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DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

TUAIRISC OIFIGIÚIL—*Neamhcheartaithe*
(OFFICIAL REPORT—*Unrevised*)

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DÁIL ÉIREANN

*Déardaoin, 12 Feabhra 2004.
Thursday, 12 February 2004.*

Chuaigh an Ceann Comhairle i gceannas ar
10.30 a.m.

*Paidir.
Prayer.*

Requests to Move Adjournment of Dáil under Standing Order 31.

An Ceann Comhairle: Before coming to the Order of Business, I propose to deal with a number of notices of motions under Standing Order 31.

Mr. Morgan: I seek the Adjournment of the Dáil under Standing Order 31 to discuss a specific and important matter of public interest, namely, the invasion of Omeath, County Louth, last evening by heavily armed members of the British Army accompanied by the discredited PSNI-RUC; the reason for these armed persons patrolling any side of Britain's border in Ireland at this stage of the peace process; the action that should be taken by the Minister for Foreign Affairs in dealing with the British Foreign Office; the action to be taken by the Government to set severe sanctions in place against the British Government which has continued to ignore the international agreement entered into with the Irish Government and the necessity to redouble our efforts to reclaim our six Northern counties.

Mr. J. Higgins: I seek the Adjournment of the Dáil under Standing Order 31 to discuss the following matter, namely, to require the Minister for Justice, Equality and Law Reform to attend this House to make a statement and answer questions on the cruel and heartless deportation today of approximately 66 people to eastern Europe, including families with children, following widespread Garda raids throughout the country.

Dr. Cowley: I seek the Adjournment of the Dáil under Standing Order 31 to discuss a matter of major national importance, namely, the inability of a family of a 48 year old woman to have her transferred from a medical ward in Mayo General Hospital where she has resided for the past two years having suffered a brain aneurysm complication and now requires constant nursing care for her tracheotomy. Despite the excellent care provided by staff at

that hospital, which the family deeply appreciates, the family of the woman concerned live in Galway and their attempts for the past two years to have her transferred to a hospital there have been unsuccessful. They must travel more than 100 miles every day and that is causing great hardship for each member of the family. I ask that this woman be assisted in her transfer to a hospital in Galway for humanity sake.

Mr. Gormley: I seek the Adjournment of the Dáil under Standing Order 31 to discuss a matter of urgent public importance, namely, that the Minister for Justice, Equality and Law Reform, Deputy McDowell, was aware of allegations of tax evasion against Mr. Pádraig Flynn which he regarded as being of the utmost gravity, yet did not, according to the Taoiseach's remarks yesterday, contact him on this matter, and the need for the Minister to make a full statement on what he knew, when he knew it and why he chose not to speak to the Taoiseach in this regard and for the Progressive Democrats to explain if it is now a case of one-party Government.

An Ceann Comhairle: It is not in order for the Deputy to go outside the notice submitted to my office.

Mr. Crawford: I seek the Adjournment of the Dáil under Standing Order 31 to discuss a matter of national importance, namely, the need for a full debate on the allocation of funding under the schools building programme where it is clear projects not on the 2003 website have received the go-ahead for projects when others on the list for many years are ignored.

An Ceann Comhairle: Having considered the matters raised, they are not in order under Standing Order 31.

Order of Business.

Minister for Defence (Mr. M. Smith): Today's Order of Business shall be No. 6, Finance Bill 2004 — Second Stage (resumed); No. 2, Tribunals of Inquiry (Evidence) (Amendment) Bill 2003 [*Seanad*] — Second Stage. It is proposed that, notwithstanding anything in Standing Orders, the resumed Second Stage of No. 6 shall, if not previously concluded, be brought to a conclusion at 3.30 p.m.

An Ceann Comhairle: Is the proposal for dealing with No. 6 agreed?

Caoimhghín Ó Caoláin: It is not agreed.

Mr. Rabbitte: It is proposed to bring the Finance Bill to a conclusion by guillotine at 3.30 p.m. today. The guillotine has been used on every Bill with which this House has dealt since Christmas. What is the point of applying the guillotine when many Members wish to make a contribution on the Finance Bill, the major fiscal

[Mr. Rabbitte.]
measure the year. Not one Bill has been taken in this term where the Government has not used the guillotine. That is shameful disrespect for Parliament and the rights of Deputies on all sides. I am sure many of the Minister's colleagues wish to praise matters they misread in the Bill.

Mr. Howlin: We are waiting for them to arrive.

Mr. Rabbitte: People in the Fianna Fáil press office will lose their jobs because there is no one to read out their boring scripts.

Mr. O'Dea: We will have the last laugh.

Mr. Rabbitte: The Labour Party is opposed to the proposal to unnecessarily use the guillotine on legislation as important as the Finance Bill when many Members wish to make a contribution on it.

Mr. Howlin: Hear, hear.

Mr. Kenny: Fine Gael supports Deputy Rabbitte on this matter. Yesterday, we heard the announcement by Brussels of the relaxation of the restriction upon borrowing. This means the Minister for Transport's visit to Claremorris tomorrow will herald the announcement of the reopening of the Sligo-Limerick line, the metro, hospitals, schools and bridges.

An Ceann Comhairle: The Deputy is moving well away from the proposal before us.

Mr. Carty: It is good news for Mayo. Is the Deputy welcoming it?

Mr. Kenny: All these matters should be discussed under the Finance Bill, yet Ministers are sitting across the House at a time when a 17 year old brain damaged child must go to hospital because the State cannot find a residential place for him.

The Government is restricting discussion of the Bill and I support Deputy Rabbitte on this matter. We oppose this because it is a wrong form of governance. The Government Chief Whip should know by now that the Opposition parties are opposed to the guillotine concept *per se*. This is the most fundamental Bill we will take this year and I am opposed to the proposal.

Mr. Gormley: Week in, week out the Green Party and other Opposition parties have called for real Dáil reform. The only response from the Government to date has been the use of the guillotine and this is yet another example of it. It takes many months to debate Finance Bills in other Parliaments but we are rushing it through and that shows us in a poor light. We oppose the proposal for that reason.

Caoimhghín Ó Caoláin: During Private Members' Business last night, I stated that over

the past short number of weeks, a guillotine has been applied to the majority of, if not all, legislation, not only on Committee, Report and Final Stages but also repeatedly on Second Stage. I took some hope from the Government Chief Whip's indication that she wished to see change and her acknowledgement that this is most irregular. The guillotine mechanism is being applied at the start of a session as a matter of course and that is completely wrong. The Finance Bill is an opportunity for all to participate in the outworking of the budget measures announced last December and it is an outrageous proposition to impose a guillotine on Second Stage. It is a curtailment of the right of Deputies to participate fully in debate on the proposals contained therein—

Mr. M. Ahern: It is a pity Opposition Members would not debate the Bill as opposed to debating the Social Welfare Bill and other legislation, as the Deputy's colleague, Deputy Morgan, did last night.

Caoimhghín Ó Caoláin: —without interruption and badgering by Members who would be better off preparing their own contributions.

Mr. M. Smith: Deputy Gormley referred to other European countries. All our European partners would love to have the economic statistics we have.

Mr. Gormley: We do not have hospitals and public transport because of the mess the Government has made.

Mr. M. Smith: Guillotining is not the best way to do business—

Mr. Stagg: The Government does it all the time.

Mr. M. Smith: —but let us examine the facts. There is a time limit on the Bill. The House sat until 11.30 last night

Mr. Stagg: Why did the Government take a six week holiday at Christmas?

Mr. M. Ahern: We were here.

Mr. M. Smith: If Deputy Stagg was as interested in doing business in the way he says he is, he would not hold up progress by shouting ever morning on the Order of Business.

Mr. Stagg: We are here to shout.

Mr. M. Smith: There is a time limit on the Bill. The guillotine was also used on other Bills and this was dictated by decisions in the High Court and other time constraints.

Mr. Boyle: There will be more.

Mr. Stagg: That is because the Government made a mess of the legislation. It should correct the mistake it made.

Mr. M. Smith: We have given all the time we can. I accept we should try to conduct business in a way that we could avoid the guillotine, but that requires co-operation from all parties——

Mr. Stagg: The Minister should look behind him when he refers to co-operation.

An Ceann Comhairle: Deputy Stagg knows that the leader of his party spoke on behalf of his party on this issue.

Mr. M. Smith: ——and it probably would involve completing the Order of Business much earlier than normal.

Question put: “That the proposal for dealing with No. 6 be agreed.”

The Dáil divided: Tá, 75; Níl, 60.

Tá

Ahern, Dermot.
Ahern, Michael.
Ahern, Noel.
Andrews, Barry.
Ardagh, Seán.
Aylward, Liam.
Blaney, Niall.
Brady, Johnny.
Brady, Martin.
Brennan, Séamus.
Browne, John.
Callanan, Joe.
Callely, Ivor.
Carey, Pat.
Carty, John.
Cassidy, Donie.
Coughlan, Mary.
Cregan, John.
Curran, John.
Davern, Noel.
de Valera, Síle.
Dempsey, Tony.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Fitzpatrick, Dermot.
Fleming, Seán.
Gallagher, Pat The Cope.
Glennon, Jim.
Hanafin, Mary.
Haughey, Seán.
Healy-Rae, Jackie.
Hoctor, Máire.
Jacob, Joe.
Keaveney, Cecilia.
Kelleher, Billy.
Kelly, Peter.
Killeen, Tony.

Kirk, Séamus.
Kitt, Tom.
Lenihan, Conor.
McCreevy, Charlie.
McDaid, James.
McDowell, Michael.
McEllistrim, Thomas.
McGuinness, John.
Martin, Micheál.
Moloney, John.
Moynihan, Donal.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M. J.
Ó Cuív, Éamon.
Ó Fearghaíl, Seán.
O'Connor, Charlie.
O'Dea, Willie.
O'Donnell, Liz.
O'Donoghue, John.
O'Donovan, Denis.
O'Flynn, Noel.
O'Keeffe, Batt.
O'Malley, Fiona.
O'Malley, Tim.
Power, Peter.
Power, Seán.
Ryan, Eoin.
Sexton, Mae.
Smith, Brendan.
Smith, Michael.
Treacy, Noel.
Wallace, Dan.
Walsh, Joe.
Wilkinson, Ollie.
Woods, Michael.
Wright, G.V.

Níl

Boyle, Dan.
Breen, James.
Breen, Pat.
Broughan, Thomas P.
Bruton, Richard.
Burton, Joan.
Connaughton, Paul.
Connolly, Paudge.
Costello, Joe.
Coveney, Simon.
Cowley, Jerry.
Crawford, Seymour.
Crowe, Seán.
Cuffe, Ciarán.
Deasy, John.
Deenihan, Jimmy.
Durkan, Bernard J.
Enright, Olwyn.
Ferris, Martin.
Gogarty, Paul.

Gormley, John.
Higgins, Joe.
Higgins, Michael D.
Hogan, Phil.
Howlin, Brendan.
Kehoe, Paul.
Kenny, Enda.
Lynch, Kathleen.
McCormack, Padraic.
McGinley, Dinny.
McGrath, Finian.
McGrath, Paul.
McHugh, Paddy.
McManus, Liz.
Mitchell, Gay.
Mitchell, Olivia.
Morgan, Arthur.
Moynihan-Cronin, Breeda.
Murphy, Gerard.
Naughten, Denis.

Níl—*continued*

Neville, Dan.
 Noonan, Michael.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Dowd, Fergus.
 O'Keeffe, Jim.
 O'Sullivan, Jan.
 Pattison, Seamus.
 Penrose, Willie.
 Perry, John.

Quinn, Ruairí.
 Rabbitte, Pat.
 Ring, Michael.
 Ryan, Eamon.
 Ryan, Seán.
 Shortall, Róisín.
 Stagg, Emmet.
 Stanton, David.
 Upton, Mary.
 Wall, Jack.

Tellers: Tá, Deputies Hanafin and Kelleher; Níl, Deputies Durkan and Stagg

Mr. Kenny: In view of the announcement in today's newspapers that the Minister for Transport, Deputy Brennan, is to proceed with the metro at a cost of €2.5 billion, will the Minister for Defence indicate why there is no date expected for publication of the greater Dublin area land use and transport authority Bill? Will it be published in 2006, 2007 or at some later date? If there is to be a legal base upon which the Minister for Transport, Deputy Brennan, will be able to do his job, the House must be informed of it. Is the Bill to be scrapped or will it be produced and, if so, has a date for publication been arranged?

Mr. M. Smith: The policy is being reviewed and an alternative strategy is being considered to achieve the same type of objective.

Mr. Kenny: Does that mean that the greater Dublin area land use and transport authority Bill has been scrapped? It is still on the list as No. 107.

Mr. M. Smith: In technical terms, yes. However, a similar type of legislation, which will probably incorporate part of the Bill to which the Deputy refers, will be introduced.

Mr. Kenny: No date has been set for publication.

Mr. M. Smith: No.

Mr. R. Bruton: Will it be on time?

Mr. M. Smith: On time, every time.

Mr. Rabbitte: I have an easier question for the Minister. On 3 October the Taoiseach told me there was no need for an order to introduce electronic voting for the forthcoming local elections. He wrote to me on 4 February to apologise and put the record straight, saying he was wrong and orders are required. He set this out in a document which was attached to the letter. On 5 February, the Tánaiste said, "It is correct to say that an order under section 48 of the Electoral (Amendment) Act 2001 will be required to provide for electronic voting." She went on to say that, like all orders, the order can be debated in the House and a motion annulling it could be put before the House. She promised,

"If Deputies want a debate on it [which we indicated we did] I will discuss the matter with the Whip and the Minister for the Environment, Heritage and Local Government."

Yesterday, on the Order of Business, the Taoiseach told my colleague, Deputy Gilmore:

There are no orders in respect of this matter. What I stated on the Order of Business was that the Electoral (Amendment) Act 2001 provided that electronic voting would be used in all Irish elections. I was right. The Deputy is wrong and he should withdraw what he said.

I am glad to see the Minister for Defence is here this morning because we need clarity on this. Are orders necessary or are they not? Was the Taoiseach right when he wrote to me that they were, or is he right when he now says they are not? Does he know the difference between the truth and inaccuracy or is he unable to make the distinction any longer?

Mr. Quinn: He will have to ask Gerry.

Mr. M. Smith: I will be happy to give the Deputy all the clarity he wants. What the Taoiseach said on both occasions is perfectly—

(Interruptions).

Mr. S. Ryan: He is talking out of both sides of his mouth.

Mr. F. McGrath: It is like Nenagh hospital.

Mr. M. Smith: What the Taoiseach said on both occasions is perfectly correct and defensible. Yesterday, he said there are no orders. There are no orders as yet, but there will be.

Mr. Rabbitte: Will the Minister deal with the matter of the Tánaiste's commitment that we would have a debate on the orders?

Mr. M. Smith: That is a matter for the Whips. The Government has no objection to it. There was all-party agreement on electronic voting, it worked perfectly well in the general election and in the referendum. We have no problem with it.

Mr. Rabbitte: My original question was when the orders will be laid before the House.

Ms Burton: Will it be before or after the local elections?

Mr. M. Smith: I do not have an exact time for that. I will check it with the Minister and inform the Deputy. The Deputy should not need clarification on that.

Mr. S. Ryan: We certainly will.

Mr. Rabbitte: Will it be before 11 June?

Mr. M. Smith: The Deputy knows well it will.

Mr. Rabbitte: That may well be so, but we are having a nationwide election——

An Ceann Comhairle: Deputy Rabbitte, the Minister has answered your question. We cannot have a debate on the matter.

Mr. Quinn: The answer is not on the record of the House.

Mr. Rabbitte: I am asking you, a Cheann Comhairle, whether the orders will be laid before the House before 11 June.

An Ceann Comhairle: The Minister said he would communicate with the Deputy.

Mr. Gormley: I hope the Minister communicates as quickly as possible on that matter.

I understand the road openings Bill has now been subsumed into other legislation. Under what legislation does it now come and when will it come before the House? The measure is extremely important, given the appalling state of our roads and the disruption this is causing to traffic in the city.

Mr. Howlin: Does the Minister wish to phone a friend?

Mr. M. Smith: The roads (control of roadworks) Bill is not being pursued at present. The effectiveness of the Communications Regulation Act 2002 in dealing with the problems due to be addressed by this Bill is being reviewed.

Mr. Gormley: So, we will have more chaos on our streets.

Mr. R. Bruton: Yesterday, the European Commission changed the rules applying to projects under public private partnerships. Does the Government intend to introduce new financial procedures to allow for scrutiny by the Oireachtas of decisions under these new provisions? Such procedures do not accord with the present provisions. PPPs receive very little scrutiny by the Oireachtas. If there are to be huge expenditures of this nature the Oireachtas deserves a system of scrutiny.

Mr. M. Smith: Since the decision was made only yesterday, time will be needed for consideration of it. I do not see a problem in ensuring that the House will be given an opportunity to discuss it.

Mr. R. Bruton: The Minister's colleague, the Minister for Finance, is less forthcoming in relation to scrutiny of these matters than he is himself.

Ms McManus: As a result of the incompetence of the Minister for Health and Children and his Department and the intransigence of the Medical Defence Union, a serious, regrettable and indefensible situation has arisen. Patients are to be denied care——

An Ceann Comhairle: Deputy, have you a question appropriate to the Order of Business?

Ms McManus: I have. Why do you think that I have not?

An Ceann Comhairle: It is because the Deputy is beginning to make a Second Stage speech. If you have a question about legislation or one appropriate to the Order of Business you may put that question. We cannot spend an hour every morning listening to people making major speeches about this, that and the other.

Mr. Stagg: You take up most of the time with interruptions.

Ms McManus: I beg to differ with you, a Cheann Comhairle. I am not making a speech; I am asking questions. I want to know and am entitled to ask the Minister if the Government intends to have a Supplementary Estimate to get itself out of this mess. There will have to be a deal and, whatever that deal is, funding will be required.

Mr. M. Smith: No.

Caoimhghín Ó Caoláin: Have the heads of the adoption Bill been approved by Government and when will we see publication of it? I do not want to hear the answer, 2004. Is it possible to be more specific?

Mr. M. Smith: The consultative process is still being engaged in and I am unable to give a time at present.

Mr. Durkan: When holding my clinic the other night, I glanced at a television screen and noticed——

An Ceann Comhairle: That does not arise on the Order of Business.

Mr. Durkan: It does, although I am not asking about the Broadcasting Act. I was amazed to see

[Mr. Durkan.]
a senior Minister extolling the virtues of contesting the presidential election.

An Ceann Comhairle: Have you a question appropriate to the Order of Business?

Mr. Durkan: I was in a quandary as to whether he was thinking aloud, articulating a Government decision or had merely not received a Christmas card.

Mr. Costello: In light of the decision by the Taoiseach and the Government to transfer lands at Grangegorman to the Dublin Institute of Technology and the numerous promises regarding the Grangegorman agency Bill, will the Bill be published in this session?

Mr. M. Smith: The legislation is expected in this session.

Mr. J. Higgins: It had been flagged that the Government would bring forward legislation to rush through major infrastructural projects without proper public scrutiny. Will the Minister say if such a Bill is coming forward, and when? Can he also tell us why the Government of a nation of emigrants should send gardaí in to snatch immigrant children from the bosom of their communities and deport them heartlessly out of this country?

An Ceann Comhairle: That matter does not arise on the Order of Business. The Deputy will have to find another way of raising it.

Mr. M. Smith: The heads of the Bill are expected early this year.

Ms Burton: On Monday, the Minister for Finance announced changes to pension arrangements for public servants, and changes to teachers' pension arrangements, in particular. He promised that these would be implemented by 1 April. Where is the ensions (miscellaneous provisions) Bill? We were told we would get this at the same time as the Finance Bill. There is no legislation yet. Are the heads ready?

Mr. M. Smith: The heads of the Bill have been approved by the Government and it remains the intention to have the Bill in place by 1 April.

Ms Burton: If we do not get it soon, it will be guillotined. It is a very important technical issue.

Mr. M. Smith: The Bill will not be approved for another week or ten days, but the heads are approved.

Ms Burton: The heads are approved. How will we get the entire Bill by 1 April?

An Ceann Comhairle: We cannot have a debate on it.

Mr. M. Smith: The Deputy understands the procedure. We are doing the best we can to meet that deadline.

