 1.1 The Commission recommends the retention of the present formation of constituencies, subject to the transfer of a seat from the Munster to the Leinster constituency.

The constituencies for the election of members of the European Parliament would then be as follows:-

| Constituency | Area | Number of Members |
|-----------------|---|-------------------|
| Connacht-Ulster | The administrative counties of Cavan, Donegal, Galway, Leitrim, Mayo, Monaghan, Roscommon and Sligo, and the county borough of Galway. | Three. |
| Dublin | The administrative county of Dublin and the county borough of Dublin. | Four. |
| Leinster | The administrative counties of Carlow, Kildare, Kilkenny, Laoighis, Longford, Louth, Meath, Offaly, Westmeath, Wexford and Wicklow. | Four. |
| Munster | The administrative counties of Clare, Cork, Kerry, Limerick, Tipperary North Riding, Tipperary South Riding, and Waterford and the county boroughs of Cork, Limerick and Waterford. | Four. |

Statistics relating to the proposed constituencies are contained in Table A of the First Appendix.

- 1.2 The Commission wishes to record its appreciation of the services rendered by its Secretary, Mr. T. Sexton, whose knowledge and experience greatly assisted the Commission in its work.

2. BACKGROUND

2.1 Terms of Reference

The Commission was established by the Government in March, 1993 to report on the formation of constituencies for the election of members to the European Parliament. The Commission was given the following terms of reference:-

"To report within three months on the formation of constituencies for the election of members to the European Parliament, taking account of the following:

- (a) the number of members to be elected for any constituency shall not be less than three nor more than five;

- (b) there should be reasonable equality of representation as between constituencies;
- (c) each constituency should be composed of contiguous areas;
- (d) the desirability of avoiding the breaching of county boundaries;
- (e) geographical considerations including the extent of the proposed constituencies; and
- (f) the desirability of effecting the minimum changes."

2.2 Membership

The Chairman of the Commission was The Hon. Mr Justice Liam Hamilton, President of the High Court, and the other members were Mr Michael Mills, the Ombudsman, Mr Brendan O'Donoghue, Secretary of the Department of the Environment, Mr Kieran Coughlan, Clerk of the Dail and Ms Deirdre Lane, Clerk of the Seanad.

2.3 Submissions

The Commission invited written submissions by way of advertisements in the daily newspapers on 4th and 23rd March and advertisements in Irish in "Anois" on 7th and 21st March. A notice inviting submissions was published in "Iris Oifigiuil" on 5th March 1993. The Commission also invited submissions from each member of the European Parliament, the Dail and the Seanad, the political parties registered under section 25 of the Electoral Act, 1992, and the returning officers for the European constituencies.

Twenty seven submissions were received and considered by the Commission. A list of the persons and bodies who made submissions is contained in the **Third Appendix**. The Commission wishes to record its appreciation of the care and consideration that went into the preparation of these submissions.

Some submissions recommended that there should be no change in either constituency boundaries or seat distribution; some recommended the transfer of a seat without any boundary change; some recommended boundary adjustment without change in seat distribution while others recommended greater or lesser changes in both boundaries and seat distribution.

2.4 Status of the Commission

The Commission was established to report on the formation of constituencies in accordance with the terms of reference specified by the Government. Its role is purely advisory. The decision in relation to what changes, if any, should be made in the constituencies is a matter for the Oireachtas.

2.5 **Developments at EC level**

The European Parliament (formerly known as the Assembly) exercises the advisory and supervisory powers conferred on it by the Treaties establishing the European Communities. The role of the Parliament has been progressively strengthened by measures such as the Single European Act and further enhancement is proposed in the Treaty on European Union (the Maastricht Treaty) which is in the process of ratification.

The Parliament originally consisted of delegates nominated by the national Parliaments of the Member States. The Treaties, however, envisaged a directly elected assembly and, since 1979, representatives have been elected directly. From 1994 onwards, the Parliament will have a total membership of 567, a figure which takes account of the accession in recent years of additional Member States, as well as the reunification of Germany. Ireland returns fifteen members and three members are elected from Northern Ireland as part of the UK representation.

