ADDRESS
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"IS THE SEANAD WORTH SAVING?"

In his address, Michael McDowell argues that abolishing the Seanad:

- Would mutilate the Constitution (requiring 75 separate amendments and deletion of entire articles)

- Would reduce the effectiveness of the Oireachtas

- Would sweep away hugely important safeguards in terms of E.U. and Irish matters

- Would not save much money.

Ireland is a sovereign, independent democratic State. It is a full member of the European Union. It is a parliamentary democracy.

There is a general perception that our parliamentary institutions are not working. There is an appetite for reform. But because there is an appetite for reform does not mean that any reform will do.

When Lord Liverpool in the early 19th Century uttered the famous words: *"Reform? Reform? Aren't things bad enough already?"*, his was the voice of *"pure reaction"*.

Nonetheless, it seems to me that there is a very significant danger, in Ireland's present circumstances, that public debate on the nature and effectiveness of our democracy will proceed on the basis of glib populism and tabloid superficiality rather than on a carefully considered, cold, rational, and measured basis.

In particular, there is a danger that those who now hold democratically elected office, be they in government or in opposition, will respond to a perceived mood of public anger against the political system in its entirety by engaging in high profile, short-term populism rather than acting as statesmen confronting a crisis.

When the media are in full flight pursuing their political quarry, there is a danger that politicians, like captains of 19th Century slave ships off the west coast of Africa, resort to extremely questionable tactics to evade the wrath of the public. Captains of slave ships in Lord Liverpool's day throw some of their unfortunate slave cargo overboard with a view to delaying their pursuers and thereby avoiding capture. We have to be wary that some *"reforms"* are not being offered to us in the same spirit of cynical distraction.

I share the opinion that the Oireachtas badly needs radical reform. It seems to me that in many respects it now operates on a *"tick over"* basis in which it does the minimum required to be publicly perceived as discharging its functions rather than functioning as a healthy, effective democratic parliamentary institution. I have to say, based on many years experience both of opposition and of government, that there are many fundamental problems in the way in which the Oireachtas discharges its constitutional functions.

However, I also have to say that most of the problems, if not all, flow from the way in which our political class has used and abused the institutional framework for parliament provided under the Constitution rather than from any inherent problem in the Constitution itself.

I WAS WRONG ABOUT THE SEANAD

In the late 1980s I was asked to be one of a small group of people who would draft legislation to abolish Seanad Éireann and make the Irish State a unicameral parliamentary democracy.

When I got down to this task it became clear to me that the amendments to the Constitution required to dispense with Seanad Éireann would be very far reaching indeed. I have appended to this paper a schedule of the paragraphs, sections and articles of Bunreacht na hÉireann which would require textual amendment and it would appear that approximately 75 amendments would have to be made to the Constitution if Seanad Éireann were to be abolished. These 75 amendments include repeal of entire articles of the Constitution as well as more detailed consequential amendments. Faced with this challenge, the small group of which I was a member concluded that it would be simpler, given the extent of the amendments involved, to draft an entirely new constitutional document.

The justification seen by us more than 25 years ago for proposing the abolition to Seanad Éireann was that it had ceased to serve the function for which it was originally established and had become what I somewhat glibly referred to as *"a cross between a political convalescent home and crèche"*.

I remained of the fixed opinion and publicly stated position that a unicameral parliament would be better suited to Ireland's needs.

I had in my own mind formed the view that, apart from the university senators, Seanad Éireann was being largely used as an ante room to Dáil Éireann to house would be new-comers, temporary absentees, and as a consolation prize for those who had lost their seats. Hence my reference to the *"convalescent home"* and *"crèche"*.

Because of this strongly stated position in relation to Seanad Éireann, I declined on a couple of occasions to be considered for nomination to it. While I do not in any way regret declining such proposals, I nonetheless feel that I have now reached the point in which I should admit that on reflection I no longer believe that it would be wise or beneficial to amend our constitution to dispense with Seanad Éireann.
It was not until I became a Minister managing a huge volume of major law reform and other day to day legislative business that I began to doubt the correctness and wisdom of abolishing Seanad Éireann and bringing about a unicameral parliament for Ireland.

ABOLISHING THE SEANAD WOULD MUTILATE THE CONSTITUTION

If you look at the 75 separate amendments that would be required to abolish the Seanad (set out in the appendix to this paper), it becomes clear that entire articles would be deleted.

Separate checks and balances would have to be re-written including impeachment processes for the President and Judges. The membership of the Council of State and the Presidential Commission would have to be reformed.