Mr. Rabbitte: The Tánaiste told me on 5 February that the Garda Síochána Bill was before the Cabinet that week, and that she presumed it would be published shortly. Was it approved by Cabinet and when will it be published?

Mr. M. Smith: The heads of the Bill have been approved.

Mr. Rabbitte: Heads my granny.

An Ceann Comhairle: We will move on.

Mr. Rabbitte: This is a deadly serious matter. We have been looking for the Garda Síochána Bill now for three years. Was the Bill before Cabinet, and if so, why does the Minister not remember it?

An Ceann Comhairle: Sorry, Deputy, that does not arise on the Order of Business.

Mr. M. Smith: It will be published in the next couple of weeks.

An Ceann Comhairle: The Minister has answered the question and we are moving on.

Mr. Durkan: On a point of order, it has become the practice in recent times for Ministers to escape from the House in the first ten or 15 minutes. That is a grave discourtesy to the House.

An Ceann Comhairle: That is not a point of order. The Deputy must find another way of raising the matter.

Message from Seanad.

An Ceann Comhairle: Seanad Éireann has passed the Immigration Bill 2004 without amendment.

Finance Bill 2004: Second Stage (Resumed).

Question again proposed: "That the Bill be now read a Second Time."

Mr. Coveney: I welcome the opportunity to speak on the Finance Bill. It is somewhat regrettable that a guillotine is being imposed on the legislation. I would like to have spoken for 20 minutes on Second Stage, but because of the guillotine I have only ten minutes.

I will focus on a number of sections where we need to perhaps refine or rethink some of the concepts being explored. The first is section 8, which provides for the exemption from income tax of certain benefits in kind provided by employers for employees. Regarding mobile phones, computer equipment and high-speed Internet connections, it is incidental whether

those benefits are provided for business use and private use. I welcome the clear recognition from the Department of Finance of the importance of the provision of communications and telecommunications infrastructure. This is a positive recognition by the Department that we should be using tax strategy as one of our tools to encourage increased use of IT equipment and upgrading of that equipment.

Telecommunications infrastructure is the key to modern competitiveness in Ireland. We have debated on many occasions the need for Ireland to take strong action to improve our telecommunications infrastructure. The provision of computers with high-speed access in both business and households is essential. The key factors are availability, affordability and capacity of high-speed Internet connection. We are moving from an analog society to a broadband one. That move has been slow and frustrated. As a result, Ireland has fallen behind some key competitors inside and outside Europe. We need to address that in the short term. We are doing so to some extent, albeit slowly. Section 8 of the Finance Bill is helping, but we should go further.

I have a couple of concerns. The first relates to the high-speed connection which the Government plans to support through the tax code by means of benefit in kind. The connection referred to is 250 kilobytes or more. The Oireachtas sub-committee on IT has concluded deliberations and will produce a report in the next few weeks. It is no secret that we have concluded that anything less than 512 kilobytes is not broadband, and that 124 kilobytes to 256 kilobytes is DSL, with anything below that being ISDN or else analog. We need to constantly raise the bar in terms of broadband capacity. In Japan, which I am aware is an extreme example, consumers have 26 megabytes available should they choose to access that capacity. We should not be disadvantaging companies who provide employees with DSL links to their households, but we should try to grade it to encourage companies to provide a broadband link-up to their employees' houses, rather than an ISDN or DSL link.

In New Connections, the Government's adopted policy on the roll-out of the telecommunications infrastructure, we have set ourselves a clear target of the widespread availability of two megabytes to the consumer. What we are doing here is offering benefit in kind proposals for 250 kilobytes, which is considerably lower. I ask the Department officials to look at that again and see if we could offer incentives to industry to provide proper broadband link-up where possible, or upgrading, where possible, for their employees, and have the benefit in kind advantages of that.

Though there is a good level of acceptance in this Bill of the need to provide, again through benefit in kind exemptions, computer equipment and high-speed Internet link-ups to people's houses, we should perhaps go further. Telecommunications infrastructure and IT

upgrade is so important to the Irish economy that we should look at more ambitious ways of offering tax incentives to households and communities as well as to business, in order to provide up-to-date IT equipment as well as broadband link-ups. I would like the Department to take a radical approach towards encouraging business, for example, to provide computers to local communities, schools and so on.

I would like a tax system that would encourage computer scrappage schemes which could provide for the upgrading of computer equipment in schools, libraries, community associations and so on. With a little imaginative thinking, we could provide worthwhile incentives to businesses to do that and also close loopholes to prevent people abusing it.

I would support giving tax breaks for specific reasons rather than taking a blanket approach. I do not buy into the concept that any tax breaks given will be abused by big business. I welcome the fact that the Minister has gone this far but I encourage him to be more ambitious in terms of assisting the Minister of Communications, Marine and Natural Resources in rolling out broadband by upgrading IT facilities for people, encouraging businesses to invest in their communities and offering them a tax break to do so.

On the benefit in kind proposals for the use of company vans and cars in section 8, the criteria for qualifying is a somewhat farcical section which needs to be re-examined. The explanatory memorandum states that for somebody to qualify the following criteria apply: first, the private use of company vans which are essentially for the purposes of the employee's work; second, where the employer is required to bring the van home; third, where other private use is prohibited; and fourth, where the employee spends most of his or her time working away from the employer's workplace. All these conditions must be satisfied to qualify for a benefit in kind exemption.

I understand what the Minister is trying to do, and I have some sympathy for it, but we are trying to impose a restriction that is impossible to police. People will use company vans at weekends. There are very few people using company vans which will be consistent with all of those restrictions. I could not think of any examples when I read section 8. There is an attempt to introduce a section that is unenforceable.

I welcome the leasing arrangements regarding agricultural land in section 14. It is essential that young farmers have access to leased land in the future because scale is all important in agriculture if one's only source of income is from farming. I encourage the Minister to continue the freeing up of leased land by providing annual tax exemptions of increased amounts in the Finance Bill.

I agree with some of the speakers who contributed last night, particularly regarding the lack of imagination in the Department in respect of promoting biofuels as a new industry to reduce

[Mr. Coveney.]

greenhouse gas emissions. Huge amounts of greenhouse gas are being emitted in the transport sector but all this Bill offers is some limited tax incentives for pilot projects. We are way behind the game in a European context. Germany now has a significant biofuels industry because of clever tax treatment but we are falling behind, despite the fact that we have a natural competitive advantage.

An Ceann Comhairle: The Deputy must conclude. There are time slots for everybody and it is unfair, in a limited debate, to take the time allocated to other Deputies.

Mr. McGuinness: As I did in the budget debate, I support the general thrust of the measures taken in the budget and welcome the details outlined in the Finance Bill. Having listened to the debate and some of the comments made by the Opposition Members, it appears they see the budget in the context of one year and the review of the decisions taken either in the budget or the Finance Bill, but it has to be viewed over the lifetime of a Government and the programme set out.

Since the programme set out in 1997, enormous changes have taken place in the economy and many people have benefited significantly across the social spectrum as a result of the budget decisions taken. I commend the Minister, Deputy McCreevy, on the initiatives he has taken in every budget since 1997.

In managing any of our finances, we have to be prudent and understand the amount of money we are taking in and the amount left over to spend. It is the same in terms of the Department of Finance. We must target the spend and ensure we get value for money, and it is in that context that I want to address the issues in the Finance Bill.

Revenue set about collecting taxes in an equitable way, as detailed by the Minister for Finance and as stated in the policy of the coalition Government since 1997. Revenue has been extremely successful, not only in collecting the taxes due in an efficient way, including on-line — it is to the fore in that respect — but it has also looked back historically on the amount of taxes due to the State and set about collecting those taxes. We regularly see newspaper reports of that. Reports coming before the finance committee and the other commentary made to the Committee of Public Accounts gives us a clear indication that Revenue is very diligent in its work of collecting taxes due.

On the political side, the policy is fair. We have a low tax economy which is extremely attractive to outside investors and to our own home-grown businesses, and it is fair also to the people who pay those taxes.

On the other side of that budget line is the issue of how we spend that money. I take issue with the way some of it is spent and question whether we get value for money. There is a need

now for every Department to examine its methodology in terms of how it achieves a full spend in any one year and to question whether it gets value for money, a phrase that is used often and perhaps it is a little worn at this stage. We are concerned with getting value for the taxpayer, ensuring a fair spend and that the money is spent as diligently as it is collected.

The evidence in terms of whether we get value for money is not good because every week in the Committee of Public Accounts, of which I am a member, we have examples of Departments that do not achieve value for money. There are huge overspends in many areas. For example, enormous overspends on information technology projects in Departments have been recorded. There are enormous overspends on the delivery of the transport and roads infrastructure throughout the country. Departments must take steps to ensure those overspends are stopped. There is a need for greater scrutiny by Departments to ensure projects are delivered on time and within budget, but we hear about the exact opposite every week in the Committee of Public Accounts. Whatever the contractual arrangements are, they have to be changed and each Department should have a section that will ensure we get value for money and projects delivered on time. If that were to happen, judging on the past 18 months, we would have saved a good deal of money which could have been redirected to areas in greater need, or more could be spent on the projects in hand.

Departments that go about their business correctly, trim their sails during the year and achieve savings on the various projects should be rewarded in some way. They have a budget within which they have to live. If they achieve a saving they should be allowed retain that saving and spend the money within the Department on services at the coalface where the public can feel its benefit and, perhaps, fulfil some policy other than what was originally set out in the budget for that year. That would encourage people to look at the various projects and to achieve savings. Given the amount of money spent by Government every year I see no reason that type of saving could not be achieved. It is incumbent on each Department to put in place measures to achieve value for money, efficiency of spend and greater monitoring of the money spent.

Something should be done at national level in regard to the employment of consultants. In each local authority and health board massive sums are spent on consultants of one kind or another, relative to particular capital projects. Within the various Departments there should be the ability to provide consultants at a much lower cost than that being paid on a one-to-one basis by individual local authorities and individual health boards. If a pool of consultants were set up through the various Departments we would achieve value for money in this area. We need to look beyond what is happening within the Departments at national level and look at what is

happening within every local authority and every health board.

I note from the Committee of Public Accounts that enormous amounts of money have been returned to the Exchequer. For example, under the urban renewal scheme, up to €80 million was returned in one particular year. Where money is set down to be spent on projects, there are many local public representatives who could identify how it could be spent in the context of the local authority and local projects. That it should be returned when projects are not completed is frustrating. There is a need to examine how those allocations are decided and how best to introduce corrective measures to ensure that does not happen in the future.

On the other side of the budget, particular projects and issues relative to social justice should be taken up to ensure an all-inclusive society so that when the economy improves all boats are lifted. There is a need to look at social enterprise and the initiatives taken to date which have been successful but which need to be expanded and funded in a better way. For example, the various family resource centres throughout the country have proven to be great value for money and of great benefit to local communities. The services housed within those family resource centres are being expanded due to the demand. To break the cycle that keeps people in a marginalised position we need to look at that success story and understand how it was achieved and how better the money can be spent in that direction in the future. The whole issue of those family resource centres, homework clubs and the various other schemes undertaken by them, through the Department of Social and Family Affairs, needs to be examined and supported given their positive impact on local communities.

Information technology was mentioned in the context of section 8 and the relief provided. There is a need to provide further relief for social enterprise given that the family resource centres are now becoming enterprise centres for marginalised communities. They create jobs on the back of much needed projects within their communities and use information technology in some cases to achieve this. That being the case, more funds should be directed into those community projects to ensure they grow and prosper.

Not enough is being done in the area of information technology and commerce. Section 8 spells out certain reliefs. In the last Administration, the Oireachtas Committee on Enterprise and Small Businesses prepared a report stating that one of the initiatives to be taken was some form of personal tax relief on computers purchased on a once-off basis or upgraded. It recommended that tax relief be put in place. The sooner the better PCs and a broadband connection are in every home because that is the way forward.

Likewise, in terms of Government and e-procurement, millions of euro could be saved in

that area if we get up to speed and on-line ahead of our European partners as soon as possible. The only way to achieve this is by direct Government intervention in the context of some form of tax relief to encourage people.

We saw in Ennis, Castlebar, Kerry and in Kilkenny how the community responded to the Eircom information age project and how an information base community can attract its own form of jobs simply because it has a community interested in information technology and willing to use it in the context of their lives, work and the creation of new jobs.

Many jobs can be created if Ireland puts itself to the fore of what is happening within Europe and beyond. For example, Ireland is now well ahead of America in terms of putting new software products on the market. I would like to see a design centre for that activity, such as existed in Kilkenny for the textile business, which would become the central location within Europe for the design and distribution of software. We have the population of interested people to achieve that. What is needed to kick start it and move it forward is other tax incentives built on the back of section 8.

I presented to the Minister an initiative in Kilkenny City around the Maltings buildings, an enterprise centre dealing with training and information technology employment. We should look at initiatives such as that with a view to supporting them, be it through Enterprise Ireland or by direct grant assistance. Where it is proved to have a major positive impact on a local community, particularly those with high levels of unemployment, the Government should intervene. That is part of a social justice programme that could be planned and supported and could result in sustainable employment in a huge growth industry across the globe.

I highlight Kilkenny Industrial Development Company which is non-profit making and provides enterprise units on an IDA industrial park. That is the type of enterprise project that is real and tangible and which the Government should support. There is every reason for it to do that.

In the context of employment I express my disappointment on an aspect of the general package before us in the Finance Bill. I thought a particular issue regarding County Kilkenny, which was raised in the House, would have been addressed. A Leas-Cheann Comhairle, you were involved in the debate on the Comerama factory closure in Kilkenny. Efforts should have been made in this Bill regarding the commitments entered into by the Tánaiste with the delegation representing the unions and employees of Comerama. The amount of money due to the workers of that enterprise is not significant. They are now out of work and the factory is gone but the commitment was given and must be honoured. Perhaps the Finance Bill is the vehicle which should be used to ensure that the cost of the commitment is catered for on a once-off basis.

[Mr. McGuinness.]

I appeal again to the Tánaiste to consider what was said and the commitment given, and to examine the matter with the Minister for Finance and the unions. This could be done on a once-off basis, to see if the commitment can be honoured in some manner in the context of this Bill in order to deal with what is considered a serious issue at local level in Kilkenny, and which is as yet unresolved.

Regarding the Bill's treatment of housing, much earlier discussion concerned the rent subsidy. I recall a debate in 1997 or 1998 in which it was said that the costs of rent subsidy were in the region of €5 million per year at that time. I would hate to think of the cost now because it has snowballed and is a huge drain on the Exchequer. I take issue with the Bill not in regard to rent subsidy, which is a must and is now part and parcel of the delivery of accommodation to people throughout the country, but because the great housing success stories were the housing estates constructed by local authorities in the 1950s and 1960s.

Members will canvass such estates during the forthcoming local election campaign and will see that they are success stories in their own right. They brought far greater success to the housing issues of that time than the voluntary housing schemes currently in operation. Due to the demand on housing lists, there is need for the House to re-examine housing policy so that the money committed in this regard in the Bill would, over a period, enhance that area of housing, and could be redirected to full-blown local authority based housing projects.

I realise that the policy was changed and that we moved slowly from our previous to our current position in regard to the delivery of local authority houses. However, there is an argument for a return to the position pertaining in the days when large-scale local authority housing projects were constructed. Perhaps funding could be redirected into the many housing schemes which are now being built in the private sector to allow local authorities greater freedom to purchase more houses in order to satisfy those on housing lists.

I urge the Minister to consider this because times change. We now consider budgets not on a one year basis but on a rolling basis across five years or so, and the Minister has delivered every budget since 1997. There is no harm, therefore, in considering the policies in those budgets to find whether we can achieve better results, greater efficiency of spend and greater value for money. That is simply to be pragmatic with the money collected and spent on behalf of the taxpayer. We should examine again the policies in this area in order to satisfy the demands of those on housing lists by perhaps encouraging local authorities to return to an old but very successful policy.

I am glad to see the Minister of State at the Department of Health and Children, Deputy Callely, in the House. He might consider the

point I wish to make regarding care for the elderly. Every health policy should be, if you like, elderly proofed to ensure that the best deal possible is obtained in regard to care of the elderly.

Mr. Callely: Hear, hear.

Mr. McGuinness: The Minister of State visited St. Canice's Hospital in Kilkenny where a €2.4 million project is to deliver a 30-bed unit. It is a worthwhile project and one which has been debated at length for the past 20 years, but is now on the verge of being delivered. The health board is willing to contribute €500,000 of the necessary capital which will bring that required from the State down to €1.9 million, which I know can be delivered. Moreover, while I realise there are also issues regarding the provision of jobs in the new unit, they can be dealt with.

Some 140 acres of zoned land was identified by the health board as being above the amount required. The Minister of State was correct to state on his visit to Kilkenny that the land should be disposed of as quickly as possible. He should allow some form of bridging so that the 30 bed unit and, perhaps, an Alzheimer's unit could be built on site with the money raised. I encourage the Minister of State to again contact the health board to ensure the efficient delivery of these two units. He should do so with the utmost speed because the units are badly needed.

Mr. Callely: The Deputy puts a strong and forceful case.

Mr. Ferris: I wish to share my time with Deputy Cuffe.

An Leas-Cheann Comhairle: Is that agreed? Agreed.

Mr. Ferris: The Bill we should have before us today is a Finance Bill providing for real tax reform, real equity in the distribution and management of national wealth and real delivery for people in their daily lives. However, we have instead the implementation of the threadbare 2004 budget, the seventh budget of inequality introduced by the Minister for Finance, Deputy McCreevy. Although he gave no indication of it in his budget speech, this could well be the Minister's last Finance Bill. A Cabinet reshuffle has been signalled for June this year——

Mr. P. McGrath: Deputy O'Connor could be in there.

Mr. Ferris: ——after the people punish Fianna Fáil and the PDs in the local and EU elections. I wonder if the Minister has put money on his chances of remaining in the Department of Finance after June. Will the prize go to the PDs, whose influence on the policy of the Government seems to grow by the day? The PDs are now the ideological wing of Fianna Fáil and seem to have

a firm ally in the Minister, which may help to ensure he survives a reshuffle. When he delivered his first budget, the Minister described it as the first chapter in a book — the book of McCreevy. He started off with *Great Expectations* but has finished with *Bleak House*, if he is finished. As with previous budgets and Finance Bills, this legislation leaves our tax system unreformed and, again, the opportunity to make real progress is spurned.

Few countries have experienced the rate and extent of economic growth in Ireland over the past decade and few have seen that prosperity so ill-used, ill-planned and unfairly distributed. While the Minister and his colleagues throw spending figures around this Chamber like confetti, they cannot hide the fact that the gap between rich and poor has widened since they took office nearly seven years ago.

Mr. Calley: That is not true.

Mr. Ferris: The proportion of our population living on under 50% of the average income has increased since 1997. The Government's national anti-poverty strategy recognises that nearly 25% of children are living in poverty, some 300,000 children, which is an indictment of the failed policies of the past seven years.

The Government does not see the taxation system as it should be seen — a key resource of the people to help ensure the just distribution of the nation's wealth. The State has the lowest level of taxation as a percentage of gross domestic product of any EU country yet, as a result of the budget, over 50% of taxpayers in the State now pay at the higher rate of 42%. They range from people on just above the average industrial wage to the highest paid people in the State. The Revenue Commissioners 2002 survey showed 18% of the top 400 earners in the State paying an effective tax rate of less than 15%. Therefore, we have the worst of both worlds.

Overall the tax take here is remarkably low by European standards, yet 25 years after the tax marches in 1979 the burden is still borne disproportionately by ordinary PAYE workers, with those on average and below average pay faring worst. As a result of a low tax take overall, bad Government policy and gross mismanagement, we do not have the essential social services we need and should enjoy. Who suffers as a result? The average worker who cannot afford to pay private health care and who feels the brunt of stealth taxes, the elderly, the unemployed and the youth. Who benefits? The wealthiest earners who have been allowed by the Government to escape their obligation to pay their fair share of tax.

Mr. Calley: That is not true.

Mr. Ferris: These people enjoy the benefits of private health care and reap the rewards of the battery of property-based tax shelters created by

the Government and retained and extended in the Finance Bill.

Mr. Calley: What hypocrisy.