While the Treaties provide for the election of representatives in accordance with a uniform procedure in all Member States, full uniformity has not yet been introduced. At present the conduct of the elections is governed partly by Community law (the Act of 20th September, 1976) and partly by national law (in our case, the European Assembly Elections Acts, 1977 to 1992).

In March, 1993 the Parliament adopted a resolution proposing the use of a list system either on a national basis or on the basis of regional constituencies. The resolution also recognises the possibility of single-seat constituencies with a supplementary distribution of seats at national level to secure proportionality and it envisages the possibility of preference voting within lists. The Parliament's proposals will now fall to be considered by the Council of Ministers, in accordance with the relevant Treaty provisions but it is not clear whether this consideration will be completed in time for the next elections which are due to be held in June 1994. The proposals in this report are framed on the basis of the existing electoral arrangements but the provincial constituencies which are recommended are capable of use with a list system or the STV system.

2.6 **Irish legislation**

Pending the introduction of a fully uniform procedure for elections to the European Parliament, as envisaged by the EC Treaties, each Member State has adopted its own provisions for conducting elections by direct universal suffrage. Elections in Ireland to the European Parliament are governed by the European Assembly Elections Acts, 1977 to 1992 which provide for elections on the single transferable vote system in multi-member constituencies. Under the terms of section 12 of the 1977 Act, as amended, proposals for a review of the European constituencies must be submitted to the Oireachtas by 1st December, 1993 and at least once in every ten years thereafter.

It is understood that, as envisaged in the Programme for a Partnership Government 1993 - 1997, legislation is being prepared to establish an electoral commission on a statutory basis to advise on future revisions of constituencies, including constituencies for elections to the European Parliament.

3. PROPOSALS FOR REVISION

3.1 Introduction

The existing constituencies, which are defined in the Second Schedule to the European Assembly Elections Act, 1977, were formed on the recommendation of a Commission set up for this purpose in 1977*. Having considered a number of possible arrangements, that Commission recommended four constituencies, based insofar as practicable, on the historical provinces. In recommending this arrangement, the 1977 Commission noted that the province is the geographical unit between county and national level with which the ordinary person identifies and that each province has a definite community of interest, enjoys substantial popular allegiance and is used for many cultural, social, sporting and other purposes. The present Commission is in agreement with this view. In addition, it should be noted that the existing constituencies have been used as the basis for elections to the European Parliament in 1979, 1984 and 1989. While there has been comment on the degree of equality of representation, the Commission is not aware of (nor have any of the submissions adverted to) any dissatisfaction with the general arrangement of these constituencies.

The terms of reference given to the present Commission are essentially the same as those given in 1977 with the additional requirement to take account of the desirability of effecting the minimum changes (and also the requirement that a constituency should return not more than five members). The Commission took the view that its remit was to recommend only such changes as were essential to bring about reasonable equality of representation while preserving the existing general arrangement of constituencies, insofar as circumstances permit.

3.2 Equality of Representation

The Commission's terms of reference required that there should be reasonable equality of representation as between constituencies. The Commission had available to it and based its work on the final population figures for the 1991 Census in relation to counties, county boroughs and Dail constituencies which were published by the Central Statistics Office in March, 1993 (see Second Appendix).

Equality is a primary consideration in democratic representation but due weight must also be accorded to other relevant factors. Circumstances may require a departure from strict mathematical equality. The overall distribution of seats in the European Parliament is a case in point. The allocation has regard not only to population but also to the need to ensure that each Member State, whatever its size, is adequately represented. If strict equality were the only criterion, this country would be restricted to about 6 members in the Parliament.

* Report of the European Assembly Constituency Commission, 4th October, 1977 (Prl. 6626)

The degree of equality which can reasonably be achieved may also be limited by practical considerations. This is particularly the case in the present instance where the number of seats available for distribution is limited (15 in all) and the blocks (primarily the counties) which can be used for adjustment purposes are comparatively large, both in extent and in population.