Abolition, by itself, will leave our Constitution a mutilated wreck.

THE CASE FOR A BICAMERAL PARLIAMENT

Under our system, the Government is responsible to Dáil Éireann (Article 28.4.1). This accountability to one chamber of the Oireachtas alone was also reflected in the Constitution of the Free State (Article 51).

It follows logically that in our scheme of things the Government is **not** responsible to Seanad Éireann. This distinction is very important.

Seanad Éireann¸ like its Free State predecessor, has no function in selecting a Taoiseach, approving a Government, maintaining confidence in the Government, or forcing the resignation of a Taoiseach (under Article 28.10).

Dáil Éireann is stated by the Constitution to be *"a House of Representatives"* (Article 15.1.2) *"who represent constituencies determined by law"*(Article 16.2).

Dáil Éireann differs from Seanad Éireann in that it is a constitutional organ based on constituency representation which is uniquely given the function of selecting a Taoiseach and Government, of holding the Government accountable, of approving and controlling the State's finances (including the nomination of the Comptroller and Auditor General), of approving international agreements and treaties and of terminating the existence of the Government by withdrawing its support from the Taoiseach, thereby obliging the Taoiseach to resign (Article 28.10).

In addition, Dáil Éireann is given the exclusive right to legislate in respect of Money Bills and the exclusive right to commence the legislative process to amend the Constitution.

Seanad Éireann, on the other hand, is not a representative chamber, has little or no functions in relation to Money Bills (save making recommendations), and has a subordinate legislative role.

Seanad Éireann has, in effect, three months (90 days) to consider, amend, pass or reject any Bill passed by Dáil Éireann after which Dáil Éireann can deem the Bill to be passed by both Houses. In certain circumstances, the three month period can be shortened if the President concurs (but any such legislation automatically expires in 90 days unless both Houses agree to the contrary).

THE DÁIL AN ADVERSARIAL CHAMBER

Precisely because the very existence of the Government depends upon the continuing support of a majority of Dáil members and because the duty and responsibility to Dáil Éireann (especially at the hands of the opposition) the general dynamic of Dáil Éireann is a lot more adversarial and polarised than the prevailing ambience of the Seanad.

It was my experience as Minister for Justice, Equality and Law Reform that the Seanad considered legislation in a much more bipartisan spirit or perhaps more correctly, a non-

partisan spirit. This meant that the proponents of legislation could explain in a measured way the provisions of their Bills and would hear back from all quarters of the Seanad the measured reasonable and objective commentary thereon.

Having initiated major legislative reforms in both Houses of the Oireachtas, I have to say that it was my experience that the better legislative work by far was done in the Seanad. The guillotine was rarely used to close debate because filibustering was unknown and because the House valued its own time.

In the Dáil, by contrast, there was endless tabling and re-tabling of amendments designed to score political points rather than to make a genuine contribution to the improvement of the legislation. These tactics were used to create the political impression that legislation was being rushed through without adequate debate and such time as the Government permitted was routinely frittered away in the Dáil by tactics contrived to create in the public's mind an impression that far more time was needed for each piece of legislation.

I found that in the Seanad the members who were interested in a Bill and who had improvements to suggest generally acted reasonably and allocated the debating time sensibly and generally did not attempt to *"talk out"* Bills or debates for ulterior political reasons. I also found that the practice of initiating major reforming legislation in the Seanad and then bringing it to the Dáil frequently had the effect of defusing the adversarial atmosphere in the Dáil because many of the more contentious issues had either been explained or resolved in an amicable way in the Seanad.

It is my view that a bicameral system is far better suited to the emergence of a more reasoned and reasonable approach to the legislation process than would be achieved in a unicameral system.

THE SEANAD AS A CHECK AND BALANCE

Apart entirely from the legislative process itself, we ought not to lose sight of the constitutional system of checks and balances which, although rarely invoked, create a systemic safeguard against the abuse of crude power by a temporary majority in the Dáil.

It is worth noting that Seanad Éireann has the following important constitutional functions in terms of checks and balances:

- The President may only be impeached by a process involving the separate independent decisions of the two Houses of the Oireachtas, supported by a majority in one, supported by two-thirds of its members in which the charge against the President is investigated and upheld by a resolution of the other House, supported by two-thirds of its members.

- Judges, who are independent under the Constitution, may only be removed by a process involving the independent and separate decisions of the two Houses of the Oireachtas.