Mr. Ferris: The retention and extension of these shelters is the most disgraceful aspect of the Bill. The Minister of State knows that developers of private hospitals, sports injuries clinics, hotels, holiday cottages and multi-storey car parks do not need tax breaks. There is no estimate of the monetary cost to the Exchequer of these and other tax breaks which allow the wealthy to avoid tax. We hear about it every day in this House.

There is no estimate or analysis of the supposed benefit to the economy and to society of these bonuses to property owners, landlords and speculators. Naturally, in this Government which is dominated by Progressive Democrats ideology, a far cry from what Fianna Fáil once stood for, there is no evaluation of the option of direct State investment of these funds in projects that would be of real social and economic benefit. We know that the massive sums lost to the Exchequer by these scams could be used to improve the lives of ordinary people the length and breadth of this country. The Government's motto is property, not people, property before people.

The Minister's fondness for horses and stables is well known. The provision in section 87 of the Bill giving more power to the Revenue Commissioners to deal with tax evasion through offshore bank accounts is a prime example of closing the stable door long after the horse has bolted. We will probably never know how much wealth was siphoned out of the economy in offshore bank accounts during the past decade. What is clear is that the unmasking of the DIRT and Ansbacher fraudsters has not altered the activities and values of the super-rich in society. The Revenue Commissioners have given us the warning signs that massive tax fraud is still taking place as high earning individuals hide their income in offshore bank accounts.

It was disclosed early in 2003 that 254 Bank of Ireland customers with offshore accounts had settled unpaid tax bills with the Revenue Commissioners. The tax recovered amounted to €100 million. One individual paid €7.3 million in back taxes, while a further 27 paid between €1 million and €2 million. This is on top of the €684 million already collected as a result of detection of DIRT tax fraud, €26 million paid by Ansbacher account holders and the €47 million retrieved from the National Irish Bank clerical medical international scheme. A study by KPMG, the international accountancy and consultancy firm, found that more than €4 billion had been lodged in the Isle of Man bank accounts of six Irish subsidiaries between 1998 and 1999.

In October last, the Revenue Commissioners notified Irish Permanent and Life that they were about to investigate the tax position of the 3,000 Irish account holders at the bank's Isle of Man

[Mr. Ferris.]

subsidiary. A similar inquiry has yielded €100 million from the Bank of Ireland Jersey trust account holders. How many more millions are being siphoned out of the economy?

Last October there were howls of protest from multi-millionaire, Denis O'Brien, because people in Ireland dared to question his tax exile status which is estimated to have saved him €55 million in tax before he sold Esat in 2002 for €2.3 billion. The Minister must have smiled when he heard Mr. O'Brien saying that we are fast turning into a communist state. The Minister knows how well he has looked after Mr. O'Brien and many others like him. They have nothing to complain about in this Bill or in any of the Minister's previous Finance Bills.

The Bill does nothing to alter the gross inequality in society. It does nothing to reverse the growing poverty trap in which a greater percentage of people now find themselves. It does nothing to address the plight of the 300,000 children existing on or below the poverty line. It does nothing for the people most in need in society. Effectively what we have is a continuation of the Progressive Democrats-Fianna Fáil Thatcherite policies.

Mr. Cuffe: I wish to confine my remarks to sections 25 and 26 of the Bill. I want to talk for a few minutes about the building aspect of Ireland, the kind of Ireland we are constructing and have been building over the past ten or 15 years, going back to the very first tax incentives for construction in 1986. Given these incentives, are we building a better Ireland? Are we encouraging quality and sustainable building methods? Are we building and extending communities for which our grandchildren will thank us? I suspect we are not.

The past ten or 15 years have been characterised by builders making a quick buck, sloppy and sub-standard construction and taking away from the legacy of buildings that were built in our towns and villages in the 18th, 19th and early 20th centuries. I suspect that in generations to come we will look at the kind of buildings, apartments and car parks built in the late 20th and early 21st centuries and judge them badly. We will think again about the kind of incentives provided.

From a financial perspective, one of the most significant questions that must be asked is what was the amount of foregone tax to the Exchequer? I wonder will we ever know how much tax was foregone by giving such massive tax breaks to construction over almost a 20 year period. I wonder could that tax have been used better.

I want to come back to the main argument. Have the changes over the past ten or 20 years improved our towns, villages and cities? Through my background as an architect and town planner, I have huge respect for the legacy given to us from the 18th and 19th centuries. At that time

people built well. They built streets, squares, market squares and public buildings that have stood the test of time. In more recent years, we have squandered that legacy. I have seen multi-storey car parks built on the town walls of some of our most historic settlements. I have seen the legacy of centuries squandered as the bulldozers moved in and destroyed what we inherited from our forefathers. I wonder could we have encouraged quality. Could we have tailored the tax incentives to provide more encouragement to retain the buildings that were there, for their quality construction, and provide more support for people trying to refurbish or build on to a single building they had built rather than encourage the clean sweep? We would have been much better off if we had gone for quality rather than quantity with the tax incentives provided.

When I look at the apartments that have been built in my city of Dublin, I wonder will they stand the test of time. I certainly do not think they will become tenements

12 o'clock overnight. They provide a roof over the heads of many existing residents, including many people who have come to Ireland in recent years, but I do not think they provide for a quality family life. They do not provide for a good place in which to grow old gracefully. We should think again about the design quality which should be encouraged. We should seek better quality apartments that will be homes, with decent sound insulation, open spaces, parks and playgrounds, integrated child care facilities and shops within walking distance. The concrete wallpaper legacy in many of our towns and cities has not added to the built environment.

I remember an advertising campaign that was run by either Bord Fáilte or Aer Lingus in the mid 1980s in Italy. There was view of Dublin looking down the Liffey quays with the slogan in Italian "*Volare diretta al cuore*", fly straight to the heart. The view east from Seán Heuston bridge showed a magnificent 18th and 19th century townscape, the tourism product we were selling to Italy. Almost of all that townscape has been demolished in the past 20 years and been replaced with third-rate apartments that add nothing to the city. They certainly do not attract tourists and will not feature in the advertisements we will show people to encourage them to come to our capital city.

This is not just about Dublin; it is about the small towns and villages that survived for centuries. In the past 15 years they have changed dramatically for the worse. People have moved from the flat above the shops to bungalows in the country while the shop buildings have been pulled down and replaced by anonymous apartment blocks that are not the sort of place someone would want to raise a family. They do not encourage family life and are surrounded by a sea of car parks. The quality of building is so poor that people often have no option but to move away from the morass of car parks and third rate apartment blocks. It is no wonder that

people want to build a one-off house when the choice they are given in towns and cities is mediocre at best.

We should re-examine the tax incentives we give. We should encourage quality and sustainability and provide incentives for low-energy apartments that incorporate passive solar technology. The fines that will be imposed as a result of the Kyoto agreement — from the pronouncements of the Minister, they will be passed on to the average punter rather than industry — could be averted if we think about how to incorporate low-energy, low-emission building techniques. It is not rocket science. It is relatively easy from a construction point of view, and from a fiscal perspective it would be easy to transform the incentives we offer to encourage better design quality and sustainable construction.

Tax incentives for holiday villages have created the worst kind of American suburban sprawl in our coastal resorts. Did we encourage quality construction in the communities on the coast? Did we encourage people to live there all year round or sustainable business activity? No, we encouraged people to come for a month in the summer, clog up the sewerage system and pollute the sea. We put new communities miles away from the towns they were meant to support, leaving people dependent on their cars. It did not have to be that way. We could have built properly, added terraces to the towns and created communities where people could cycle or walk. Now it is impossible to push a buggy on the footpaths because the cars are parked so close together. That is not a good legacy to pass on to the next generation; it simply perpetuates mediocrity.

The omens were not good when the first tax incentive development was built in 1987, the petrol station on the quays of Dublin. We knew then that design quality would not be encouraged. It could, however, be so much better. In recent years, some architects have built quality structures. The county council offices in Donegal, Fingal and Dún Laoghaire show that we can do better. We should lead by example and our tax incentives should promote higher quality construction and family-friendly building solutions that cater for all stages of people's lives. We do not seem to have an integrated approach to building communities. Child care is here, nursing homes there and tax incentive apartments somewhere else. There must be a way to encourage better construction through tax incentives.

There are many good examples of construction in Ireland, from the Commissioners of Wide Streets in the 18th century to those who built quality towns and villages. It is regrettable that tax incentives in previous Finance Acts and this Finance Bill do not do enough to encourage better quality and solutions of which we will be proud in future. I hope that, in a future Finance Bill, through tax incentives, town renewal plans,

integrated and local area plans, we will promote quality and sustainability.

Mr. O'Connor: I wish to share my time with my colleague from Galway East, Deputy Callanan. I welcome the opportunity to contribute to this debate. I have listened to it carefully in the House and on the monitor while working in my office and I will follow up on the contributions I made on the budget and the Social Welfare Bill. I was amused to hear about the availability of scripts from press offices. That has passed me by because, since I entered the House, I have represented my community, spoken from the heart and brought to bear the experience I have from my own life. That is the positive way to speak.

I agree with Deputy Ferris about the book that the Minister for Finance has been writing for the past seven years. It is clearly a best seller and, unlike some of the contributions from the Opposition benches, it is not fiction. The public realises that and supports the Minister.

Mr. P. McGrath: The Deputy is seeking promotion.

Mr. O'Connor: History will be kind to the Minister for Finance and I do not believe the view being propagated by Deputy Boyle that the Minister is going somewhere else. He is doing his job well and enjoys the confidence of everyone on these benches.

There has been much negative comment but there are many positives in this Bill and my colleagues are wrong when they talk about the public's reaction to it. The polls reflect a Government that is doing its job well.

Mr. P. McGrath: The Government would lose 20 seats in an election. Deputy O'Connor's seat could be one of them. Is that positive?

Mr. O'Connor: We will see who loses 20 seats. I am a democrat and will always accept the verdict of the people. I cannot see any alternative Government in my lifetime, although that may be a bad thing too.

I am glad to note the presence of the Minister of State, Deputy Michael Ahern, but am disappointed the Minister of State, Deputy Callery, had to leave the Chamber for a few minutes. He has been subject to a little criticism, totally unfounded, from across the floor in recent weeks. He, like his colleagues, is doing his job and he communicates with other Members at every possible opportunity.

Ms Burton: He invented the European Union as well.

Mr. O'Connor: I praise him for what has been achieved for the elderly. I attended a conference recently at which elderly people were of the view that, in terms of him carrying out his remit, the

[Mr. O'Connor.]
Minister of State, Deputy Callely, is like a breath of fresh air.

Mr. O'Dowd: Perhaps on Clontarf beach but not here.

Mr. O'Connor: Clearly, he is a Minister of State who is doing his job, and the only reason the Deputies opposite are giving out about him is that he is doing his job to the best of his ability——

Mr. O'Dowd: He does it to the best of his ability but how good is that?

Mr. O'Connor: ——and representing the people, which is what, like the rest of us, he was elected to do.

I acknowledge the support for the elderly in the Bill, an area in which I have a personal interest. I welcome the increase in the tax exemption limits for persons over the age of 65, which is now €15,500 for single persons and €31,000 for couples. On many occasions I have made the point that many of the constituents who come to any of the seven clinics I hold each week——

Mr. P. McGrath: Where are they, Charlie?

Mr. O'Connor: They are in Tallaght, Firhouse, Greenhills, Templeogue and elsewhere in Dublin South-West. I am always available to people who want to see me. I, like other colleagues, was here yesterday and I went for a little walk during the course of which I met several people from Tallaght who were shopping around Grafton Street, taking account of the vibrant economy which this Fianna Fáil-Progressive Democrats Government has generated.

Mr. P. McGrath: I am sure the Deputy did not miss the opportunity to get a vote? Where were those people from again?

Mr. O'Connor: I am sure if the Deputy walks around the streets of Dublin he will meet many of his constituents who are happy to be spending money that they are making under this Government.

Ms Burton: Some 400 people are sleeping rough on the streets of Dublin, that is what the Government has done.

Mr. O'Connor: I am concerned about that too.

Ms Burton: I hope the Deputy noticed some of those people when we was walking around Grafton Street.

Mr. O'Connor: Of course, I do, and I take my time to do so. I try to help those people. I do not just sit here making statements, I do my work.

Ms Burton: Many of those people come from Tallaght and other suburbs, but they do not vote anymore.

Mr. O'Connor: Prior to being elected to the Dáil I had another life and did many jobs, with which I will some day regale the House.

Ms Burton: Tell us, Charlie.

Mr. O'Connor: One of jobs I had when I first moved to Tallaght in 1969 was shop steward. I welcome the increase to €200 per annum in the allowance for trade union subscriptions.

Mr. P. McGrath: An increase of €40. One would not want to spend it all on the one night.

Mr. O'Connor: It represents progress and the Government is responding to needs. In these times of high employment — there is no question about that and I will not take a lecture from the Opposition about jobs being created and sustained by the Fianna Fáil-led administration — it is important to note the levels of activity in the Labour Court and the Equality Authority. I welcome the fact that compensation for infringement of employees' rights and entitlements will be tax free.

On the benefits-in-kind exemptions I, like other colleagues, received many representations on these changes. The extension of the existing benefits-in-kind exception to employer-provided travel passes, which will include the Luas line that will serve Tallaght, is welcome.

Mr. P. McGrath: That is eight times I have heard that word mentioned.

Mr. O'Connor: The Luas line to Tallaght is well anticipated and the people there are looking forward to it.

Mr. Cuffe: Some 13 years after Fianna Fáil announced it.

Ms Burton: Tell us about the Red Cow Roundabout.

Mr. O'Connor: When I was driving into town this morning the Luas was being tested on the Embankment Road towards Tallaght.

Mr. P. McGrath: That is nine times I heard that word.

Mr. O'Connor: We are looking forward to that service. I noticed in Dublin South-West yesterday people were delighted with the progress being made.

Mr. D. Ahern: The Deputy is milking the old Red Cow.

Ms Burton: Fianna Fáil created the Red Cow.

Mr. O'Connor: The Minister, Deputy Brennan, is to be complimented and the chairman of the Oireachtas Committee on Transport, Deputy Eoin Ryan, put his finger on the button yesterday when he validly made the point that the people of Dublin, not only in the south of the county but also in Tallaght——

Mr. P. McGrath: That is ten times.

Mr. O'Connor: ——and nearer to the city, are looking forward to the Luas. He made the point that Fianna Fáil must continue to provide that infrastructure, and I compliment him on that.

Mr. Cuffe: People have been waiting for it for a generation.

Mr. O'Connor: I hope that next year the Minister will reconsider the taxing of special employee awards. It is necessary to control the value of them, but such recognition awards up to, say, €500, provided they are available to only a specified percentage of staff in a company, should be exempted.

Many of the representations I receive as I go about my constituency relate to the ever-rising costs of dental treatment. There is no need for the Deputies opposite to heckle me on that — I know the story and there is a problem in that regard. I put up my hand and acknowledge that there is a problem, and it needs to be sorted out. The provisions for dental insurance allowances in the Bill are a great help and will be warmly welcomed.

I have often praised the facilities and highlighted the difficulties in my constituency, particularly in Tallaght, which is the third largest population centre in the country.

Mr. P. McGrath: That is 11 times.

Mr. O'Connor: I am also aware of my role as a Member of the Dáil and I am happy to take an interest in other parts of the country. I take an interest in Galway, the midlands, Louth and other parts of the country — that is why I am here. I support the sections of the Bill that provide exemptions in respect of income received by persons in the Gaeltacht areas under the Irish language student scheme. I also support the increase in the rental income to €7,500 and €10,000 which can be earned by members of the farming community on the leasing of their land. There is a farming community up the hills in Tallaght and I am happy to support its members, and will continue to do so.

Mr. P. McGrath: That is 12 times.

Mr. O'Connor: Other colleagues have spoken about the support the Minister has given to the Irish film-making industry, which I hope nobody criticises. The industry strongly lobbied for it and such support is welcomed by us all.

I will tell the Deputies one of my little secrets if they do not tell anybody. I go to the pictures the odd time, usually in the UCI in Tallaght.

Mr. P. McGrath: That is 13 times.

Mr. O'Connor: It is good that we all support the Minister in assisting the Irish film industry. I hope he will continue to do that. There will always be politics and people are entitled to raise the odd negative point, although it is a pity sometimes that they do, but the Bill introduced by the Minister, Deputy McCreevy, is having an impact. People are of the view that the Minister is popular and does his job, and I continue to support him in that regard. I also support the Bill.

Mr. Callanan: I welcome the Bill. Ireland has survived the economic downturn better than most countries due to good Government, particularly a good Minister for Finance. Only a fortnight ago the Government fiscal policy was endorsed by the European Commission. The public realise the need for fiscal restraint and to avoid too much borrowing — borrowing is the real stealth tax. We need to limit our spending to what we can afford.

The budget protected the weaker sections of the community through substantial real increases in welfare payments. It also improved the tax position of the lower paid. It introduced measures to foster enterprise and protect our jobs base for the future, many of which will be given legal effect in this Bill.

We have sought to spread the fruits of growth on a regional progressive basis, especially through our programme of decentralisation. I welcome the decision on the decentralisation of many Departments, especially the decentralisation of 110 staff to Ballinasloe and 50 to Loughrea. This will give confidence to Ballinasloe town which has suffered heavy job losses due to the closure of Square D and the A T Cross factory. Ballinasloe will welcome these civil servants with open arms. With the new leisure facilities just opened, the new marina, the new secondary school and the latest announcement of the go-ahead for a new gaelscoil, Ballinasloe is an attractive location.

The Government has spent billions on roads. No matter what route one takes one will notice major developments. We look forward to the new N6, which will provide a dual carriageway from Dublin to Galway.

Mr. P. McGrath: The Deputy should not hold his breath.

Mr. Callanan: It is going ahead.

Mr. O'Connor: The Government is doing its job.

Mr. Callanan: This year's roads programme provides for more than €7 million for the Loughrea bypass. It has been a bone of

[Mr. Callanan.]

contention for many years but it is now going ahead. The future opening of the western rail corridor will open up the west for new developments.

The increases in the budget in social welfare benefits, especially in the old age pension and child benefit, are welcome. The extra €30 million provided for the disabled is also welcome. The increase in the income disregard in the carer's allowance to €500 for a married couple is necessary. If a person called to me a few years ago seeking to apply for a carer's allowance, I would have told him or her that it would be difficult to obtain, but now with the income disregard many more applicants will qualify. I hope the Government will introduce a home-based subvention in the future. This will give people a choice to be cared for in their own homes rather than in nursing homes. I have nothing against nursing homes but if a person chooses to stay at home he or she should receive help that allows him or her to be cared for at home.

I compliment the Government on looking after the disabled, the elderly and children. Any Government that does this will be thanked in the future. The country is progressing very well under the Government and anybody who comes home after having been abroad for some years finds it very hard to understand how it has developed in such a short time. It has new houses, new roads and other developments because of good government.

Let us consider some difficult areas. When pensioners get their increases, unfortunately the local authorities decide to increase the differential rent, thus reducing the increases. This should not happen. The increase pensioners receive should be the real increase and the local authorities should not decide to siphon off part of it.

Mr. P. McGrath: The Deputy is in Government and can do something about it. Why does he not do so?

Mr. Callanan: We are and will continue to do so and now we are promoting——

Mr. P. McGrath: He does not mention this when he mentions the €10 rise or state that €4 goes back to the local authorities.

Mr. M. Ahern: The Fine Gael Party is in control of most local authorities.

Mr. P. McGrath: Why does the Minister of State not do something about it in those councils under the control of his party?

Mr. Callanan: We would hope that Fine Gael would support us in the local authorities to address this.

I would like funding to be provided for sewerage schemes for small towns and villages because we are now talking about settlement

areas, providing planning and a section around every town. If we do not provide the services, this will not be possible. I am very much in favour of the provision of small sewerage schemes.

Mr. P. McGrath: The new development charges will pay for them.

Mr. Callanan: The development charges will be looked after by the county councils——

Mr. P. McGrath: What will the Deputy say about development charges?

An Leas-Cheann Comhairle: Order, please.

Mr. Callanan: What the Minister decided to do in that regard was give the authority to the councils to make decisions rather than the county manager.

Mr. P. McGrath: That is because he would not pay for the infrastructure.

Mr. Callanan: I know the councils in Galway will look after this issue.

Mr. O'Connor: Hear, hear.