The specific constitutional provisions and the court rulings relating to equality of representation in the formation of Dail constituencies have no direct application to the formation of European constituencies. Nonetheless, the Commission thought it appropriate to take note of the principles involved. In addition, the Commission took account of the practice adopted by previous Commissions charged with drawing up constituencies for Dail and European Parliament elections and local electoral areas.

Statistics relating to the existing constituencies are contained in Table B of the First Appendix. These show that the 1991 population per member varied from 278,548 per member in the Leinster constituency (18.5% above the national average) to 201,907 per member in the Munster constituency (14.1% below the national average). The departure from the national average in the Dublin constituency was 9% and in the Connacht-Ulster constituency just over 7%. If electorate rather than population were taken as the yardstick, the departure in Connacht-Ulster would be reduced to 5.76% while the position elsewhere would not be materially affected.

The Commission considered that the departure from the national average in the case of Connacht-Ulster is within reasonable limits and that its terms of reference did not require change in that constituency. The imbalances requiring consideration were, essentially, those arising in Munster and Leinster where the departures from the national average population per member now exceed the level accepted by the 1977 Commission (i.e. 11.16%).

3.3 Consideration of possible arrangements

Before deciding on a recommendation, the Commission examined in detail a substantial number of possible arrangements, including all those outlined in the submissions made to it. Having considered each arrangement in the light of its terms of reference, the Commission concluded that, while there is no single "correct" solution, the recommendation made in this report is the one most fully in keeping with the letter and spirit of the terms of reference.

The census of population taken in 1991 shows that

- the population of the constituency of Munster is insufficient to justify the retention of its present allocation of five seats and is not significantly above the population required for four seats;

- the population of the constituency of Leinster is substantially above the appropriate population for three seats but somewhat short of the ideal level for four seats. It is, however, closer to the four seat level than the population of either Munster or Dublin is to the figure for five seats;
- the population of the constituency of Dublin is above the average for four seats but is well short of the level necessary for five seats.

In the light of the population statistics, it would be difficult to justify the retention of the fifth seat in Munster. On population grounds, both the Leinster and the Dublin constituency have a greater entitlement to the seat. Retaining the seat in Munster and augmenting that constituency by the addition of a Leinster county would, in addition to an undesirable breach of a provincial boundary, involve the artificial continuation of a seat allocation which is no longer supported by the pattern of population distribution.

If the seat were to be re-allocated, it could only go to the province of Leinster (for this purpose regarding Dublin city and county as part of the province). Allocating the additional seat to Leinster would give the province a total of 8 seats and an average of 232,618 persons per member (1% below the national average). With an allocation of 7 seats, the remainder of the country (the provinces of Munster and Connacht with the counties of Donegal, Cavan and Monaghan) would have an average of 237,824 persons per member (1.2% above the national average). There would, thus, be virtual mathematical equality of representation between the east and west of the country.

In view of the foregoing, the Commission concluded that the imbalance in the existing allocation of seats should be addressed by the transfer of a seat from Munster to the province of Leinster. As a constituency may not have more than five members, two subsidiary questions remained to be dealt with - which of the two constituencies in the province should be given the seat and what boundary adjustment, if any, should be made?

The Commission took the view that the additional seat should go to the Leinster constituency rather than to Dublin. As already noted, the population of the existing Leinster constituency is closer to the average for 4 seats than that of Dublin for 5 seats. Between the census of 1971 (on which the original allocation of seats was based) and that of 1991, the population of the Leinster constituency increased by almost 30%. In the same period, the increase in Dublin's population was just over 20%.

Allocating the additional seat to Dublin would involve transferring a seat from Munster, an extensive, mainly rural, constituency (24,000 sq kilometres in area), to a compact, mainly urban, constituency (920 sq kilometres in area), with a population only marginally higher. It would then be necessary to add population from the Leinster constituency to Dublin in order to bring that constituency up to the level required for 5 seats.

The transfer of a seat from Munster to Leinster would, of itself, bring about a substantial improvement in population-member ratio. The imbalance in Munster would be reduced from 14.1% to 7.38% and that in Leinster from 18.5% to 11.12%. If, as in the 1971-1991 period, the population trend in the constituency of Leinster continued to be more favourable than elsewhere, the population-member ratio in the constituency would show progressive improvement relative to the national average.