- Likewise, the independence of the Comptroller and Auditor General is emphasised by the fact that he cannot be removed from office except for stated misbehaviour or incapacity and then only upon separate resolutions independently considered by both Houses, even though he is accountable only to Dáil Éireann.

- Equally important is the role of the Seanad, as a House of the Oireachtas, under the provisions of Article 29 of the Constitution, as recently amended. The Seanad must give *"prior approval"* to EU proposals for enhanced cooperation, the Shengen Acquis, and the *"opt out"* of Ireland in respect of EU measures on freedom, security and justice, including the ending of that opt out.

- Likewise, the State's capacity to agree to a *"passerelle"* decision to end the requirement for unanimity on corporation tax for instance and to submit to QMV in respect of other matters which could fundamentally vary or over-ride other constitutional provisions requires the separate prior approval of Seanad Éireann.

THE IMPORTANCE OF THE SEANAD'S EU ROLE

These latter provisions are of fundamental importance to our constitutional system of checks and balances. Seanad Éireann is given a veto over the majority wishes of Dáil Éireann in respect of impeaching the President, removing judges, and taking part in EU decisions which could have dramatic and far reaching effects on Irish sovereignty and on the application of the other provisions of the Constitution by virtue of our membership of the European Union.

Bluntly put, if Seanad Éireann were abolished, there would be very little standing in the way of a huge transient majority in Dáil Éireann acting in a manner which had very far reaching effects on the nature and quality of Irish democracy.

ARTICLE 27

Even in the legislative area, the existence of Seanad Éireann provides a useful check and balance to the abuse of power by a majority in Dáil Éireann.

It is not generally known or widely appreciated that the capacity of a majority in Dáil Éireann to override Seanad Éireann in respect to ordinary legislation is itself subject to a further constitutional safeguard in that the President, under Article 27, can, if requested by a majority of the members of Seanad Éireann and one-third of the members of Dáil Éireann by joint petition decline to sign and promulgate as a law any Bill which has been the subject of override provisions of Article 23 *"on the ground that the Bill contains a proposal of such national importance that the will of the people thereon ought to be ascertained."*

In such cases, the President may independently and (but having consulted with the Council of State) determine that any such Bill shall not be signed into law unless the

people approve it in the manner provided under Article 47 of the Constitution or unless the people have an opportunity, at a General Election in the interim to elect a new Dáil in general assembly which resolves to re-approve the measure.

DO WE WANT TO SWEEP THESE SAFEGUARDS AWAY?

Sweeping away these protections, safeguards and checks and balances which are of potentially enormous significance in our constitutional order, affecting as they do the Presidency, the independence of the judiciary, the superiority and sovereignty of our Constitution in the context of EU law and protection of the people from ordinary legislation which might have far reaching effects and on which they ought to be consulted either by referendum or general election, is a very major step and one on which we should all reflect very carefully indeed.

Do we want to sweep all that away and to hand to a huge majority in Dáil Éireann, unfettered and uncontrollable, such far reaching discretions?

Has public discontent with the effectiveness of our Parliament, fanned as it has been by scandal, waste, incompetence and, it should be said, the collective *"outrage"* of the media, reached such a point of white hot intensity that we would be justified in smashing down all the safeguards that I have mentioned in pursuit of parliamentary reform?

Especially in view of the consensus (which I believe would exist among experienced observers) that Seanad Éireann even with its electoral system as it now is, improves rather than disimproves the quality of our legislative process, should we not now ask whether proposals for its abolition have been genuinely thought through or whether they are populist and somewhat mindless, empty-headed political gestures which would achieve very little except to sate the blood lust of the campaign against politicians, and which might have the most far reaching and potentially disastrous consequences in a different Ireland in five or ten years time where a malign majority in the Dáil would be free to do almost anything?

THE DANGERS OF UNICAMERALISM

Nor do I think it is unfair to point to the exact process whereby a major political party in this State, and one which on the face of things, is likely to be in Government for the next few years, came to support a policy of abolition of Seanad Éireann.

As I understand it, the Taoiseach spoke eloquently at the Magill Summer School in the Summer of 2009 for enhancing the role of the Seanad and reforming it as an institution, especially in the context of its potential role as a chamber to examine EU legislation.

Without explanation, a few weeks later, without any prior consultation or debate of a public kind or even of a private kind within his party, he articulated, on behalf of his party a policy of abolishing the Seanad. Although this volte-face did cause muted internal dissent within his party, the party united behind him without any real

consideration of the matter rather than face the alternative, which was public embarrassment and political damage.