Mr. Callanan: I welcome the increase in the minimum wage to €7 and the benchmarking process. In future, when everybody's income is benchmarked——

Mr. O'Dowd: We are on benches here.

Mr. P. McGrath: Backbenches, I am afraid.

Mr. Callanan: ——we should consider having no further increases in terms of percentages — we should give real increases. If the cost of living increases by €10 per week, we should give €10 across the board. When we are benchmarked, if one gives a 5% increase to people earning €10,000, they will receive €500, and if one gives a 5% increase to people on €100,000, they will receive an extra €5,000. Surely this makes the rich richer and the poor poorer.

Mr. P. McGrath: That is what the Deputy's Government does.

Mr. M. Ahern: Deputy Paul McGrath speaks from the position of the rich.

Mr. O'Dowd: The Deputy is reading the wrong script.

Mr. Callanan: It is about time we decided to take care of this matter. The Government will consider such matters because it is a caring Government and it looks after the people.

Mr. O'Dowd: It cares for itself.

Mr. Callanan: It has developed Ireland into what it is today, namely, a thriving and rich country.

I welcome the roll-out of broadband to 88 other towns. I congratulate the Minister for Communications, Marine and Natural Resources on this initiative. This is very necessary because broadband is one of the necessary facilities for employment in the future.

I congratulate the Minister for Finance. He is doing an excellent job and has brought the country back to a thriving state. I wish him the best of luck.

Mr. P. McGrath: I wish to share my time with Deputy O'Dowd.

An Leas-Cheann Comhairle: Is that agreed? Agreed.

Mr. P. McGrath: When I listen to some of the speakers in the House, I get a little amused. I commend my good friend Deputy O'Connor because, based on a rough count, he managed to mention Tallaght 12 times in his speech. I do not believe this is his all-time record but he is moving towards it and doing well. Having said that, I found his remarks on the creation of jobs strange. Where has he been since he was elected? His Government has presided over an economy that has suffered the loss of about 1,000 jobs per week since he was elected to this House. Furthermore, it is making it more difficult for those who lose their jobs to obtain social welfare. It is reducing the time on which one can stay on social welfare and the incentives for those who want to get back to work. Deputy O'Connor should live in the real world.

Mr. O'Connor: The Deputy knows that is not true.

Mr. P. McGrath: I am sorry, but it is true and the Deputy will not face up to the reality of it.

Mr. O'Connor: The Deputy should consider the money being invested in social welfare.

Mr. P. McGrath: Deputy Callanan, who has now left the Chamber, concluded on the point that the Government has brought us back to prosperity. I was on local radio with a colleague of mine not so long ago and he spoke about the budget and the fact that there was a desire to return to the old times of borrowing money. I asked him across the airwaves if he was aware that we are borrowing at present. He denied that we are but the reality is that we had a deficit of €1.5 billion in 2003.

Mr. P. Power: That is the lowest in the EU.

Mr. M. Ahern: Minuscule.

Mr. P. McGrath: This year, we are heading for a deficit of twice that amount, almost €3 billion.

The Government inherited an Exchequer surplus. What has it done but return to the days of borrowing? We are borrowing, and borrowing heavily.

Mr. M. Ahern: The Deputy should look at the bigger picture.

Mr. P. McGrath: I welcome section 14 of the Bill on the leasing of farm land. The amount of rental income one can obtain tax free from farm land has been increased from about €7,500 to €10,000 annually. This means a farmer who is retiring or leaving farming can lease his land and obtain up to €10,000 tax free. This is a welcome measure, but the Government has failed to address the nub of the problem associated with farm leases. The Minister of State, Deputy Michael Ahern, is very familiar with this because he would have dealt with it regularly in his previous role as an accountant. The nub of the problem is that a farmer can lease his farm to a stranger, let him work the farm and get tax relief on the money he receives. However, if he wants to lease his farm to his son, daughter or relative, he will not receive tax relief. The Government supports the leasing of land to a stranger but not to a family member. From this we can conclude that the measure is anti-family. It is a disgrace. The measure was introduced in the Finance Bill 1993, when the current Taoiseach was Minister for Finance. It is about time the problem was addressed.

One of the other anti-family measures of this budget is——

Mr. M. Ahern: That was not a measure in this year's budget.

Mr. P. McGrath: It was not but I am entitled to mention it because the Government is changing it in section 14. The Minister of State knows well I am entitled to do so because he is long enough in the House.

The second disgraceful anti-family measure results in couples who live side by side and earn the same income paying different rates of income tax. For example, consider the case of two couples in this position. The first couple has one income and is earning €60,000. The second couple, also earning €60,000, have two incomes. Is it not frightful to think that the couple with one income are being penalised because they have only one income, that they are forced to pay an additional burden of tax which at the €60,000 level of income is €90 a week? Is that fair? Is it fair that we should impose that burden on a single income family when they have probably taken the best measure for society in that one of them has decided to stay at home to look after the family? Is it fair that we should treat them in that way? I certainly do not believe it is. It is anti-family, it is wrong and something should be done about it. We on this side of the House have committed ourselves to changing that when we go back into

[Mr. P. McGrath.]

Government. We will balance the books for families in terms of income so that they pay the same rate of tax.

I want to mention another matter which is extremely important. On this occasion the Minister rather quietly slipped in a little piece on pensions for the public service which I believe is wrong. The Minister announced that the minimum pension age would be increased to 65 for Members of the Oireachtas and officeholders elected or appointed on or after 1 April 2004. Let me give a very practical example of the impact it will have. The Minister of State at the Department of Enterprise, Trade and Employment, Deputy Michael Ahern, is in the House today. He is a junior Minister, and fair play to him. If in the reshuffle on 1 June or whenever it happens, Deputy Ahern is upgraded to the position of full Minister, and if he subsequently decides to retire, he will not be able to draw his ministerial pension until he is 65 years of age. That is a serious change in the conditions of employment of Members of this House. Deputy Peter Power has been a very fine performer in the House since he was elected recently and I admire him. Deputy Power is a young man. If, in due course, he is elevated to the position of officeholder in this House and subsequently serves perhaps 20 years and then retires, he will have to wait until he is 65 years of age to draw his ministerial pension.

The Minister did not consult with any Member of this House before announcing this measure even though a very basic element of changing people's terms and conditions of employment is they have a right to be involved, to hear about the decision in advance and to enter into negotiations on it. The Minister did not do that in relation to these measures and in not doing that he has failed miserably. I hope — and I speak particularly to backbenchers on the other side — that when this comes to the crunch Deputies will stand up and be counted because this will change the conditions of employment for many people in this House. It probably will not affect me. I do not expect I will ever be elevated. However, there will be others coming after me who will be affected.

The measure also means that persons who come into this House after we have gone will get no pension until they are 65 years of age. We have plenty of examples of young Members in this House, for example, my colleague, Deputy English, who is 25 years of age. I acknowledge that the measure will not affect him, but it will affect others who come after him. If they work in this House for 20 years from the age of 25 and then retire or lose their seats, they will have to wait a further 20 years to draw their pensions. That is not an incentive to young people to enter politics. Thinking people will stand back and say there is no way they would do it. We need to examine it.

A serious change in pension criteria for teachers is proposed. They are now being told that they cannot draw their pensions until they are 65. I must declare an interest here because I was a teacher for 20 years. I have many colleagues in the teaching profession and I see the burn-out rate of people in that profession. The question I put to this House is whether a teacher at 55 years of age who is burned out but has to stay until he or she is 65 can impart any real benefit to pupils during the ten years he or she is forced to be there. There must be a measure of being able to get out. This change, again without agreement from the teachers' unions, is something we must fight against in order to bring about real negotiations and real change in what is being pushed forward by the Minister.

The same applies to gardaí. Gardaí now have to retire at 57. The retirement age is being pushed to 60 for new entrants. I am very much in favour of gardaí continuing to work until the age of 60. My father, who was a garda, worked until he was 65, but that was in different times. At the same time, as one garda said to me, a garda at 65 might not be able to rush in and quell a riot or engage in crowd control, but he would realise when it is best to withdraw, when it is best to draw his baton, or when it is best to walk away from a situation, and could advise others. They have an important role to play and it is foolish of this Government to do what it is doing.

Mr. O'Dowd: I very much agree with my colleague. Many people who go into teaching, do so later in life, in their early to mid-20s, and would not have a full pension without full service up to the age of 65. The opportunity to make additional voluntary contributions addresses that to a certain extent. However, teachers in particular ought to be able to retire early. I worked as a teacher for many years I know the rate of attrition is very high.

Deputy McGrath has put his finger on a real issue to be addressed. That is that the alternative ought to be possible. If people in any job have their health and wish to work after the age of 65 I do not see why the benefits of increased service should not accrue to their pensions. The problem with the changes the Government is making is that the benefits can only accrue to people going into service as and from 1 April 2004. That is a retrograde step. Every person currently working in the public service, particularly teachers, should be allowed to benefit if they wish to do so. The same applies to gardaí. I know a garda who had to retire early because he had reached retirement age. He had a young family and found it practically impossible to rear them and put them through education. He had at least ten good years left during which he could have and would have contributed significantly to his profession in a profound and very important way.

The budget surplus of around €1 billion that came out of the blue at the last minute last year, about which we knew nothing, was, I believe,

based on the backs of the poor, the sick and the elderly in our society. In County Louth in the past year under the current regime if people had serious cardiac problems and could not climb the stairs in their house because of their illness, they could not benefit from a disabled person's grant unless they had applied in the previous year. While there is some flexibility regarding money allocated for disability through the Department and administered by the county council, this meant that nobody in County Louth could get a disabled person's grant in that calendar year. Since then the situation has been assessed and those applications are being re-examined on the basis of extreme medical need. However, many people continue to suffer because this Government does not give adequate financing to local authorities to allow people to live out their lives in their own homes, which is infinitely preferable to living in institutional care. That is an issue which should be addressed.

The other issue is medical card limits. Many people who come to my clinic talk about the need to get a card. Many are now in low-income employment. They are working, but on low incomes which are, however, in excess of the medical card limit. Many people are devoid of the health care they so badly need which they would have if their incomes were lower or they were unemployed or on benefit, for instance. Future budgets ought to tie in the medical card limits to the average industrial wage, not inflation. They should keep pace with the average industrial wage. A recent parliamentary question I tabled revealed that the number of people in the North Eastern Health Board region who hold medical cards has reduced significantly from the mid-40% mark to 38% or 39%. That means fewer people now have a medical card and yet never was so much money available to cater people who could genuinely benefit from such a change. Will the Minister address that?

Another issue I would like to raise is unemployment assistance and the way in which it is means-tested. I know the census of population figures show that an increasing number of people are living at home. Higher numbers of adult children are living at home with their parents because they cannot afford to buy a house, nor can they access public housing and so on. One of the real issues that concerns me is that the means of parents are taken into account in many cases where young people are assessed for unemployment assistance. In many cases this has driven them out of the family home and into living in a flat on a rent allowance and receiving the full rate of unemployment assistance. This costs the State a great deal of money when the preference of both the young people and their parents is for them to live at home. It would make a significant difference if more discretion were used in this area.

Another issue about which I am concerned about is care of the elderly, especially the problem of nursing homes which was referred to

by a speaker on the Government side. Nursing home care is something many people need when they cannot live in the community and the support services can no longer keep them there. If the services are not there, as often happens, they will seek to enter nursing homes. The problem, certainly in the North Eastern Health Board area, especially in County Louth and, I imagine, throughout the country, is that nursing home subvention has been severely cut back. In the past year, the only nursing home subvention given was equivalent to the limit the health board had used in the same month of the previous year. In other words, the limit given in January 2003 was based on what was given in January 2002 and so on.

The reality is that people who would be willing and able to pay for nursing home care if they received the subvention and who cannot go home because they are unwell end up in acute hospital services. This is a serious need that needs to be addressed. Somebody who needs care in a nursing home and cannot access it ends up holding an acute bed he or she does not want because the Government does not release enough money to the health boards for nursing home subventions. People qualify in every respect for such accommodation but cannot access it because the health boards are not provided with the necessary funding.

Another issue I would like to address is public transport and transport issues in Dublin generally. The Minister for Finance provided tax exemptions for park and ride facilities in a Finance Bill some years ago. I am not aware that this has been availed of to any great extent. If one approaches the city of Dublin from the north, as I do coming from Drogheda, nowhere can one avail of park and ride facilities. They are not available on the Ashbourne or Swords roads. That needs to be addressed. Perhaps it is a transport policy issue involving the Dublin local authorities; I am not sure. I know the exemptions were provided, but I have not seen them utilised.

There should be a more proactive examination of the numbers of people whose journeys originate outside the capital and who would avail of decent park and ride facilities on the northern approaches. I would be one such person. I would love to do that and cannot. Therefore, I am in one of those cars that clogs up the city every day — that is, when I do not take the train. It is not being adequately addressed and I know the Minister provided for it in the past. Perhaps he could, in reply, inform the House what he has done in this regard.

Mr. P. Power: Before dealing with the specific provisions in the Bill, I wish to refer to the announcement yesterday from EUROSTAT regarding the relaxation of the Stability and Growth Pact rules and its interpretation thereof. While I welcome the changes announced, it is important to emphasise that they bring about no alteration in the basic fundamental rules of the

[Mr. P. Power.]

Stability and Growth Pact. This is wrong. We all know the interpretative changes yesterday relate primarily to public private partnerships, PPPs, and how the EUROSTAT rules assess matters in terms of the availability risk and construction risk. Provided they are borne by the private sector, they will be considered as off-balance sheet accounting.

While I accept that, we must realise that only a minor proportion of our infrastructural projects and the national development plan depends on PPPs. I support them generally, but it must be accepted that the vast majority of the roll-out of the NDP is done in the normal way by traditional procurement. The changes announced will not alter the Government's ability or inability to borrow for traditional procurement methods such as the roll-out of the roads programme, the vast majority of which is under way.

I made the same point in the debate on the Finance Bill last year and on many of the money Bills throughout the year, namely, that the Stability and Growth Pact should be renamed the "rigidity and slow pact", because it is a rigid agreement. It applies equally to every country throughout Europe, no matter what its economic, financial or budgetary position may be. That is wrong. It is a "rigidity and slow pact" because it has slowed down the roll-out of our infrastructural developments for a number of years. This country is in a unique position to borrow extensively in the international arena to fund projects and accelerate their roll-out, but because of the rules as set out, it cannot do so.

A brief example will illustrate what I am trying to say. Where two companies each have a turnover of €100,000 with one having no debt and the other borrowings of €130,000, under the Stability and Growth Pact rules as they currently apply, both companies may still only borrow €3,000. That is unrealistic. The real test should be that a country should borrow up to a limit defined as a percentage of its gross domestic product, GDP. Normal commercial borrowing rules should be applied such as the ability to repay and the level of debt of the country. The Stability and Growth Pact as it now exists prevents countries such as Ireland with a low debt-GDP ratio from borrowing appropriately to roll out its infrastructure. Ireland has an infrastructural deficit and should be allowed to address that. Any private entrepreneur with little debt will be told by his or her accountant that he or she is underborrowed. He or she is trading well but is not borrowing enough to provide for the future. This is a fundamental weakness in the EU and it is something that should be addressed by Ireland over its six months in the Presidency. The Minister for Finance is aware of my views on this.

The budget provides the framework for an early return to growth. Current indications are that the policies adopted by the Minister during the past two years have proven correct and justified despite almost daily criticism from

economic commentators, the Opposition and the media. The prediction this morning by PWC, whose economic forecasts are generally widely regarded, of a growth rate of up to 5% of GDP next year is higher than Government or other predictions.

We are now in a position to return to relatively high levels of growth because we adopted a prudent approach when it was obvious the world economic situation was deteriorating. However, the United States has effectively let its budgetary position get out of control. I caution in that regard. It is something over which we have no control, but it is a worry. I have a couple of points to make on the taxation provisions contained in the Bill.

The thrust of finance legislation during the past six or seven years has been to reduce taxation across every band, including corporate and capital taxes, stamp duties, personal taxes and, to a lesser extent, indirect taxes. That has been the cornerstone of our budgetary policy. It is unfortunate that, to this day, some people do not accept that that simple and straightforward strategy has worked. It has been the catalyst for economic growth in Ireland to the benefit of all. I accept it has benefited some more than others but on the whole, taken as an average, everybody has benefited from that policy. The promotion of wealth creation and risk taking is not anathema — I know Deputy Michael Higgins has strong views on this issue — to making strong in-roads into social exclusion and disadvantage. They are not mutually exclusive. One simply cannot take place without the other.

Ms Burton: The Government does not have the money to do it.

Mr. P. Power: Yes, it has.

Ms Burton: The Government has not done it.

Mr. P. Power: Deputy Ferris referred to the tax incentive schemes. Some people in this House believe the words "tax incentive schemes" are dirty. They are trotted out here almost on a weekly basis as part of allegations and accusations that there is a grand conspiracy by Members on this side of the House in line with risk-takers, developers and people willing to invest in Ireland to line their pockets. Deputies Cuffe and Ferris made such points in their contributions.

Anybody who has witnessed the regeneration of Limerick — I can only speak from experience — in the past ten years knows that the proposition made by Deputy Ferris, in particular, is demonstrably untrue. I am fortunate to have chaired the inner city renewal committee for a number of years. From my direct interaction with all the developments which have taken place in Limerick, I can say without fear of contradiction, in Limerick, that a great deal of that redevelopment would not have taken place

without such incentives. To suggest we are involved in a grand conspiracy defies reality.

The inner city renewal schemes have served their purpose and it is time they were wound down, but we must ensure we do so in an orderly way. They should be phased out over a number of years. I welcome the Bill's provisions in that regard. I also welcome the provision for further tax credits for international companies willing to relocate their regional divisions, headquarters and research and development departments in Ireland. They are the most important provisions of the current budget. The international scene in terms of attracting foreign direct investment, from which my area benefits enormously, has changed in the past 18 months or two years. Every country has become aggressive in terms of marketing for foreign direct investment and of altering their taxation regimes to make them more attractive to such companies. Such relocations are fundamental to our economic growth. We must keep a watchful eye on what is happening in that regard.

Only last week I was contacted by a small company, with which I had previous dealings, informing me of its decision to relocate its global headquarters to Ireland. While tax in that regard is tax foregone, it is greatly outweighed by the benefits which we will accrue in the long term. I apologise to Deputy Michael Moynihan for eating into his time.

Mr. M. Moynihan: I welcome the opportunity to contribute to the Second Stage debate on the Finance Bill 2004. Deputy Power referred in his contribution to tax incentives, the benefits of which can be seen throughout the country. Many people ask what it costs the State to provide such tax incentives. I, too, believe their benefit to the economy outweighs the cost.

I would like to refer to a few specific issues in the short time available to me. One such issue is the provision of wind energy throughout rural Ireland. Ireland is obliged to comply with EU and international legislation in that regard. While many multinational and national companies are willing to harness wind energy across the western seaboard and throughout the country, a number of community groups and organisations, based loosely around the former dairy co-operative movement and involving farmers and landowners, have come together to construct windfarms and to try to tap into the national electricity grid. I am aware that there are many issues surrounding tapping into the national grid and the upgrading of that grid to ensure it can harness wind energy.

The Government and the Department should examine the possibility of providing tax incentives to community groups and organisations in this area. It is often felt that multinational companies come in, harness whatever they want and go. It would be beneficial if we could assist local groups wishing to invest in this area. Many co-ops in the Duhallow region

have invested money in wind energy projects. Perhaps the Minister will examine the possibility of providing assistance in that regard.

Designated areas in rural Ireland have received immense assistance through the introduction of CE schemes and farm-assist payments. That is to be welcomed. Funding from CLÁR has had a massive impact on disadvantaged areas. The RAPID programme is being run in tandem with the CLÁR programme. I am not too familiar with the RAPID programme because my constituency is not classed as disadvantaged. However, the CLÁR programme has had a significant impact on disadvantaged areas and the increased funding provided under it for simple works on class three roads, footpaths and so on is welcome. Leader programmes have also been availed of together with CLÁR programmes to roll out these schemes.