The Commission considered whether the still relatively high departure from the national average in the Leinster constituency should be further improved by the addition of population from either Munster or Dublin. Logically, such an addition, if decided on, should come from Dublin which, as well as having a higher population-member ratio than a four seat Munster constituency, is part of the same province as the Leinster constituency and might, thus, be taken to have a greater affinity of interests. In this connection, the establishment of three separate administrative counties in Dublin, now nearing completion, could be taken to justify regarding the three existing "electoral counties"* as separate counties for the purpose of the Commission's terms of reference. However, to transfer any one of the electoral counties out of Dublin for constituency purposes would involve separating a substantial, predominantly urban, electorate from the rest of its natural community. Any benefits which an improvement in the population-member ratio might bring would be likely to be outweighed by the disadvantage occasioned to the electors concerned. In this connection also, it should be noted that a departure of 11.12% from the national average is within the range allowed in the 1977 report and accepted by the Oireachtas. Furthermore, the Commission noted the view expressed in the 1977 Commission's report that the Dublin area presented a special case and that any arrangements made should not "violate the essential homogeneity of the Dublin city and county area."

* The Local Government (Reorganisation) Act, 1985 divided the administrative county of Dublin into three "electoral counties". The Local Government Act, 1991 made further provisions in this regard, including provision for the appointment of managers for the new counties, the delegation of functions to area committees and the necessary administrative structures. The Programme for a Partnership Government contains a commitment to the establishment of the three new county councils in 1993. The three electoral counties are: Fingal, South Dublin and Dun Laoghaire-Rathdown.

3.4 Recommendation

Having carefully weighed all the relevant circumstances and the submissions made to it, the Commission concluded that the arrangement most in keeping with its terms of reference would be the retention of the present formation of constituencies, subject only to the transfer of a seat from the Munster to the Leinster constituency, and it recommends accordingly.

LIAM HAMILTON

Chairman

MICHAEL MILLS

BRENDAN O'DONOGHUE

KIERAN COUGHLAN

DEIRDRE LANE

T. SEXTON

Secretary to the Commission

8th June 1993

FIRST APPENDIX

Table A - Statistics relating to proposed constituencies

| Constituency | Connacht-Ulster | Dublin | Leinster | Munster | Totals |
|-------------------|-----------------|--------|----------|---------|--------|
| Number of members | 3 | 4 | 4 | 4 | 15 |

| | | | | | |
|--|---------------------|---------------------|----------------------|---------------------|-----------|
| 1991 Population | 655,237 | 1,025,304 | 835,645 | 1,009,533 | 3,525,719 |
| 1991 Population per member | 218,412 | 256,326 | 208,911 | 252,383 | 235,048 |
| Variation from national average population per member of 235,048 | -16,636 (-7.08%) | +21,278 (+9.05%) | -26,137 (-11.12%) | +17,335 (+7.38%) | |

| | | | | | |
|--|--------------------|---------------------|----------------------|---------------------|-----------|
| 1992/93 Electorate | 483,081 | 741,708 | 603,300 | 734,698 | 2,562,737 |
| 1992/93 Electorate per member | 161,010 | 185,427 | 150,825 | 183,674 | 170,849 |
| Variation from national average electorate per member of 170,849 | -9,839 (-5.76%) | +14,578 (+8.53%) | -20,024 (-11.72%) | +12,825 (+7.51%) | |

Table B - Statistics relating to existing constituencies

| Constituency | Connacht-Ulster | Dublin | Leinster | Munster | Totals |
|-------------------|-----------------|--------|----------|---------|--------|
| Number of members | 3 | 4 | 3 | 5 | 15 |

| | | | | | |
|--|---------------------|---------------------|----------------------|---------------------|-----------|
| 1991 Population | 655,237 | 1,025,304 | 835,645 | 1,009,533 | 3,525,719 |
| 1991 Population per member | 218,412 | 256,326 | 278,548 | 201,907 | 235,048 |
| Variation from national average population per member of 235,048 | -16,636 (-7.08%) | +21,278 (+9.05%) | +43,500 (+18.51%) | -33,141 (-14.1%) | |

| | | | | | |
|--|--------------------|---------------------|----------------------|----------------------|-----------|
| 1992/93 Electorate | 483,081 | 741,708 | 603,300 | 734,698 | 2,562,737 |
| 1992/93 Electorate per member | 161,010 | 185,427 | 201,100 | 146,940 | 170,849 |
| Variation from national average electorate per member of 170,849 | -9,839 (-5.76%) | +14,578 (+8.53%) | +30,251 (+17.71%) | -23,909 (-13.99%) | |