I mention this, not in a spirit of political point scoring but to underline the danger of giving to any majority, of *whatever* political hue in Dáil Éireann, the right to make far reaching constitutional decisions of importance based on inadequate reasoning or justification.

I ask you to consider whether, if a volte-face of that kind was possible without consideration, it is wise to accord to any future majority in Dáil Éireann the capacity to make the decisions without any system of checks or balances which I have mentioned earlier, fraught as they are with the gravest of implications for our constitutional order, our sovereignty and our independence.

If it were possible for a policy change of such importance to be made by one person and for a democratic political party to acquiesce in it even though it had not been consulted or allowed to debate the matter internally, ask yourselves should any Dáil majority be made free now to enact laws, remove Presidents, removed judges, sweep away our vetos in European affairs, make European law superior to Irish constitutional provisions in a wide variety of areas without any check or balance?

It may be that some of you would agree that having any written Constitution at all would be of limited value if we set about the wholesale elimination of important political and constitutional safeguards for our democracy in such a cavalier fashion.

The simple fact is that a unicameral Parliament would accord to a large majority in Dáil Éireann untrammelled capacity to make the most far reaching constitutional and legislative changes for good or for evil. And I pose to you this question:

> *"Are you happy that these things should happen in the manner suggested and for the reasons suggested? Are you happy that the abolition of Seanad Éireann is proposed in the long term interests of the health of Irish democracy or is it proposed as a short term expedient pursuit of political popularity?"*

These are questions that I believe deserve a far wider and deeper debate than they have already received and I am glad that tonight affords us some opportunity to consider them.

THE EU FUNCTIONS OF THE OIREACHTAS

The response of our Parliament to our membership of the EU has been close to pathetic. As a Minister, almost alone, I regularly convened a joint committee of both Houses to brief and inform them about every forthcoming Council meeting at which I, on behalf of the Irish people, would participate in the area of justice and home affairs so that the sovereignty of the Irish Parliament would be respected in the context of the EU legislative process and so that there would be openness and transparency in relation to the

policy decisions that I, as Minister and member of the Council was adopting and pursuing at EU level.

I am not sure whether that procedure endures to this day but I am certain that it was potentially a very important part of enhancing the role of our Parliament. For all the media interest in it, I might as well have stayed at home.

I also had the unique (I think) experience of appearing before a House of Lords committee in London as a member of the Irish Government to give evidence to that committee in respect of Ireland's position on the Charter of Fundamental Rights and Freedoms and the EU Constitutional Treaty process. I accepted the invitation to go there although I was conscious that the Irish Parliament, because of the complete inadequacy of its approach to EU affairs, had not and probably would not establish an equivalent parliamentary process of inquiry into a major constitutional step which all of the Member States of the European Union were then contemplating.

In general terms, the Irish Parliament has lamentably failed to engage with the European legislative process and with the State's participation in the European Union at Council level in any meaningful way.

I believe that Enda Kenny was *"spot-on"* when he suggested at the Magill Summer School that Seanad Éireann could play a very valuable part in enhancing the parliamentary response of the Irish State to our opportunities and obligations in the EU process.

POST LISBON OBLIGATIONS AND FUNCTIONS

One of the rarely discussed aspects of the Lisbon Treaty is the enhanced function envisaged by Member States' parliaments.

As presently organised, the Oireachtas is nowhere near being in a position to fulfil the role envisaged for it under the Lisbon Treaty, let alone to discharge the functions which it has abysmally failed to discharge in respect of our membership of the European Union up to this point.

The whole process of transposition of EU law into Irish law is one which the Oireachtas has, largely speaking, totally abdicated its functions.

When you hear people clamouring for a radical reduction in the number of members of Dáil Éireann and for the abolition of Seanad Éireann, ask yourself whether the *"pared down"* institution proposed could, given its other obligations of governmental accountability, domestic legislation and the like, ever even make a start in addressing the issues which I have just mentioned.

REFORMING – NOT ABOLISHING – THE SEANAD

I would like to add my views on the reason why Seanad Éireann needs to be retained, but to be radically reformed.

I have come to the conclusion that there is every sound reason why we should have and retain a second chamber in our Parliament.

To those who say that it is little more than a rubber stamp for the Dáil majority, I say that that is not necessarily so. The 60 members of Seanad Éireann, of whom 11 are nominated by the Taoiseach, six by the electors of certain third level institutions, and 43 elected by a ridiculous electorate consisting of outgoing senators, incoming Dáil deputies and members of County Councils could, without any constitutional change, be given real political status and independence simply by providing for a system of election of its members in a manner radically different from that which applies today but entirely consistent with and, arguably, much more consonant with the spirit of the Constitution.