I refer to community employment schemes and the policy adopted by FÁS whereby people who have been on such schemes for three years cannot be retained. I call on the
1 o'clock Government to re-examine this policy. Community employment has become a social scheme and many people who avail of community employment in both urban and rural Ireland cannot secure employment in the mainstream workforce, particularly those aged over 55, people who live in disadvantaged areas and people with disabilities. Even though many of them have been on a scheme for three years, they should be permitted to take up a place on another scheme. This issue should be examined.

The legislation will implement a few new measures together with those announced in the budget. Every constituency is affected by the drugs issue and, like every other Member, I have visited secondary schools to speak at CSP classes. If the students interact, they give a good outline of what is happening. Sometimes it is exaggerated but, more often than not, it is accurate. The prevalence of drugs throughout the State is crazy. Drug abuse has reached epidemic proportions. We all thought in rural Ireland we were sheltered from it for many years but drug use has spread nation-wide. The issue must be taken seriously and consideration must be given to whether more drug treatment programmes or harsher penalties are needed for drug pushers. It is similar to driving the manufacture of potteen underground but the issue must be examined seriously to address the problem.

Deputy Paul McGrath referred to tax relief on farm rental income. If a farmer rents his farm to a non-family member, the legislation provides for tax relief on the first €10,000 of his income. Members have argued this discriminates against farm families and encourages farmers to rent their holdings to non-family members. However, the original relief was introduced in 1993 to encourage more parents to transfer their land to their sons and daughters rather than renting it to them. This relief must be re-examined because

[Mr. M. Moynihan.]

medium-sized and large farms that generated a significant income ten or 15 years ago are not being taken over by the next generation. While I accept the logic behind the introduction of the farm rental income provision in 1993, it should be re-examined because many parents are willing to transfer their farms to sons and daughters at an earlier age.

I have spoken on Second Stage of most Finance Bill since I was first elected in 1997 and I always sought the decentralisation of Government offices to Duhallow. I hope the Government continues the good work in that regard. The Minister has announced the decentralisation programme and OPW officials have been examining sites throughout the State, including one in Kanturk. I welcome the Government's drive to ensure the programme comes to fruition.

Mr. M. Higgins: I welcome the opportunity to contribute to the debate. The Finance Bill has changed over the years. A few years ago it had a strength of economics to it, that is, it suggested choices and exercised discretion as to whether a choice would be made. More recently, the Finance Bill has contained a set of measures that have been retained without good reasons for doing so and this is particularly the case this year. It is to be expected for that reason that the debate should have a quiet charm to it. The Minister impresses the Fianna Fáil Party and to some extent the Progressive Democrats. It is an achievement on his part because I am not quite sure what exactly he is proposing but it has such an appeal that it transports Fianna Fáil Members into the most worthy flights of aspiration regarding the economy and society.

I assure Deputy Peter Power I have no intention of attacking people who are efficient or risk takers. The difficulty is risk taking is a serious element of economics and it must be for real. The unfortunate aspect of a number of the Minister for Finance's tax incentives is they involve no risk at all. They are a rather collapsed version of an old dog, whereby one must be totally assured there is no risk whatsoever in order to put one's toe in the water. There are many of those brave types in Ireland but I assure Deputy Power that taking risks is a wonderful aspect of economics. However, this form of economics does not underscore the legislation. There is something to be said for winding up this exercise and introducing more coherent legislation.

Many Members had their worthy attack, which is good, and then they assumed everything will happen by accident because nothing is deliberate. According to them, nobody ever systematically sets out in a pure, greedy fashion to amass as much as they like. This is never described. According to them, there are good people around the place who want to give people houses, cars and so on and it is good that such benevolent feelings are at the heart of the Government.

I will outline one example that should shock Members at some stage during the coming year. What do they think of what has happened to housing in the State? Is it something Irish, Roman Catholic and, therefore, spiritual to want to own up to 20 houses? Why should one want to keep appropriating more houses and recycling one's rents through the beneficence of the Minister, Deputy McCreevy, who has stated that he will encourage house building, etc.? Even yesterday it was stated in the newspapers that house prices will increase by 6%. Will Deputy Peter Power tell me what is good about that particular housing phenomenon?

Mr. P. Power: What is good about the building of 60,000 houses?

Mr. M. Higgins: This is where we differ. The newspapers like to suggest that the people have won again because house prices continue to rise. People like to be assured that they will increase by a further 6%. The suggestion is that this appalling, poisonous effect on social life will continue and will give rise to a series of secondary effects.

I will provide an obvious example. In the first instance, there is the notion that people must own an increasing number of houses. That is accepted and we shall leave it be. We must then take account of the effect of this on a young couple purchasing a house. We are aware that both members of a couple have no choice and are obliged to work to pay a basic minimum price for a house. We also know that both have less time to spend with their children. That is a fact. Many parents must deal with the logistical business of delivering their children to school, etc., each morning and collecting them each evening.

I wish to raise a specific question because I want to see if there is some tolerance for it at this time. In many circles there is no tolerance for this type of question. At present, children have less time with their parents and *vice versa*. Parents must then face long journeys to and from work each day. Let us then take a simple figure — we would not have done so in first year economics because it was so obvious — namely, a person's average lifespan and the amount of time he or she spends working. Let us then ask him or her how much of his or her life is taken up with the business of purchasing a house. I am not stating that people need to purchase houses because there are those who rent and so forth. I simply draw attention to what is happening in society in respect of this circus.

Members are entitled to differ from me and they do so all the time. However, I must make the point that, if a political policy choice is made to not interfere with windfall profits in cities or with housing speculation and to allow the existence of a so-called free market — it is, of course, not a free market because it is not totally free in any economic sense — an enormous price must be paid. There is an atmosphere of self-

congratulation about today. Next week there will be further speeches offering more congratulations and stating that people throughout the world envy us and are dying to be just like the Irish. I know many people who are not trying to buy houses in Ireland. I know some individuals who regard it as somewhat absurd that a house would be more expensive in Ireland, especially Dublin, than in Paris. There are people who lose the run of themselves and go on with that kind of stuff, which would be all right if it was not so vicious in terms of the effect it has on the lives of young people.

Imagine people with all their young lives ahead of them but which they must use up on the basis of having to pay the going rate for houses. This is all because of some withered people, such as some in Galway city, who want to own 15, 16 or 20 houses and who think that this is great. Is that innovative or creative or are these people risk takers? What risk-taking is involved in crawling after one property or another until it is in one's possession? It is not an admirable pastime. Let us abandon this type of behaviour.

I pay tribute to those who helped the economy. If, however, there is one flaw at its heart, it is the importance given to the building of houses. The latter affects wages, people's capacity to return to Ireland to work here and those who simply want to live normal lives.

It is about time some of my brothers and sisters in the trade union movement woke up to the fact that there has been a running down of jobs, both in terms of security and conditions. There has been a major expansion in cheap jobs. It is clear that many other things are also being done to try to wipe away some of the old securities relating to work and employees. There is a suggestion abroad that everything can be done on a temporary basis. One's life belongs to one's house and, in addition, one is seen as capable of being removed from one's work towards the end of one's life.

In the past year I have not said enough about the Tánaiste's idea that everyone should work until they are 70 years of age. Who stated that this is the reason for which we are on this planet? Who said that we should remain in work just in case the economy needs us? This concept is especially relevant to people who we are able to abuse because we can control their employment. We can say to them that they must stay at it until they drop. For what? It is because we have created some form of monument of this country that it is a great nation in which everyone works until death. People keep at it until they fall down. Would the Tánaiste not be proud of them? She should travel about meeting people who are collapsing and inform them that it is great that they did this for the economy.

Mr. P. Power: The Deputy will still only be 70 if he wins the Presidency of the country and serves out a full term.

Mr. M. Higgins: The Deputy should not refer to that particular office in this House.

Mr. P. Power: Is the Deputy ruling himself out of the running?

Mr. M. Higgins: This is the interesting point. I sense at times an intolerance about discussing any of the matters to which I have referred. We are not to discuss social issues. I can make it simple in many instances. What I am concerned about is the amount of hours we spend consciously, the number we sell to other people and the amount of service we give ourselves because other people need us.

We can have a good laugh at the concept of citizenship. The latter means that one undertakes responsibilities for other people as well as oneself but also that, if one shortened one's life, one would be able to have some free time to do all the things everyone else is doing. There is old stuff at the basis of all this, namely, that there are certain people who occupy certain unskilled jobs and who can never be allowed to have the freedom to enjoy their lives. I have said enough about this matter. However, I have more to say about providing other things by way of citizenship.

When all the people are celebrating in honour of the Minister, Deputy McCreevy, will they tell us why basic simple things for children cannot be provided? Why is it so difficult to build things like playgrounds in Ireland or to give children an opportunity to swim or play a musical instrument? It is extraordinarily difficult to provide these facilities for children, yet a mother or father listening to their children playing is one of the things that are of life. I get more pleasure from listening to my children playing the piano than from anything else. Why is it so difficult to provide these things in a country like this?

How are people managing to pay all the new charges being imposed? At the drop of a hat there is a new charge. I looked up CORI's document listing the number of people in the different poverty categories. I continually wonder how people manage. CORI categorises people with an income of €115.01 per week as being under the 40% poverty line, those with an income of €143.77 per week as being under the 50% poverty line and those with an income of €172.52 per week as being under the 60% poverty line. A short while ago I heard a Deputy say that, in time, all the boats will rise. The boats are not rising and the gaps are widening between the income levels of the top 50% and bottom 50%.

What basis have the people who are making an economic argument for suggesting that the differences between people on the various levels of income are narrowing? The difference is not only in income. There are differences in things like access to school and third level education. Free education and holidays are important as well as all the things that are about life. A comprehensive misery is being created for many people who are unable to celebrate their lives

[Mr. M. Higgins.]

because they are short of very small sums of money. That is a tragedy. I do not care which political party brings in significant changes so long as we are enabled to have a better kind of life, so we would have time to think.

There is a tangible aggression in the country at present and we hear much old guff, such as “moving something”, “bouncing something off one”, “running something off one” and similar pieces of trash which people have mixed up in their language and like saying. We need to think about how we might change our society, now that we have an opportunity.

I want to be as cheerful as anybody but I do not want to accept something that is not so. If one examines the different income groups in the country one finds that people are still stuck at the bottom. It is suggested that this is the people’s own fault and that after a period of time everyone will turn into something like a gent. That kind of ignorance should not be called economics.

The Minister for Finance might ask me how I would spend money. If he changed the ratio of GDP to tax by 1% it would make a difference of approximately €1.1 billion. I would do that for the sake of children’s music, playgrounds and swimming and I would not see it as a big deal. However, there is no suggestion that we should do that kind of thing.

We should challenge those strange people who simply cannot have enough. These are the people who are so wealthy they cannot afford to live in Ireland anymore and have to be abroad. Is this because we would make them insecure? Are people happy about this? How does citizenship fit into this kind of residency which allows people to slide back?

I hope we soon have an opportunity to hear Mr. Don Thornhill, who suggests that we need to privatise our universities to create the standard of Harvard. I have heard Mr. Thornhill at this racket since he came back from Canada. That would be one of the last insults of all. What else would there be then? As well as giving a huge bundle for a house we would give another huge bundle for education, everything else would be privatised and we would be told that all this, which we used to enjoy by right as citizens, was being provided by people who are risk takers. It is time to prick the bubble and ask what we want to do with our good economy over the next few years.

Mr. P. Power: Does Deputy Higgins not realise we are debating the Finance Bill today?

Mr. T. Dempsey: Ba mhaith liom mo chuid ama a roinnt leis an Teachta Mac Uilcin.

Acting Chairman (Mr. Costello): Is that agreed? Agreed.

Mr. T. Dempsey: Tá áthas orm tacaíocht a thabhairt don Bhille Airgeadais 2004. Aontaím le cuid mhór den mhéid atá ráite ag an Teachta Ó

hUiginn. I welcome the opportunity of speaking in support of the Finance Bill 2004. I share much of the philosophy of Deputy Higgins. Nevertheless, the Bill addresses, in a constructive way, the opportunity to distribute wealth as well as we can between those who do not have and those who have. That is the purpose of taxation. It should be used as an instrument to level the playing pitch.

To have wealth we must encourage risk-taking. One hopes there is an element of real risk in business and that it is not just a soft option allowing people to rip off a system. The Bill helps in this. The limit of the business expansion scheme is increased from €750,000 to €1 million and the seed capital scheme is extended by three years. Last night, I listened to my colleague, Deputy Devins, talking about research and development, which is an essential part of industry and has been sadly lacking in our educational institutions and within industry itself. Research and development departments have been underfunded for too long. I am glad to see tax incentivisation in this area.

Because of the philosophy of the Minister for Finance, Ireland has become an attractive base for investment by Irish and foreign investors. Sections 31, 34 and 42 provide tax incentives for multinational companies to set up regional headquarters in Ireland. That too was very important. Our inflation rates have remained relatively low. We are a competitive economy where we have witnessed growth rates over the last number of years while most of Europe has suffered a downturn. There is now something of an upturn in the Irish economy.

People from abroad are coming to work here. Some 48,000 people arrived in 2001. That is a huge change from when I was a youngster, when most people had to emigrate. That change is due in some measure to the policies of the Minister for Finance, Deputy McCreevy. I would not be so partisan as to pretend that this Government or any particular Government was exclusively responsible for the growth we have witnessed, but at least we have played a part, and Deputy McCreevy has played a significant part.

One of the interesting aspects of democracy as I experienced it as a new politician is the relationship between proposition and opposition. It seems that democracy as we know it has to survive in that manner. While that may be a healthy system, objectivity suffers quite a bit, because as a Government we are expected to unquestioningly support the Bill, while the Opposition is expected to attack and to undermine.

In the interests of balanced debate, let us look at more objective commentators, such as the Central Bank winter bulletin, which says: “Public expenditure is under control. While the state of Ireland’s public finances has deteriorated somewhat from the very favourable picture of some years back, they remain essentially sound.” That is a word we use quite a bit in Wexford —

we say someone is a “sound” man. If the economy remains sound because of this Bill, I am happy to support it. Given its objectivity, I will quote also from the ESRI winter report 2003 which stated: “The underlying fiscal stance adopted in Budget 2004 is appropriate for the underlying macroeconomic conditions.” Perhaps we can agree with the objectivity of the Central Bank and the ESRI.

We are a very small economy, and I was surprised to learn before I was elected, when I started campaigning, that our entire income tax take is spent on health. I worked most of my life in education. Like most other civil servants and other ordinary workers, I resented the high taxation levels and I am glad they have come down under the Minister, Deputy McCreevy. I resented them because the question was often asked: “What do we do with all the income tax?” I talked to a doctor recently who said that people would be very happy to pay a health tax if they knew that the money would be spent on health. I proposed to him quite seriously that we might call income tax the health tax, because it is exclusively spent on health. Very little is left. The reality of that situation is not always brought home.

The weaker sections of society are helped. One has to give the risk takers the opportunity to create wealth. Along with Deputy Michael D. Higgins I would be very insistent that there should be an element of risk and that there should be no rip-off. The weaker section cannot be helped if someone does not create the wealth.

Since 1997, the average industrial earner now pays 10% less than he or she did then. The income tax take — all of which is spent on health — from those on an average industrial wage or below it is now 6%. In 1977 it was 10%. There is a tax reduction of 4% for those struggling to make a living. This is how the Bill and the taxation policy have been used to help distribute wealth among the richer and the poorer.

Taxation policies should always protect employment. I remember not so long ago when it was not worth people's time working because of the high levels of taxation. In 1997 one entered the taxation system on the sum of €97.70. By 2003, that was increased to €223 per week. This Bill increases it to €246 per week. We have gone from entering the taxation system at approximately €98 to entering it at €246.

Deputy Michael D. Higgins asked about the usefulness of building 60,000 houses. The usefulness is that builders — or rather their employees — pay income tax.

Ms Burton: The builders do not pay. The employees pay.

Mr. T. Dempsey: Deputy Burton would say, “not enough”. The builders paid so much when Deputy Burton was in Government in 1977 that most of them went out of business. That would be a tragedy. We at least need to keep the builders in business.

Ms Burton: The year 1977 was when Jack Lynch was Taoiseach. That was when Fianna Fáil bankrupted the country.

Mr. T. Dempsey: Sorry. I meant 1997. In Deputy Burton's time in Government, many builders went out of business.

Ms Burton: The year 1977 was when the country went down the tubes.

Mr. T. Dempsey: The last time the Deputy was in power, many builders went out of business.

Ms Burton: They did not.

Mr. T. Dempsey: We are at least keeping them in business now and paying VAT.

Mr. Wilkinson: The boom only started.

Ms Burton: In 1997, the economy went into recession. What the Deputy has said is a lie. It is not true.

Mr. T. Dempsey: We got an instruction today not to use the word “lie” in the Dáil.

Ms Burton: Sin bréag mór.

Mr. T. Dempsey: Más féidir liom leanúint, it is important to have an air of reality about making it possible to create wealth so that we can help the less fortunate. This Bill has done that and will continue to do so. We now have an economy which is attractive to business and to people on social welfare. Many of our emigrants are returning home to Ireland so they can benefit from the success of the Finance Bill and the ones that preceded it.

Mr. Wilkinson: I am delighted to have the opportunity to speak on the Finance Bill. It is a good time to be in Ireland. Listening to some of the speakers, there are times when I could get depressed at some of the comments made. I am old enough to remember another time, when our people, my family and many other families, had to leave this country because jobs or houses were not available. Today we hear complaints because we have houses, and we are asked why we want houses, or why they are being built. It is likely that not enough houses are being built.

It is truly an amazing time for Ireland. The economic growth enjoyed in this country reflects what is arguably the greatest period of prosperity in our history. If we look at emigration, which I referred to, is it not wonderful to see that our families can stay here, be educated, get jobs, and choose to emigrate if they wish, if one could call it emigration? It is only a very short time since people did not have that choice, and it is wonderful to see it.

We should appreciate all that, along with the fine leadership that has put all of Ireland on the path to peace and prosperity. When we talk about

[Mr. Wilkinson.]

today's Finance Bill, it is difficult not to remember the six others before it, because they carefully laid the foundation for today's prosperity. How did we get there? How did we manage nearly 8% annual GDP growth throughout the 1990s? How is it that even as the Celtic tiger departs, we maintain economic growth while our cousins on the Continent are struggling for any growth at all? We created an environment that encourages investment and creates jobs. We consistently kept taxes low and that gave corporations the confidence they needed to set up shop in our country. We did not stop with big business.

Since 1997, average tax rates have fallen for all taxpayers. Citizens earning the average industrial wage pays 10% less than they did in 1997. This Bill continues the spirit of low taxation and job creation. In April 2000, the statutory minimum wage came into effect, with less than 64% being exempt from tax. This Bill will make 90% of the minimum wage tax exempt.

While maintaining a successful tax structure, the public recognised the need to maintain fiscal restraint and have the willpower to ignore the temptation of borrowing. Borrowing is a tax, and we remember another time when our national debt was at a very high rate. Today that rate is halved. We remember when we could not pay 20% interest but today interest rates are at an all-time low. That contributes a good deal.

The only real fact that matters is that 95% of employable people are working. That is a tremendous achievement. If we listened over the years to our economists, the George Lees of this country, who appear nightly on our television screens, one would think we were living in a banana republic or were on our way to it.

There is no doubt that the high interest rates in the 1980s crippled this country but we took decisive action on public finances which was not without political cost. It was the correct action to take and it was courageous, even if it was not politically popular. We intend to see through this principle but we will do so with responsibility and concern, as we have shown today.

One of the Minister's decisions in respect of this budget was to progress decentralisation. In my own county, and particularly in the west, we were fortunate to get over 300 jobs in the town of Dungarvan. Waterford city got 200 jobs. The immense benefit of that to this country's morale, forgetting about economics for a moment, was unbelievable. Already we can see the signs of preparation for that. People are now more than willing to build the offices to facilitate that move. We see people building houses, and I compliment the Minister on finally making that decision.

The Minister, Deputy McCreevy, summed up the budget and the Finance Bill best when he said that our economy already has many strengths, including a low level of indebtedness, a strong base of modern manufacturing and internationally trading services, a competitive

taxation system, growing investment in publicly funded research, unrivalled international telecommunications connectivity and an ability, because of our small size, to adapt in a timely way to changing circumstances. He said our challenge is to build on these strengths to respond to the changing competitive landscape and to take advantage of the opportunities that global economic recovery will offer. I am happy to support the Bill.