SECOND APPENDIX

1991 POPULATION AND 1992/93 EUROPEAN ELECTORATE

FOR EACH COUNTY AND COUNTY BOROUGH

| Area | Population (1991 Census) | European Electorate (1992/93) |
|------------------------|-----------------------------|----------------------------------|
| County | | |
| Carlow | 40,942 | 29,662 |
| Cavan | 52,796 | 40,559 |
| Clare | 90,918 | 68,187 |
| Cork | 283,116 | 204,507 |
| Donegal | 128,117 | 95,567 |
| Dublin | 546,915 | 383,167 |
| of which | | |
| Fingal | 152,766 | 102,747 |
| South Dublin | 208,739 | 138,412 |
| Dun Laoghaire-Rathdown | 185,410 | 142,008 |
| Galway | 129,511 | 92,685 |
| Kerry | 121,894 | 93,890 |
| Kildare | 122,656 | 85,472 |
| Kilkenny | 73,635 | 52,027 |
| Laoighis | 52,314 | 36,382 |
| Leitrim | 25,301 | 20,754 |
| Limerick | 109,873 | 77,674 |
| Longford | 30,296 | 22,294 |
| Louth | 90,724 | 65,884 |
| Mayo | 110,713 | 81,171 |
| Meath | 105,370 | 78,151 |
| Monaghan | 51,293 | 38,502 |
| Offaly | 58,494 | 40,970 |
| Roscommon | 51,897 | 38,453 |
| Sligo | 54,756 | 40,313 |
| Tipperary NR | 57,854 | 42,814 |
| Tipperary SR | 74,918 | 55,015 |
| Waterford | 51,296 | 38,394 |
| Westmeath | 61,880 | 46,328 |
| Wexford | 102,069 | 76,050 |
| Wicklow | 97,265 | 70,080 |
| County Boroughs | | |
| Cork | 127,253 | 90,203 |
| Dublin | 478,389 | 358,541 |
| Galway | 50,853 | 35,027 |
| Limerick | 52,083 | 36,431 |
| Waterford | 40,328 | 27,583 |
| Total | 3,525,719 | 2,562,737 |

THIRD APPENDIX

LIST OF PERSONS AND BODIES FROM WHOM SUBMISSIONS WERE RECEIVED

Christian Centrist Party
Fine Gael
Green Party/Comhaontas Glas
The Labour Party
The National Platform
Fianna Fail, Comhairle Ceanntar, Carrickmacross, County Monaghan
Ms Mary Banotti, MEP
Mr Mark Killilea, MEP
Mr Dermot Ahern, TD, and Mr Seamus Kirk, TD
Mr Sean Doherty, TD
Mr Colm Hilliard, TD
Mr Phil Hogan, TD
Mr Liam Kavanagh, TD, MCC
Mr Jim Mitchell, TD
Senator Brendan Daly
Senator Paschal Mooney, MCC
Returning Officer, Connacht/Ulster Constituency
Mr Peter Sweetman, Naas, County Kildare
Mr Gerard Behan, Corbally, Limerick
Mr Dermot Boucher, Dun Laoghaire
Mr J L B Deane, Bandon, County Cork
Mr Paddy Hogan, Gorey, County Wexford
Mr Patrick Kelly, College Road, Cork
Mr Donal Lamont, Cabinteely, Dublin 18
Rev J C McGuinness, Loughglynn, County Roscommon
An tUasal Gearóid Ó Dubhthaigh, Cork
An tUasal Nollaig Ó Gadhra, Na Forbacha, Gaillimh

Houses of the Oireachtas