There is simply no reason why 31 years since the Constitution was amended to a widen university franchise, and 21 years after the establishment of the University of Limerick and Dublin City University and decades after the establishment of other third level institutions in the country, no legislative effort has been made to give effect to the Seventh Amendment to the Constitution. As Kelly's Irish Constitution comments at paragraph 4.4.03:

> *"At present the only senate seats whose political complexion is unpredictable are the six university seats; and even here party politics has played a role. Of the remaining 54 seats, 43 are filled by an electorate consisting of about 900 persons, of whom the overwhelming majority are expressly representative of the large political party: namely all the members of the newly elected Dáil, plus all the outgoing senators, plus all members of county councils or county borough councils (Seanad Electoral (Panel Members) Act 1947, section 44). The pattern of political party strength among the 43 panel members thus will tend to reflect roughly the pattern seen in the last local election, which will generally speaking not differ from the pattern seen in the recent Dáil election. But even if, as often happens, the current government does not control a majority of the 43 panel members, nor of the six university members, any government deficit is capable of being made up by way of the 11 members whom it lies with the incoming Taoiseach to nominate. Accordingly, a government reverse in the Seanad is exceedingly rare."*

Without any constitutional change at all, the provisions of Article 19 of the Constitution could be invoked to permit direct election by functional or vocational groups to Seanad Éireann in substitution for the existing system of panel elected members.

Moreover, without any constitutional amendment, the elected members of Seanad Éireann, who must be elected *"on the system of proportional representation by means of*

a single transferable vote, and by secret ballot", could be elected by electorates consisting of broad sections of the population choosing from panels of candidates formed in a manner which would guarantee independence of the party political process. Under Article 18.7 of the Constitution, the electoral system for Seanad Éireann is one in which our parliament is virtually at large as to how the broad vocational categories envisaged in that article should be represented in Seanad Éireann.

To prevent Seanad Éireann being a cross between a political *"convalescent home and a crèche"*, we could, for instance, consider disqualifying members of Seanad Éireann from candidacy or election to Dáil Éireann at the General Election following their membership of Seanad Éireann.

We could, in ordinary legislation, replicate Article 33 of the Free State Constitution and establish a cross-party or a non-party system *"for the representation of important interests and institutions in the country"*.

Why do we have a National Economic and Social Council based on an Act of 2006, together with a National Economic and Social Forum all located outside the Oireachtas when its membership mirrors almost exactly the panel structure for the 43 elected members of Seanad Éireann? Why do we have an independent non-party body of that kind provided by statute when we have emasculated such influences at the heart of our legislative process as was envisaged by the drafters of the 1937 Constitution?

Why do we have a Senate which is dominated by party politics to the exclusion of its broader representative function when it is very clear that many, if not all of the functions of the NESC and the NESF could be internalised into the legislative process simply by varying the electoral system for Seanad Éireann?

In short, we have it within our collective grasp to make Seanad Éireann a useful and vibrant democratic institution at the centre of our democratic process but amazingly we prefer to contemplate its abolition while maintaining the NESC quango?

OTHER OIREACHTAS REFORMS?

I would like, finally, to address briefly a few issues which I consider are important and which I consider are not receiving a balanced treatment in whatever public debate is going on at the moment.

Will cutting the number of TDs, within the numerical representation bands permitted under the Constitution, increase or decrease the influence of the Executive over Dáil Éireann? As the Ombudsman, Emily O'Reilly, has pointed out, one of the undeniable features of Irish parliamentary democracy is the crushing dominance of the Executive on parliamentary activity and debate. If we have less backbenchers, Government and opposition, will the influence of the Executive be increased or diminished? That is an issue which has not been adequately debated. Would a greatly reduced Dáil have the time or resources to maintain a proper committee system? Would the independence of

Dáil Éireann as a House of Parliament be increased or reduced vis-à-vis the Executive by increasing the proportion of Government deputies who are office holders? It seems to me that the answer is fairly plain. If so, are we sure that we are on the right track?

Is our electoral system conducive to *"ward healing, messenger boy"* politics? Should we have, instead, a list system? Would a list system increase or diminish the role of centrally organised, heavily State-subsidised party organisations over our political system? If there is a genuine appetite for ending clientalism, why do we diminish the proportional nature of PR by reducing the size of constituencies to the point where they can be easily serviced by TDs carrying out clientalist type politics.