Mr. Crowe: Last night we had a debate on Dáil reform. The Chief Whip promised comprehensive reform——

An Leas-Cheann Comhairle: Is the Deputy sharing his time?

Mr. Crowe: Gabh mo leithscéal. I wish to share time with Deputy Cowley.

Last night the Chief Whip promised comprehensive reform and stated she wanted to improve the role of the Dáil as a law-making assembly. Today we are discussing what is probably the most important legislation of the year, yet the debate is to be cut short by a Government guillotine. That is not good enough and it is an insult to the people we represent.

Part of our job as TDs is to monitor the effect of legislation on the daily lives and livelihoods of individuals, communities and families. On that basis, this Finance Bill is another backward step on the part of the Government, another slap in the face for ordinary working people and another give-away to the wealthy in society. More workers will go into the top tax bracket as a result of this Bill and, once again, it will squeeze those working people on or below the average industrial wage. These are the people who do not qualify for a medical card and often cannot afford private health insurance. If they are struggling to make a home, they face the colossal mortgages which are the result of the Government's disastrous housing policy.

I remind previous speakers that according to the ESRI, one in five working people, 20%, are living in poverty. They are further penalised by this Bill but property speculators and landlords are rewarded once again. What kind of Government cuts rent allowance for hard-pressed tenants in the private rented sector but awards tax breaks to developers of multi-storey car parks? What kind of Government cuts back on home helps for vulnerable old people living alone but gives tax breaks to developers of hotels and holiday homes? What kind of Government presides over queues of trolleys in our public hospitals and gives tax breaks to the private health industry building private hospitals? As far as this Government is concerned, housing for cars and horses is more important than housing for people.

Like the budget, this Bill is silent on the housing issue and on health. There are no measures in it to increase the supply of social and

affordable housing and nothing to address the ongoing crisis in the public health service.

The real meat of the Bill is in the sections dealing with capital allowances and tax incentive schemes. Tax reliefs for builders of hotels and holiday camps were due to run out at the end of this year but the Minister has extended the reliefs until the end of 2006. The same extension is given to the investment in holiday homes, a scheme that has funded housing inflation and made it increasingly difficult for young couples to buy their own homes in areas their families have lived in for generations.

A belated and, on the face of it, positive measure is the introduction of tax credits for businesses which invest in research and development. There is concern, however, that the way this credit is being introduced will again reward developers rather than researchers. This new tax credit now puts it up to the businesses, and there can be no excuses or remaining obstacles to investing in research and development. This, of course, is another tax break for businesses that pay corporation tax at 12.5% , far less than the 20% and 42% rates paid by most workers.

The most bizarre double standard in the Bill are the provisions for headquarters and holding companies. These are aimed at getting more multinationals to site their regional headquarters and holding companies here. It offers generous tax write-offs and get-out clauses for transnational companies which take up the scheme. The provisions must have raised a cheer in the International Financial Services Centre in Dublin's docklands because no doubt there will be many well-rewarded contracts for the companies shielded inside those palatial office blocks. It is they who will administer the complex series of transactions and company formations that will allow these companies to cash in.

One provision to be welcomed is the exemption of stamp duty on intellectual property. This will create a better environment for research and development by business. However, it touches on another important point. Why are we building this so-called enterprise economy? The usual answer from Government is that it is to create jobs but one of the consequences of tax exemptions in all these areas is that someone somewhere must pay tax to keep all the vital public services funded and working.

One group not exempt from this tax is house purchasers who not only have to pay hugely inflated prices to buy houses but they also have to give the Government a substantial kick-back. This is the nub of the problem. Someone has to pay the tax. It is clear from the Finance Bill it will not be big business or the wealthy in Irish society. They will still have their schemes, allowances and reliefs. The rest of us will pay tax and foot the bill not only for running public services but to help subsidise the lifestyle of Ireland's rich and wealthy.

Last October we heard howls of protest from multimillionaire Denis O'Brien because people in Ireland dared to question his tax exile status which saved him €55 million in tax before he sold Esat——

An Leas-Cheann Comhairle: People outside the House should not be mentioned.

Mr. Crowe: I withdraw his name. An individual saved €55 million in tax before he sold Esat in 2000 for €2.3 million. The Minister for Finance, Deputy McCreedy, must have smiled when he heard the same individual say we were fast turning into a communist state. The Minister knows how well he has looked after that same individual and many like him. They have nothing to complain about in this Bill or in any of the Minister's previous Finance Bills.

Dr. Cowley: I am pleased to contribute to the debate on this Bill. People would be prepared to pay more tax if they thought it would help those who need help. They do not want any tax increase because they are afraid of how the Government would spend the money.

There has been doublespeak from the benches opposite vocalised by the backbenchers on the Government side. We are hearing a spoon-fed line of thought which comes from spin doctors. We heard it about the emigrants and how the Government gives them millions, because of pension entitlements. If older people abroad got anything extra it was because they deserved it, not because it was their entitlement. The Government was ignorant of the large numbers who were entitled to this relief as it had underestimated the numbers involved. It was by accident and not by design that these people got their entitlements. To make a virtue out of mismanagement as the Government is doing is disingenuous and unfair and is spin of the highest order.

This is the same spin we heard when those over 70 years of age got medical cards. The Government miscalculated the number of older people in Ireland and the scheme cost much more than anticipated. No matter how much spin is put on it, the Government cannot get away from the fact that there are 200,000 people who were promised medical cards and who needed them but did not get them. The Finance Bill does nothing to help that situation,

I spoke before about the Hanly report but the response I got was not a coherent argument but pure insults. A mark of our society is how we treat our most vulnerable citizens. How can we treat our citizens equally if they cannot access the services? The acid test is when they are ill and if they cannot access the services they need. That is a serious question to which a proper answer needs to be given. However, answers are not being given.

I have always taken a national view on issues because we are a small island and need to work

[Dr. Cowley.]

together to ensure things happen for the best. In County Mayo, approximately 1,600 people are waiting for neurology services. They are waiting for a service but there is no consultant in the local hospital. Those people will wait five or six years for a first appointment. One might ask whether the treatment purchase scheme would solve the problem. Having seen a consultant, one has to be on a waiting list for one year to qualify for that scheme. I know many people who died and were buried while waiting for a neurology appointment they never got. That is the reality. People die while waiting for this treatment that never comes. That is disgraceful. In the meantime, those who live in hope, particularly older men, have to get up five times a night, while they wait for an operation that may take 20 minutes. This does not make sense. If these men had money that operation would be carried out within weeks.

Two neurologists come to Mayo General Hospital and see ten new patients per month. With a list of 1,600 patients one can imagine how long it will take. There is a need for more than one neurologist in Mayo General Hospital. The waiting list is getting longer.

Where there are specialists there are no waiting lists. If people have money they will get treatment. The only way a person will get an urgent neurology appointment is if the person has a cancer obstructing the kidney outflow. I bear witness to that inequality as a GP. There is a great need to do something about this. I know about all those people who are waiting for medical cards and are on the bread line. As a result of the eligibility rules these 200,000 people cannot get medical cards. These are people who cannot access the service — the primary care service, the GP service. What kind of system is that? What kind of Finance Bill is this that does not provide for those families with children? What the Minister is talking about is something different.

A matter which the Finance Bill does not deal with is the downgrading of a number of hospitals. We will be left with 12 centres of excellence and in the other areas glorified nursing units. We are aware of this from the first Hanly plan, which is the blueprint for Hanly. The second Hanly plan has yet to come. We know from the blueprint that Nenagh and Ennis hospitals are to be downgraded. The trolleys in Ennis and Nenagh hospitals will have to join the trolleys in Limerick. We are transporting one whole tier of service to tertiary care which is much more expensive than secondary care. That does not make sense. Hanly is great in that it will employ more consultants but the consultants will have to look after those on the trolleys because there will not be enough beds. Some 3,000 beds were taken out of the system in the 1980s but were never put back.

We had a glimpse yesterday of the reality of what is to come when a child was born in an ambulance between Monaghan and Cavan hospital. Thankfully that child did not die. Children have died, such as Bronagh Livingstone.

If one is going to mobilise an entire population of very ill people, say 30% of the 22,000 people who attend Ennis hospital, they will not have the service they need at the local hospital and will have to go further. Those in need of services are at risk. Let us try to imagine 30% of 22,000 people wandering around, over a year, trying to find services in Limerick hospital — which is the major hospital — or some other hospital. People would come from places such as Bantry, Roscommon and Mallow hospital seeking services. These are displaced ill people who are forced from the highways and byways who will be prone to more complications. The Finance Bill does nothing for those people.

I accept there will be centres of excellence but the trick is to try to get to the centre of excellence alive. If, for example, a person falls off a tractor in Loop Head or if a tourist is involved in a road traffic accident and has a ruptured spleen, they could be seen at Ennis General Hospital now but after Hanly those people will have to go all the way to Limerick hospital which may take two or three hours. So much for the golden hour, the international standards and the window of opportunity. If one misses that the person has a greater chance of dying and people will die. I resent the Minister saying this is scaremongering. It is the reality.

Rural doctors, in particular, are incensed about this. They see the reality and know the situation will be difficult because they do not have the necessary back-up. While roads in the west are in poor condition and there are no helicopter emergency medical services, people must go somewhere. Therefore, they will travel on the roads looking for care which is not available to them.

The Bill does not provide for the 3,000 beds required. Even if those are provided up to 2011, it will not be enough because our population is ageing. Who decided that there should be only 12 centres of excellence? Modern international consensus no longer accepts the idea that big is better but accepts instead that the patient matters. Despite that, we are taking hospitals out of the system. Ireland has only 14 hospitals per million of population whereas the UK has 24, Germany 25 and the USA 27. Putting all the non-consultant hospital doctors we need into the system would only bring Ireland up to the European average. Who is fooling who in this regard?

What will the Bill do for our ambulance service? Ambulances break down regularly in County Mayo and one recently broke down a mile from my door. This is because half the ambulances in the Castlebar area are very old and have approximately 200,000 miles on the clock. The ambulance service has excellent staff, including emergency medical technicians who do a wonderful job. However, their hands are tied behind their backs by defective equipment and the large area they must cover. The Western Health Board area has a lower number of

ambulance stations than other health board areas of similar size and does not have enough 24-hour bases which are needed to provide adequate cover.

It is recognised that all citizens should be within a 20 mile radius of the nearest ambulance station. However, the catchment area of the Western Health Board ambulance service has many areas which do not meet such a criterion, a situation unique nationally. The region has the dubious distinction of having many of its people more than 20 miles from an ambulance station. There is an urgent need for the provision of three new ambulance stations at Achill, Tuam and Castlerea. While this requires funding from the Department of the Environment, Heritage and Local Government, the Finance Bill does not provide it. It should be made available or an inequitable situation will arise.

Why does this situation arise in the west? When I discuss the area in the House, some Members say that I am being very parochial. Nevertheless, I am in the House to raise the issue of the west and represent those who elected me. While I take a national view as often as I can, I must speak for my constituents. They do not care how unpopular the subject of the west is with anybody in this House. I will represent those who elected me because that is what I was elected to do.

I was insulted by the comments of the Minister for Health and Children that anybody discussing the Hanly report or acute hospital services is in some way scaremongering. People will be forced to go to faraway institutions. General practitioners are especially upset because they know what is happening. They believe the patient should be centre stage, which is in line with international thought in the UK, USA and elsewhere. However, the current situation is anti-rural, anti-person and against any form of equality.

The Minister for Health and Children cannot blame anybody for considering all options. If he persists with an ill-informed and ill conceived plan, he will have to bear the consequences. People are concerned and that is why hospital action groups are forming. They are doing so with the support of organisations such as rural doctors' groups and others, and they are prepared to work to ensure that the Minister changes his mind in this regard.

All that the Minister for Health and Children could say about such groups was that they were scaremongering and that it was all about fielding candidates for the local elections. I have no reason to suppose that candidates will ever be put up. However, if they were — I emphasise “if” — it would be because the Minister simply carries on bald-headed with this incorrect approach. We are wallowing at the bottom in this regard.

West Mayo, the most deprived area in Ireland, needs a scheme such as the tax incentive scheme for Shannon yet there is nothing like it in the Bill. I hope for good news on the western air corridor

as that would be an extremely important development. The Bill does nothing for the defined revenue funding scheme to allow social housing projects to realise their full potential. In addition, there should be a special allowance for those who need sheltered housing but are ineligible for it.

Mr. Nolan: I commend and compliment the Minister on the introduction of the Finance Bill and hope it has a speedy passage through both Houses of the Oireachtas. Since taking over as Minister for Finance, Deputy McCreevy has brought fresh thinking to his Department, and he and his Government colleagues are to be complimented on the manner in which they have run the affairs not just of the Department of Finance but of Government.

It is important to remember that, just over a generation ago, Ireland was seen as one of the poorest countries in the European Union. Since then, by taking full advantage of what was on offer from the Union and by getting to grips through various methods, of which social partnership was one of the most important, with the difficulties being experienced at home, Ireland has come from being seen by some international commentators as effectively a type of banana republic to being a country of which we as legislators and citizens can be proud.

The Economist recently stated: “Ireland’s economic miracle has seen that country transformed into one of the most up-to-date countries in the European Union”. Comments which I believe were made yesterday by leaders of some of our partner EU member states to the effect that Ireland should now stop looking for assistance from the European Union are indicative of how they view the progress we have made over the past 15 to 20 years. We should not be seen as the one member state which continually goes out, cap in hand, seeks assistance. We have reached a stage where within two years we will be net contributors to the Union. It is important also that we are respected as good Europeans in assisting new member states when they join the Union on 1 May.

According to the OECD, Ireland has outperformed all industrial economies over the past decade. The economy continues to be one of the leading economic growth performers in the industrialised world. In the five years preceding 2002, Ireland’s average annual growth was more than three times that of the European Union and OECD countries and one of the highest anywhere. Even in the context of a global economic slowdown, Ireland’s projected growth over the next few years will still be well ahead of some of our OECD partner countries. This will maintain Ireland’s position as one of the world’s growth leaders.

The economy has notched up five successive years of stunning economic performance due in no small measure to the management of the Minister for Finance and the Government. No

[Mr. Nolan.]

other European country has been able to match its outstanding results in a variety of dimensions. Ireland is now a trading nation with an increasingly positive outlook. A recent study names Ireland as the most globalised country in the world and comments that it has the highest degree of economic integration among the developed economies. That is a long way from our position 20 or 22 years ago.

One of the greatest success stories of the economy has been the number of new jobs which have been created, in particular since 1987. In the past 12 years, employment has soared from 1.1 million to 1.8 million today. This is a staggering 700,000 extra people in employment. Economic growth, more jobs and rising living standards have resulted in the resolution of one of the country's longest standing problems, namely, emigration, which bedevilled the country since the famine in the mid-1840s. The population of Ireland in 1845-46 bled from eight million to three million. It is just recently the population has begun to increase again. The reason for this is that there are opportunities at home and people want to stay and work in the country. Anyone who was a Member of this House during the 1980s will recall the debates that took place about the numbers of people leaving our shores in droves to find employment overseas. What a contrast now to see so many young people coming back with skills, trades and talents which they learnt overseas because of forced emigration. These people have come back to this country where they have found good and gainful employment. It is to everyone's credit that this has happened.

Economic growth, more jobs and rising living standards have led to the resolution of one of our biggest problems. The exodus over the past number of years has been turned around. Irish economic growth has not just halted this trend but reversed it, bringing expatriates, most of them young, to Ireland to contribute their skills and expertise to the growing Irish economy. The country is now getting an annual inward migration of approximately 40,000. The population of the Republic is almost four million, the highest figure in more than 130 years.

Ireland's economic success over the past decade can be ascribed to a range of factors, both domestic and international, which were mutually re-enforcing. None of these would have happened but for the foresight and strong commitment during that period of the Government and the Ministers for Finance and Enterprise, Trade and Employment, in particular, and successive Taoisigh. When the right circumstances arose, Ireland was able to take full advantage of them because it had been preparing for this for a considerable time.

Ireland's entry into the 20th century, with a fast growing surge of determination to take control of its destiny and re-establish its long and proud tradition, lies at the feet of this and successive

Governments. I have witnessed the two sides of the story. With success comes difficulties. One of the difficulties most of us encounter is that of infrastructure. I ask the Minister and his colleagues in Government to fast-track some of the major infrastructural projects. The Minister for Transport has identified three of the major corridors, Dublin-Belfast, Dublin-Galway and Dublin-Cork, as priority projects. In my constituency, the N9 from Dublin to Waterford is in serious need of being fast-tracked through the planning and construction process. I am fortunate to live on the north side of Carlow. I pity some of my fellow constituency TDs such as Deputy Hogan who must commute through Carlow during busy times, which takes anything from half a hour to 40 minutes. As the Minister for Finance is aware of these difficulties, I ask him to lean on his colleagues to ensure that the N9 proposal, which is part of the National Development Plan 2000-2006, gets the go-ahead and is fast-tracked. Without this, the economic success of the south east, particularly the Kilkenny and Waterford region, will be hampered by the delays caused in trying to access these areas from Dublin in particular.

Much of the economic growth achieved by Ireland over the past decade has resulted from the success in attracting overseas inward investment. Many companies have been established in the past ten years. I would encourage the Minister to try to direct some much needed investment into Carlow town. There is a state-of-the art technology park in the town, which currently has no tenants. I know the Minister has his eye on parks in Kildare but it is important that regions down the country are given an opportunity to develop. Some €14 million has been spent, with which I am sure the Minister is familiar. I am confident that in time he will ensure investment in the area.

The IDA is to be commended and complimented on its foresight and efforts in ensuring so many overseas investments came to this country. The situation in the past two years has been a little more difficult internationally but it is still in negotiations with companies. I hope the success it has achieved over 15 years will continue.

A number of speakers referred to the lack of effectiveness in the health service. However, there are areas of the health service that are a shining example of how we should go forward. One of these is the out of hours service which was piloted in my constituency and which has proved to be a huge success. It is a win-win situation. It is a win for patients in that there is a dedicated number at which they can get qualified triage nurses to give them information and advice over the phone, possibly without having to call on the expertise of the doctor on call. Many of the problems are identified and resolved by way of a simple telephone call. There is also a win for GPs who can now organise their lives so that they can have some time off. It was pointed out to me that

a GP who has worked a full week-end, and might have a number of call outs, will not be on top of his profession when he goes into work on Monday to treat patients who have waited over the week-end to see him. He will not be in a position to provide the best service if he has been out on calls throughout the week-end.

The out of hours service is one area which has been a success. I hope there will be improvements in other areas of the health service. Given that it is taxpayers' money which is being used, we must get value for money. There are areas in the health service where savings and adjustments can be made in order to get better value for money.

I would like to address the issue of greenhouse gas proposals. Recently the Department of the Environment, Heritage and Local Government mandated the EPA to set targets for various industries in regard to emissions trading. The lime industry in my constituency is very concerned about the effect this will have. Industries who have made major investments in updating their plants, and who have invested in state-of-the-art facilities, find that they are not in a position to make any more savings. These could be badly affected if the proposals currently with the EPA in regard to emissions trading are not positive. As this country signed up to the Kyoto treaty, we cannot afford to be seen not to be good and honourable members. It is important to remember that none of the major producers of greenhouse gases, such as the United States, Russia and China, are partners to this treaty. Even though they are not part of it, we must compete with them on the international scene because many of their products are exported. If there is not a level playing field they will be at a serious disadvantage. The Minister should bear this in mind when discussing the matter in Cabinet and at European level. While our European partners have signed up to it, we must look further afield to see where the competition will come from in future — countries such as China.

I welcome the opportunity to contribute on this Bill and commend it to the House.

Mr. Hogan: I welcome the Minister to the House. This is the seventh Finance Bill that he has brought to the House and it may be his last — we cannot predict the future, even when the Tánaiste is organising the reshuffle, not the Taoiseach.

The concept of a low tax economy has been good for everyone and I agree with the Minister's philosophy of lowering the tax rates on personal income and capital. He is following the Fine Gael philosophy on taxation and the good work done by the Fine Gael-led rainbow coalition on corporation tax that was agreed at EU level during the 1994-97 Government. The seeds were sown then for a buoyant economy that allowed expenditure to go unchecked for a period before the last election.

To be fair to the Minister, he made no apologies for the 20% increase in public expenditure. He said afterwards that his job was to win the election. He has, however, made major strides since then to bring the nation's finances under control and we now have single digit growth in expenditure. The Minister is attempting to get better value for money, although he is not getting the co-operation he should from other Ministers. All Departments can become more efficient.

I am frustrated when I see the media concentrating on protests at Carrickmines, slugs in Kildare or delays in other infrastructural projects around the country. These projects are vital to the country but a handful of people are abusing their position to generate noise which is not in the interests of the common good. Millions of euro extra are required to pay the resultant bills. I also wonder about the role of consultants and their charges. How are they policed?

The atmosphere in 2004 is different from that of two years ago. There is a problem with infrastructure and I welcome the slight relaxation in the EU rules for Government borrowing that will allow some new projects to commence. I hope the Minister for Finance will be in a position to assist the Minister for Transport to complete the ring road extension in Kilkenny. It has been on the agenda for a long time and many commitments have been given by Fianna Fáil politicians to fast-track the project but it appears that Fianna Fáil politicians in my area do not have the ear of the Minister for Finance or any other Minister when it comes to the ring road extension. I ask the Minister to look at it personally with his colleague the Minister for Transport to see if that major piece of the infrastructural jigsaw can be added in 2004 to ensure there is proper management of the local economy.

Young people face enormous pressure in the housing market while huge sums come into the Department of Finance from housing levies and indirect taxation. The topsy-turvy development of housing policy through the Bacon reports has not stabilised the housing market for young couples. More and more of their parents' income is required to help them to get on to the property ladder. Imagination is required to assist young people in getting on to that ladder. The three bedroom semi-detached house will cost more this year as a result of the development levies imposed by the Government to find the money for sewerage, water and road services.

There is pressure in the jobs market. In 2003, we saw the highest number of redundancies recorded in the past ten years. This is due to our higher costs. We are the dearest country in Europe according to the living standards index and disposable income does not stretch as far as it did some years ago. This will become worse for people because the Finance Bill does not index link tax credits for the first time in many years.

[Mr. Hogan.]

The Minister of State at the Department of Enterprise, Trade and Employment, Deputy Fahey, understands that insurance is still a major issue for people. In spite of the insurance reform package the Tánaiste has tried to implement, there is no sign of a reduction in insurance premia for small businesses. We must be more assertive in reducing the costs for processing claims and generate more competition in this market. The only way we will get competition in the insurance market is through cross-country trading.

This Finance Bill will increase diesel charges, a retrograde step that will add further costs to employment and business. The pressure from eastern Europe and the Far East in manufacturing employment is strong enough to dissuade us from adding further stealth taxes in the form of higher diesel charges.

The research and development tax credit is welcome but it is too restrictive. The Tánaiste's investment in Science Foundation Ireland is worthwhile but we need a more liberal regime to attract more research and development investment from the private sector and from foreign companies. The challenge in competitiveness was brought to the attention of the Government in 2001 but all we have seen since are stealth taxes and indirect taxes on employers. We are not fast-tracking infrastructural investment and we are not strong enough in research and development to have a meaningful impact on diversification in projects. Commercialisation of research and development is the way forward.

I welcome the extension of reliefs for urban renewal schemes. They played a major role in getting rid of the blight of derelict sites and built up many of the core centres in our towns and cities. The town renewal scheme should be reviewed, however, because it is too restrictive. The reintroduction of a proper renewal scheme would go a long way to helping communities that wish to help themselves in building on the great work done in the 1980s and 1990s. Tidy towns groups and community organisations made the best use of the fund to ensure towns and villages were pleasing to the eye and it generated activity in the local community.

The Hanly report calls for the downgrading of many county hospitals. There are centres of excellence but there must also be general hospitals like the one in Kilkenny. The threat in the Hanly report will be resisted in every local community.

This Finance Bill has been introduced in a different context from previous Finance Bills because of the pressures people face. Those pressures should be examined before the budget in 2005 so the Government can reduce the costs faced by people and ensure that the cost of living is more compatible with household incomes.

Mr. Deenihan: The Bill has been described as a minimalist exercise. It is the shortest of the

Finance Bills, at 160 pages, introduced during the Minister's time in office. Its most notable provisions relate to tax reliefs. The Minister has followed through on his budget promise to extend a range of property reliefs under mid-2006 despite the fact that after the introduction of last year's budget and Finance Bill he received many plaudits when he said he would scrap them. I welcome the extension of the urban and rural renewal schemes — we do not benefit from the rural renewal scheme in Kerry, but we should. These schemes are important in generating economic activity in rural areas, including in the west, and go some way towards offsetting the obvious differences between the east and west of the country. The film relief scheme was also extended.

The Minister responded to calls over a number of years from business and tax advisers to change the legislation to encourage holding companies and corporate headquarters to establish here. A generous package of changes should allow Ireland to compete with other locations, particularly the Netherlands, to attract the European headquarters of major multinational operations.

A similar provision to attract high profile investment in research and development is behind the new tax credit in this area, although the initial reaction of business was rather cool and not over-enthusiastic. Nevertheless, the Minister could improve the provision on Committee Stage and make it more attractive.

There is not much more in the Bill than what was announced on budget day. The Revenue Commissioners are to be given new powers to examine the records of foreign subsidiaries of Irish financial institutions to underpin their existing trawl in this area.

I wish to refer to a few specifics in the Bill and to suggest a few amendments. When I was Minister of State at the Department of Agriculture some years ago, land policy was one of my areas of responsibility. I introduced proposals on land leasing and I improved the existing arrangement substantially. That was the first time we tied it into the taxation system. I am glad the Minister has moved on this incentive and made it more attractive. The one way we will loosen up land is by exempting from taxation in so far as possible land that is leased. Because of decoupling, the flight from the land and the large number of farmers getting out of farming, a large area of land will be available for leasing, but landowners will not lease it if such revenue accruing from it is subject to tax. Therefore, this is a good provision. The Minister should also examine the social welfare system in this regard. There are many old people who have land but if they lease it, they will be penalised in terms of their old age pension payments. An exemption should also apply in that respect similar to that which I introduced in respect of REPS payments seven years ago, whereby half of a participant's REPS payment is exempt from tax.

I welcome the exemption for the film industry. I thought the tactics pursued by the Government in this area were extraordinary. On the one hand, the Minister raised various questions about film relief in response to my raising the matter on numerous occasions, including a response to an amendment I tabled to the Finance Bill 1998 while, on the other hand, the Minister, Deputy O'Donoghue, was the champion of the relief. Despite the reservations raised by the Minister on numerous occasions, he was credited with winning the argument. Therefore, the Government did not lose. It was accused, on the one hand, with removing the relief and, on the other hand, the Minister was credited with winning it back. It is strange politics that is being pursued by the Government, but it seems to be effective and obviously it is orchestrated.

While I welcome the extension of film relief from 31 December 2004 to 31 December 2008 and the capping from €10.5 million to €15 million per film, momentum has been lost in the Irish film industry. Ardmore is empty at the moment. There was a promise that "Artemis Fowl" would be shot at Ardmore, but it is still in negotiations. Damage has been done because of the uncertainty created by statements made by the Minister for Finance in this House on that whole debacle. Those of us with some connection to the film industry warned about such damage being done, but it was not heeded at that time and damage has been done.

I regret that the Minister had to leave the House because I have a number of specific amendments I would like him to include in the Bill. Under section 25(1) of the Finance Act 2003, the annual rate of writing down allowances on hotels was reduced from 15% to 4% in respect of expenditure included post 4 December 2002. However, there were exemptions, for example, in the case of "a planning application (not being an application for outline permission within the meaning of section 36 of the Planning and Development Act 2000) in respect of the building or structure, made in accordance with the Planning and Development Regulations 2001 to 2002, [and] an acknowledgement of the application, which confirms that the application was received on or before 31 May 2003 ..." There were exemptions for those categories.

I know of one such instance, in which I have an interest, a hotel in Listowel where outline permission was granted well before this date. Unfortunately, the impression was created that if full outline permission was granted that was sufficient because the legislation mentioned full outline permission made, but there is a subtle difference there. I have spoken to one of the senior officials dealing with this matter because such provision could mean the difference between having or not having a hotel in Listowel. I asked the official to examine it and give a concession in respect of outline planning permissions received prior to the cut-off point of 31 May. There are very few such projects. Any

structure for which outline planning permission was granted prior to 31 May and for which full planning permission for the same building was granted prior to 31 December 2004 should be exempt.

I wish to raise the taxation allowance for inter-county footballers and hurlers, a matter I raised some time ago. I totally support the GPA's campaign to extend to inter-county footballers and hurlers the provision in the Finance Act 2002 that they should be granted an appropriate taxation allowance. They believe the allowance that was included in that Act should be structured on a broader, inclusive basis such that those who play a lead performance in other amateur sporting codes are in a position to avail of this provision. The GPA proposes a taxation allowance attributable to lead sports people, falling outside the scope of the Finance Act, who compete at a level defined, subject to certain criteria. The issue of criteria applicability is contentious.

I am aware the Minister is concerned about the term "amateur" being equally attributable to weekend golfers as to inter-county footballers. The GPA has conducted discussions with the Sports Council and it has come up with an amendment, which I will table on Committee Stage, which, in one way, would be restrictive, but in another would put in place what is deemed necessary for inter-county players, footballers and hurlers, to enjoy this relief. Inter-county footballers and hurlers are now professional in every sense except that they do not get paid. They are making a lot of money for the Government through the various schemes throughout the country. They are unsung heroes and are generating massive amounts of money in the economy without receiving any benefit. The tax relief would reward them to some extent.

I will table a Committee Stage amendment on VAT for non-resident entertainers who come to Ireland. Festival organisers are liable to pay VAT at a rate of 21% on fees they pay to non-resident performers whereas performers from this country are entitled to a tax exemption. This is a major anomaly.

Mr. Kehoe: Like Deputy Deenihan, I support the GPA proposals. Something should be done for footballers and hurlers by way of tax relief.

I listened with interest and amazement to some of the speakers on the other side of the House who spoke about what the Government has done to attract foreign investment. They must not be aware of what has been happening over the past two to three years. The Government has totally failed to attract foreign investment and larger multinational companies are no longer encouraged to come to Ireland. In my constituency of Wexford, many of the major factories have closed and moved to eastern Europe or elsewhere, where they can avail of cheaper labour. Other factories have downgraded because they are not getting the orders from

[Mr. Kehoe.]

other countries, which they would have got in previous years. This is very worrying.

I know we have reduced incentives for workers but we must examine who is really supplying the labour. Deputy Hogan mentioned the cost of insurance and the phenomenon of rip-off Ireland. Fine Gael has hosted a website on this for some time and it has had many hits. One of the main issues raised by those who e-mailed the website is the cost of insurance for companies and the cost of wages. It is a matter of cost over cost every time.

I visit factories on a regular basis to see how they are getting on. As I stated, they are not receiving the orders they got five or six years ago. This is very worrying and must be addressed immediately. If we do not do so, most of our bigger multinational companies will be gone in a couple of years. Not many have come to Ireland in recent years and more have been going than coming. The IT industry provided great employment throughout the country but I am worried that we will be in major difficulty if it fails.

Other speakers referred to the distribution of wealth. When I stay in Dublin and walk back to my place of accommodation, I note that there is an unbelievable number of homeless persons on our streets. This worries me greatly. Without the great work of some of the voluntary agencies, who go on sandwich runs and deliver hot drinks to the homeless, we would be in very serious trouble. The rich are getting richer and the poor are getting poorer. I would not have to walk too far from the gates of Leinster House on Kildare Street to see homeless people sleeping in doorways and seeking shelter. They have no money to get accommodation and the hostels are full. We should consider this matter seriously. Night after night, we see that the same people are homeless.

Some Members spoke on the Hanly report, which I feel very strongly about, even though Wexford General Hospital is not yet directly involved. However, it is one of the hospitals that is to be downgraded. Waterford Regional Hospital will be the centre of excellence. It will be very sad if a pregnant woman who needs to go to hospital or a person who needs to go to an accident and emergency department must travel from Wexford to Waterford to be treated.

If we are to run a proper health care system, we should have a service in every county. Deputy Cowley stated that nursing home-type hospitals will come into being. This is exactly what will happen. If somebody has a very bad accident in Fethard in the south of my constituency or in Gorey in the north, he or she will have to travel up to 100 miles to a hospital which is meant to be a centre of excellence and that could put the person's life in danger. In the past two or three weeks, many people have died because they have not got the proper services in their general hospitals. I do not want this to happen in

Wexford General Hospital. I want it to be left the way it is. I hope that when it comes to the crunch, all five Deputies in Wexford will try to save the hospital and maintain its existing services. I hope they will not be in favour of the Hanly report.

I hold clinics on a weekly basis and very often I hear people complain that they have to pay the full cost of keeping their elders in a nursing home or that the nursing home subvention is inadequate. We have carers in the home who are not being rewarded for their work. Those being cared for are not able to get any home help or perhaps they get two hours' home help per week although they need ten. Some older people are being left at home with nobody to care for them. These problems are very worrying.

During every local and general election campaign since 1986, we have been promised an extension for St. John's Hospital, Enniscorthy, which has a unit for geriatrics. I know my party was in government for four years or so at the time the extension was promised but a Fianna Fáil Government was in power for 90% of the time since then. Fianna Fáil made promises before every election and did so again after Christmas because of the upcoming local elections. The Government will tell the people of Enniscorthy that building will commence but this could be another empty promise. However, I will make sure it is honoured.

The position on the disabled person's grant and the home improvement grant from the health boards is an absolute joke. In my town of Enniscorthy, a certain woman has been waiting for a small extension to her house, including a toilet, for the past two and a half years. The health board states that it has no money, yet it underspent in the order of €6 million. I call on the Minister to incorporate the disabled person's grant and the home improvement grant, even though it might not be in his remit. Many Deputies across the House have called for this and something should be done about it soon.

Deputy Higgins spoke about the cost of housing and the fact that people are unable to get on the property ladder. As a young person, I know that people working in not so well paid jobs, with both partners working, cannot afford to get on the property ladder. VAT increases, extra development charges and other charges are worsening their position. They are going on council housing waiting lists and this is driving waiting lists through the roof. In Enniscorthy a considerable number of council houses have been built over the past two years since I was elected, but the waiting list never seems to get shorter. As a public representative I make representations on behalf of people looking for council houses and I am amazed by some of the people now looking for houses. They tell me that if they could afford to buy or build a house they would not come looking for a council house, that if they got some incentive to provide their own housing they would do so. They are given no incentive whatsoever to buy or build their own house.

The extra charges that have come into effect over a short time since the first-time buyer's grant was abolished and the charges to be introduced in local authorities at the end of March will push many more people on to the council housing waiting lists right across the country because they will not be able to afford to build or buy their own houses. People who have already bought or built a house are being put to the pin of their collar to pay back the mortgage. Deputy Higgins was right when he said people are working long hours seven days a week, unable to see their families, to pay the bills.

The cost of living has gone up. Nowadays people cannot afford to go out to socialise because they have to pay large mortgages on their houses, whereas many years ago people went out on a Friday, Saturday or Sunday. However, now people are genuinely unable to go out for a meal with their spouse or partner because the cost of living has gone through the roof in the past few years.

Road bypasses are another hobby horse of mine. In my constituency we are waiting for three of our towns to be bypassed, Gorey, Enniscorthy and New Ross. These bypasses, as well as two rural realignments, the Rosslare Road and Moneytucker to Jamestown, have been promised by many Ministers. The completion of a bypass in 2002 was laudable. It was to be the greatest day of all prior to the general election in 2002 and the Minister for Transport was to come down to open the new road but some landowners had not been paid for their land. At present there are ten or 15 farmers involved in the Camross bypass and most of them have been paid, but there are three farmers who have not yet been paid for their land, and that case goes back to 2002. We must get our house in order and find out why these people have not been paid. The Gorey, Enniscorthy and New Ross bypasses are crucial if we are to attract factories and so on. We need to have the infrastructure to create some incentive for multinational companies to come to Wexford and many other counties.

Deputy Hogan spoke on urban and village renewal. Under the rainbow coalition comprising Fine Gael, Labour and Democratic Left, the former Minister for Agriculture, Food and Forestry, Ivan Yates, introduced urban renewal to Enniscorthy and it transformed the town. Two hotels and a swimming pool were built. The Department of Agriculture, Food and Forestry was decentralised to parts of Enniscorthy and to Johnstown Castle. All this improved the town. It is telling that we had two senior Ministers at the Cabinet table, former Deputy Ivan Yates, and Deputy Brendan Howlin, but unfortunately we have no Minister now. I call on the Government to seriously examine urban renewal and give people an incentive to improve town centres.

Village renewal is also important. There are many villages in my constituency. One is Duncormick and there are others in the Wexford, Gorey and Enniscorthy areas. If there

was an incentive those villages would be improved. The Minister should seriously consider giving people, voluntary organisations, builders and so on an incentive to improve rural villages and give a boost to rural areas. It would greatly improve the landscape if there was some encouragement of village renewal.

I compliment some of the voluntary organisations and agencies, Age Action Ireland, CORI and others, for bringing to our attention the failings of the Government. There are some frightening statistics in their reports. I call on the Minister for Justice, Equality and Law Reform to look seriously at their reports because they are working on the ground and see exactly what is happening.

Mr. Durkan: I am glad to have an opportunity to say a few words on this Bill. I used to take pride in the fact that I spoke on every Finance Bill, but unfortunately when the rules of the House changed it became more and more difficult to participate. Hence, one catches up occasionally.

In the context of this Finance Bill, it would be no harm to review progress to date. The Government will want to take credit for all the positive aspects and none of the blame for the negative aspects. We need to assess the economic concepts that have been pursued for the past few years. The Government states that it has a low taxation policy. That is meant to be positive because everybody is supposed to benefit. The problem is that we do not have low taxation levels because there is a multiplicity of what I would call "sneak" taxes which have been imposed by various bodies and institutions in such a way as to compensate for losses incurred by the Exchequer in the pursuit of the so-called low taxation policy.

There is another problem. We have a poor health service. We need to make up our minds what we want. I know the response from the

Government side will be to ask whether we want higher taxation. My

response to that is simply to ask do we want a proper health service and do we have one now. The answer is that we do not. Nor is there a possibility of one in the foreseeable future. Do we have a proper education service? Are our educationalists housed in proper schools? The Chair will be familiar with this territory. How many schools throughout the country are substandard in structure, with children sitting in corridors. School officers and boards of management must literally beg and become involved in an undignified scramble for the words from the Internet which tell them whether they are lucky or unlucky. That is another part of the downside of present economic policy. Is that good for the economy? Is that positive? To what extent does Government take responsibility for that?

In order to explore the positives Government should take full responsibility for the

3 o'clock

[Mr. Durkan.]

consequences. For example, do we have law and order? The prisons are going to be closed, according to all reports. I do not know what will happen to the prisoners. We apparently do not have law and order. There is general public recognition that there is a serious deficiency in that area. According to Government we have low taxation — or do we? We certainly do not have law and order.

Do we have housing? Does the Government care about the housing situation? Various speakers have talked about people sleeping on streets in the capital city. What about all those who are virtually homeless — the 48,000 who are on local authority housing lists? When one raises this the best the local authorities can do is count them again or they ask for a further application form to be sent in to update the file. What about all those who are not eligible to be housed by a local authority whose income is more than €32,000 *pr annum* and who are expected to buy a house in the present market for €300,000? To what extent is the Government addressing the housing needs of the people? Its record in that area is appalling. A basic ingredient in any community and in the life of any family is the right to have a home. That has long since gone from people's grasp and for as long as this Government is in power, it will not be within their reach. There have been section 23 and other incentives of all descriptions to encourage virtually everything except the provision of houses for the first-time buyer. Why is that?

Others spoke about the disabled person's grants. Given the much-vaunted economy we have been living in over the last few years, I would have expected the Government to produce some initiatives. In the year of the Special Olympics or the year after, there should have been some initiative for people with disabilities who are applicants for disabled person's grants through the various local authorities. I would not have expected the Government to have frozen the number of grants available to such people over the last 12 months in order to make ends meet. The Government should have shown some compassion and said: "This is a deserving cause, we should be seen to be doing something for these people now, and we will do it." Not only did the Government freeze the money, it also forced the unfortunate applicants to go through a procedure that takes about a year. This procedure is time wasting, costly and frustrating. The victims are those who are least able to cater for themselves and who are dependent on society to help them out. They have been disappointed.