Could we influence the type of TD we elect by increasing the size of constituencies to six, seven, eight or nine seat constituencies in which it would be very difficult to create a support base based on simple clientalism and in which candidates would have to be *"household names"* across far larger regions in geographical terms.

Is it true that we are paying our TDs and Senators too much? Will the reduction of TDs' and Senators' emoluments improve or disimprove or have no effect at all on the type of person seeking elected office? Have our elected representatives in Dáil Éireann sufficient resources in terms of manpower, research capacity and finance to make them effective watchdogs on the executive activities of Government?

If anything, the expenses scandal in the U.K. tends to suggest that unofficial remuneration of politicians over and above more modest nominal salaries was the Achilles heel of the U.K. Parliamentary system.

THE COST ARGUMENT IS BOGUS

If the Seanad were reformed, I think it would be possible to reduce the payments made to members to a much lower level, maybe in the region of €20,000 per annum. Most members of a reformed Seanad, if they represented different interests in Irish society, would be honoured by the fact of their election, and few would want to be full time politicians or to be remunerated as if they were.

If the view is that the Seanad costs too much, why not simply cut back the amount we pay Senators to such levels?

The *"cost"* argument for abolishing the Seanad is, I think, a bogus argument given that we could easily cut the cost without abolition.

AS CITIZENS, IT IS OUR CHOICE

In short, I am not convinced that appeasing the bloodlust of the political lynch mob by self harm is a wise course for our public representatives to adopt.

And in the long run one thing is clear. We get the Governments we elect. We get the public representatives we choose. They do the things that we, as voters, encourage them to do. If we reward clientalism, they behave in a clientalist way. We reward by our votes statesmanship, perhaps our public representatives will be motivated to act in a statesman like way.

Patriotism – love of country – *"loyalty to the State"*, Republican virtue, civic responsibility – all of these political values in the last analysis depend on how the preferences are arranged by each individual voter on the ballot paper in the privacy of the polling booth on election day. Whether we are collectively in an era of political accountability, as some would have it, or *"blame gaming"* as others might see it, it seems to me that our Parliament's performance, and its workings, and its architecture, lie in our hands on the marked ballot paper.

After all, that's what our struggle for national freedom and independence was all about. As citizens of a Republic, I suggest that all these issues deserve our urgent and considered judgment.

Schedule

Articles, sections and paragraphs of Bunreacht na hÉireann which require amendment or deletion if Seanad Éireann were to be abolished:

1. Article 12.4.2
2. Article 12.6.1
3. Article 12.6.2
4. Article 12.6.8
5. Article 12.10.1
6. Article 12.10.2
7. Article 12.10.3
8. Article 12.10.4
9. Article 12.10.7
10. Article 13.2.3
11. Article 13.3.1
12. Article 13.7.1
13. Article 13.8.1
14. Article 13.8.2
15. Article 14.2.1
16. Article 14.2.4
17. Article 15.1.2
18. Article 15.1.3
19. Article 15.8.1.
20. Article 15.8.2
21. Article 15.9.1

22. Article 15.9.2

23. Article 15.10

24. Article 15.11.1

25. Article 15.11.3

26. Article 15.12

27. Article 15.13

28. Article 15.14

29. Article 15.15.

30. Article 18 (in its entirety)

31. Article 19 (in its entirety)

32. Article 20.1

33. Article 20.2.1

34. Article 20.2.2

35. Article 20.3

36. Article 21.1.1

37. Article 21.1.2

38. Article 21.2.1

39. Article 21.2.2

40. Article 22.3

41. Article 22.3.4

42. Article 22.3.5

43. Article 22.3.6

44. Article 23.1.1

45. Article 23.1.2

46. Article 23.2.1

47. Article 23.2.2

48. Article 24.1

49. Article 24.2

50. Article 24.3

51. Article 25.1

52. Article 25.2.2

53. Article 25.3

54. Article 25.4.3

55. Article 26 (introductory paragraph)

56. Article 27 (introductory paragraph)

57. Article 27.1

58. Article 27.2

59. Article 27.3.

60. Article 27.4

61. Article 27.5.

62. Article 27.6

63. Article 28.3

64. Article 28.7

65. Article 28.8

66. Article 29

67. Article 31.2

68. Article 33.3

69. Article 33.5.1

70. Article 33.5.2

71. Article 35.3

72. Article 35.4.1

73. Article 35.4.2

74. Article 46.2

75. Article 47