Previously we were a low-wage economy. Now it is the national objective to become a high-wage economy — a sophisticated group of people. This is something we have aspired to — we should always aspire to these things, of course. Now we are looking more steadfastly at the notion of the high-wage economy. However, in the last couple of years we have seen the relocation from this

country to lower wage economies of several thousand jobs. These economies may well have the ability to become high-wage economies much quicker than Ireland. They may be competing with us in a couple of years as high-wage economies as well. It will not take them as long as we think. They have both the tradition and the technology to avail of opportunities now.

A number of things that have happened in this country over the last ten years need to be questioned. We need answers and we do not get them. There was a discussion in the House yesterday about the famous marina in Kenmare, County Kerry. What is there in the end? A pile of rubble. It cost €600,000 or €700,000. It was not authorised so there is much work now involved in removing the material in wheelbarrows that was used in this particular complex, for whatever reason. It was an experiment, I presume, that went wrong. We must question why it went wrong. Who supervised it? Who authorised it? We heard about that yesterday, as well. On what basis was it proceeded with? Who was fired when it did not go right? When the project had to be demolished, who was called in and told in effect: "I am sorry, but your services are no longer required — and to ensure this does not happen again, you are gone."

We had an ongoing debate about a sewerage scheme on Mutton Island in Galway, from my days on the Public Accounts Committee and on the Joint Committee on European Affairs. Various people came forward with a good idea. Environmentalists, who may or may not have been right, came forward with a good idea, but it was not coterminous with the first one. The result was great amounts of money were spent in continuing, redrawing, delays, further delays, appeals, objections, appeals to commissions and appeals to different Commissioners. One Commissioner supported the project and another was totally opposed. In the end the unfortunate taxpayer and the Irish economy paid again.

I am glad to see my good colleague, the Minister for Finance, Deputy McCreevy in the House now.

Mr. McCreevy: I am delighted to see the Deputy.

Mr. Durkan: He, like myself, will be familiar with the *angistor vertigo*, the whorl snail that held up the Kildare bypass for several years.

Mr. McCreevy: It cost many millions of pounds.

Mr. Durkan: It cost millions. This is serious, as the Minister knows. A serious problem exists in the country. Unless it is dealt with the institutions of the State will fall into disrepute. This slug decided that he had greater rights than the people who were parked on the roadway trying to get through Kildare town. For five years or thereabouts the bypass was held up. The exact number of millions lost escapes me, but questions

need to be answered. When did it become known that this little animal had to be protected and how imperative was this? What was the total cost? How was it that the project designers in the beginning were not aware of his existence? When they became aware of it, why were immediate steps not taken to ensure the delay was minimised? If these questions cannot be answered the people concerned need to be told, in effect: "I am sorry, but this is a mess and is costing millions. We must dispense with your services because we do not want a recurrence."

Mr. McCreevy: We also need a post-evaluation to find out where he is now.

Mr. Durkan: That is the next question. It is time we looked at these things.

Ms Burton: He is in Prosperous.

Mr. Durkan: I am clear in my mind that he is not at all unique. There are several of his species all over the country——

Ms Burton: Would he be in Leinster House?

Mr. Durkan: Some of them have been in here as well.

I have looked at television over the last couple of weeks and heard Carrickmines Castle being mentioned. This is another area of public expenditure. I would have thought the planners and architects would have been aware of the ruins at Carrickmines. I am informed An Taisce was happy for the project to go ahead and gave it the all-clear. However, another problem arose and the matter went to court. I am now informed that the cost and loss to the Exchequer in terms of extra expenditure as a result of the procrastination of this element of the scheme is €50 million. We cannot allow this nonsense to continue without calling in those concerned to find out how this happened and how they propose to prevent it happening again.

I am not suggesting people should not have a right to object, rather that if objections are not well founded and the procedures have been gone through *ad nauseam*, there must come a time when the question of cost arises. Everyone involved in this case has had a great laugh at the expense of the Irish and European taxpayer. Something must give at some stage. I have tabled a series of questions on this matter to all Departments. We must ensure that people's right to object and counter-object are protected but such objections do not go on forever. Unless action is taken in the near future, the economy will come to a halt because no one will want to invest in Ireland. I am informed that US investors now look carefully at Ireland before locating here.

Ireland's competitiveness, or lack of it, was referred to by other colleagues and my party leader. The issues about which I have already spoken contribute in a positive or negative way

to our competitiveness, or lack of it, and all are part of the extra costs borne by the taxpayer, businessman or investor. Eight years ago, Ireland was one of the most competitive countries in the world. We have come from that positive position to being among the least competitive countries. This may well be part of the strategy to achieve a high wage economy, the benefits of which I am not too sure about, but we are losing heavily in terms of competitiveness. The economic consequences of continuing on that route will be serious. I have tabled a number of questions on that issue to the Minister for Finance and am quite sure he is of the same opinion because his replies indicate that is so. However, the show goes on and we continue in the same direction.

The one minute remaining to me is not sufficient to encompass all the nasty things I would like to say about the negative elements of the economic policies being pursued by the Government. I bear no acrimony towards the Minister who is my constituency colleague. He is a decent man and I am fond of him, but there comes a time when one must call a halt to nonsense. We should call a halt to that nonsense as soon as possible. The public should take this opportunity to consider the promises made to it a year and a half ago when there was good feeling throughout the country and when people felt that, while we were not yet in Utopia, we were definitely knocking at its door. We must ask the Government when it will take the plunge, apologise to the people for its actions and provide them with an opportunity for retribution. I hope it will be sooner rather than later.

Minister for Finance (Mr. McCreevy): I thank all Deputies who contributed to the debate yesterday and today.

Deputy Richard Bruton emphasised the importance of a strategic approach to our economic development and there we agree. However, I do not accept his view that there is a lack of strategy in what we do or that the budget process militates against prudent economic and financial planning and reduces parliamentary scrutiny. The budget booklet contains more than 160 pages of detailed and explicit information on economic and budgetary strategy, medium and long-term.

This House debates the budget, the Estimates and the different tax provisions announced in the budget and implemented by way of the Finance Bill. Deputy Bruton referred to the challenges to competitiveness, the Lisbon agenda and learning lessons from Europe. Our economic strategy is the envy of many member states and is widely praised by all the main reputable economic commentators. Reference is often made at ECOFIN and at European Commission level to lowering the tax burden on labour and capital to stimulate the EU economy and of the need to keep the ratio of public spending to gross domestic product low to allow Europe to regain competitiveness. These policy prescriptions are

[Mr. McCreevy.]

shared by right and left in Europe and have been already implemented by the Government.

Many Deputies spoke on various aspects of tax incentive schemes. Deputy Burton appears confused between the unacceptable practice of exploiting tax loopholes and citizens legitimately availing of explicitly designed tax incentive schemes to promote particular objectives. My track record in closing off tax loopholes stands for itself. In each Finance Bill, I have introduced measures to tackle creative attempts by tax advisors to use legislation in an unintended way. The debate on tax incentive schemes deliberately included in tax legislation for specific public policy purposes is a different one. On the one hand such schemes provide undoubted economic and social benefits. On the other, they narrow the tax base, have a cost, and inevitably are used by high earners to reduce their tax bill. A judgment must be made as to whether the advantages outweigh the disadvantages but it is misleading to suggest that availing of tax incentive schemes provided for in legislation is artificial tax avoidance. This is true whether schemes are, as described by some Deputies, good or bad.

Deputy Bruton made a series of comments on how the case for tax relief should be made, costed and assessed. However, this was not the practice when the parties opposite were last in Government. One need look no further than the seaside resorts scheme introduced by Deputy Quinn in 1995. I supported that scheme, but that relief was introduced without precise data on its potential cost. It was also extended, following extensive lobbying, from the original eight resorts announced on budget day to 15 resorts by way of amendment on Report Stage of the Finance Bill.

Various important and wide-ranging ministerial amendments were tabled on Report Stage of Finance Bills during my time as Opposition spokesperson on finance from 1995 to 1997. Also, the multi-storey car parks scheme was introduced by way of amendment on Report Stage of the Finance Bill 1995 and was extended to new areas in 1996, also on Report Stage of the Finance Bill. Similarly, 11 new enterprise areas were made eligible for special tax reliefs by way of amendment on Report Stage of the Finance Bill 1997. Many Opposition Deputies think that the various area-based schemes were of benefit to investors only. This is not the case. Several other Deputies spoke of their benefits. Last night Deputy Curran instanced the difference such a scheme made to Rowlagh, Clondalkin, and stated how much the local authority welcomed the time extension which allowed more time for projects which had required a great deal of encouragement and planning to be completed. For the information of Deputy Bruton and others, I have received extensive representations on the benefits of the extension of such schemes from Deputies on all sides of the House.

Mr. R. Bruton: Will the Minister give way?

Mr. McCreevy: Yes, provided the Deputy does not take up too much time.

Mr. R. Bruton: The Minister is making a good argument in favour of my proposal to establish a protocol to govern these schemes so that the benefits and costs can be accurately weighted. He is endorsing what I said, not rebutting it.

Mr. McCreevy: The benefits and costs of these schemes are always evaluated. Some of the schemes I have introduced have had tremendous benefits and others have had no benefit because they were not taken up. For example, I introduced a park and ride scheme and the following year I made it even more attractive to encourage people to take it up. However, no proposal has gone ahead. One proposal had been mentioned. It was a good scheme and, therefore, I made it doubly attractive the following year but it has not been taken up.

Mr. R. Bruton: That is not an argument for lack of assessment of costs and benefits.

Mr. McCreevy: A decision must be made at a particular time to bring in the schemes I mentioned. A trait of socialist parties throughout the world is that one should evaluate and analyse beyond belief and then one eventually ends up with a scheme that is so complicated it never has an effect.

Mr. F. McGrath: That is not true.

Mr. McCreevy: It is much better to make a decision based on the best advice available, implement it and then terminate the scheme when it has fulfilled its policy objective.

Ms Burton: The Minister promised to do that in budget 2003. He said certain schemes had passed their sell by date but then he extended them for his party's supporters.

Mr. McCreevy: The Deputy will be aware the extension is to allow for a logical and more timely cessation of the schemes. Representations were made to me regarding the schemes by Members from all parties.

Deputy Burton asked about the background to the provisions in section 25 relating to capital allowances for hotels in cases where a building is not subject to the Planning and Development Act 2000. Last December the Irish Hotels Federation brought my Department's attention to the scenario whereby the rules for transitional relief for the hotel capital allowances were based on planning applications being made by a deadline, which meant that the relief could not apply where planning permission was not required, for example, for refurbishment works.

I agree with Deputies that better costs are needed in respect of tax relief schemes and my Department and the Revenue are working on this. I am concerned that better information on

ongoing costs should be available. Tax returns for 2004 are being redesigned to require a breakdown of information, which will allow more cost information to be captured on capital allowances, where currently we have no breakdown by type.

I refer to the new research and development tax credit. Section 33 provides that a company will have to specify the relief claimed. This will allow for the capture of cost information. I am pleased with the general welcome given to the research and development tax credit by Members in all parties. While we will discuss the detail of the measure on Committee Stage, I would like to make a few comments in this regard. I do not accept the suggestion that it will not be of benefit to SMEs. The minimum of €50,000 per annum is the base level of research a company must conduct to qualify, not a minimum for the qualifying incremental amount. This is not much more than the cost of one researcher and the associated costs. If a small company spends €50,000 one year and €51,000 the next year, it will get credit on the additional €1,000.

On the separate treatment of research and development buildings, there is no question this will lead to the creation of a new property-based scheme, as a number of Members suggested. Industry representatives put it to us that in an incremental scheme such as ours, the inclusion of major capital expenditure would distort the calculation of incremental spending. The credit is only available to companies using the expenditure themselves, it is not available to passive investors or landlords. If built by a third party and rented by a company, no capital credit is available but the rental cost to the company will be included in research and development spend for calculation of the credit.

On a certification process I consider the normal self-assessment basis for companies with subsequent audit should be the appropriate course. The consensus among those we consulted was that advance certification was one of the factors that militated against the success of the previous scheme.

Deputy Richard Bruton and others suggested that there should be automatic indexation of bands and credits. Decisions on tax must be made each year in the context of the overall budgetary situation and going down the route of automatic indexation could have dangerous consequences in terms of our ability to maintain budgetary flexibility and target resources where they are most needed, as we did this year.

Deputies Richard Bruton, Noonan, Ó Caoláin and others referred to more than half of all PAYE taxpayers paying tax at the higher rate in 2004 and suggested that the Government has abandoned its policy of having 80% of income earners pay tax at no more than the standard rate. It gives the wrong impression to suggest that approximately half of all PAYE taxpayers are paying tax at the higher rate this year. If one refers to taxpayers rather than income earners,

perversely, the more people exempted from tax, the higher the percentage of taxpayers paying the top rate, even if there is no increase in the numbers.

Deputy Noonan also mentioned shifting the basis for comparison. This was necessary once we moved from tax allowances to tax credits, otherwise we are not comparing like with like. Under an allowance system one does not enter the top rate band until allowances are used up while under the tax credit system the bands apply from the first euro with credit deducted afterwards.

Deputies Dennehy, O'Keeffe and others pointed to the reduction in the tax burden for those on average incomes. Since 1997 the average tax rate for a single worker on the average industrial wage has reduced by ten percentage points from 27% to 17%. In addition, it is expected that in 2004, those earning at or under the average industrial wage will contribute approximately 6% of the total income tax take. The equivalent percentage in 1997 was 14%. The figures speak for themselves.

I was asked about the change to the leasing provisions in section 35. This provision is designed to address specific issues that arise from the phasing out of the IFSC regime. There is considerable business and employment in leasing short life assets. Accordingly, 100% capital allowances are available in year one. Once the IFSC regime is fully phased out, such business will fall under the normal capital allowance regime of eight years, in which case it is unlikely business would continue to be conducted from Dublin. Allowing accounting treatment in such circumstances is still not as favourable as the current 100% capital allowance regime but it will keep Ireland competitive.

Deputy Connolly suggested that cigarette excise duty had not been increased sufficiently given the objective of discouraging smoking. All excise decisions must be considered in the budgetary context bearing in mind a number of factors, including the impact on inflation. Ireland has the second highest tax on cigarettes in the European Union.

Deputy Twomey raised the issue of tax concessions for patients in nursing homes. Nursing home expenses can be claimed as medical expenses at the marginal rate of tax. I amended the scheme to allow the expense to be claimed when paid by a family member or others on behalf of someone.

I note the welcome for the improvement in the farm leasing exemptions. However, I do not accept Deputy McGrath's suggestion that the provision is anti-family. A standard anti-abuse provision in a number of areas of the tax code is to disallow leases between connected persons.

I note the comments regarding the Revenue powers group report. I published the report before considering implementation of the recommendations to facilitate a debate on the issues raised. With regard to the issue of

[Mr. McCreevy.]

structures for prosecutions, also raised in that context, Members will be aware that the Government asked the Law Reform Commission to examine the question of a fiscal prosecutor and a Revenue court. The Law Reform Commission produced a consultation document in July 2003 and it will produce its final report soon. Members will find it of interest to consider the issues examined in that report, with the Revenue powers group report.

Many Members mentioned the clarification in EUROSTAT rules on accounting for public private partnerships under the Maastricht

criteria. Like others, I welcome this greater clarity in how the rules will be applied. For once, however, I agree with an editorial in *The Irish Times*, which reminds us that whatever rules govern the calculation of the deficit for EU purposes, the need to ensure value for money in all investments remains paramount. That is sound advice indeed.

Time does not permit me to respond on all the points raised but I look forward to Committee Stage, which will offer an opportunity for a more detailed discussion.

Question put.

The Dáil divided: Tá, 71; Níl, 56.

Tá

Ahern, Dermot.
Ahern, Michael.
Ahern, Noel.
Andrews, Barry.
Ardagh, Seán.
Aylward, Liam.
Brady, Johnny.
Brady, Martin.
Callanan, Joe.
Callely, Ivor.
Carey, Pat.
Carty, John.
Cassidy, Donie.
Cooper-Flynn, Beverley.
Coughlan, Mary.
Cowen, Brian.
Cregan, John.
Davern, Noel.
Dempsey, Tony.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Fahey, Frank.
Finneran, Michael.
Fitzpatrick, Dermot.
Fleming, Seán.
Fox, Mildred.
Gallagher, Pat The Cope.
Glennon, Jim.
Hanafin, Mary.
Haughey, Seán.
Hector, Máire.
Jacob, Joe.
Keaveney, Cecilia.
Kelleher, Billy.
Kelly, Peter.

Killeen, Tony.
Kirk, Séamus.
Kitt, Tom.
Lenihan, Brian.
McCreevy, Charlie.
McDaid, James.
McDowell, Michael.
McEllistram, Thomas.
McGuinness, John.
Moloney, John.
Moynihan, Donal.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M. J.
Ó Cuív, Éamon.
Ó Fearghaíl, Seán.
O'Connor, Charlie.
O'Dea, Willie.
O'Donnell, Liz.
O'Donovan, Denis.
O'Flynn, Noel.
O'Keeffe, Batt.
O'Malley, Fiona.
O'Malley, Tim.
Power, Peter.
Power, Seán.
Ryan, Eoin.
Sexton, Mae.
Smith, Brendan.
Smith, Michael.
Wallace, Dan.
Walsh, Joe.
Wilkinson, Ollie.
Woods, Michael.
Wright, G. V.

Níl

Boyle, Dan.
Breen, Pat.
Broughan, Thomas P.
Bruton, John.
Bruton, Richard.
Burton, Joan.
Connaughton, Paul.
Connolly, Paudge.
Costello, Joe.
Cowley, Jerry.
Crawford, Seymour.
Crowe, Seán.
Cuffe, Ciarán.
Deasy, John.
Deenihan, Jimmy.
Durkan, Bernard J.
English, Damien.
Enright, Olwyn.

Ferris, Martin.
Gilmore, Eamon.
Gormley, John.
Gregory, Tony.
Higgins, Michael D.
Hogan, Phil.
Howlin, Brendan.
Kehoe, Paul.
Lynch, Kathleen.
McCormack, Padraic.
McGinley, Dinny.
McGrath, Finian.
McGrath, Paul.
McHugh, Paddy.
McManus, Liz.
Mitchell, Gay.
Mitchell, Olivia.
Morgan, Arthur.

Níl—*continued*

Murphy, Gerard.
Naughten, Denis.
Neville, Dan.
Noonan, Michael.
Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
O'Dowd, Fergus.
O'Sullivan, Jan.
Pattison, Seamus.
Penrose, Willie.

Perry, John.
Quinn, Ruairí.
Rabbitte, Pat.
Ring, Michael.
Ryan, Eamon.
Ryan, Seán.
Shortall, Róisín.
Stagg, Emmet.
Upton, Mary.
Wall, Jack.

Tellers: Tá, Deputies Hanafin and Kelleher; Níl, Deputies Durkan and Stagg.

Question declared carried.

Finance Bill 2004: Referral to Select Committee.

Minister for Finance (Mr. McCreevy): I move:

That the Bill be referred to the Select Committee on Finance and the Public Service, in accordance with Standing Order 120(1) and paragraph 1(a)(i) of the Orders of Reference of that committee.

Question put and agreed to.

Ceisteanna — Questions.

Priority Questions.

EU-US Relationship.

1. **Mr. G. Mitchell** asked the Minister for Foreign Affairs his views on the importance to both North America and the European Union of the transatlantic relationship; his views on the sentiments expressed by Ambassador Kenny of the United States of America (details supplied); his further views on whether Ireland is ideally placed, in terms of geography, culture and history to advance the American-EU partnership; and if he will make a statement on the matter. [4425/04]

2. **Mr. M. Higgins** asked the Minister for Foreign Affairs if it is expected that there will be a visit by President George Bush of the United States of America during the Irish Presidency; and the details of such talks as have taken place between officials of his Department and others. [4388/04]

Minister for Foreign Affairs (Mr. Cowen): I propose to take Questions Nos. 1 and 2 together.

An EU-US summit is expected to take place during the Irish Presidency. Discussions are ongoing with our US colleagues to finalise arrangements, including possible dates and locations. EU-US summits take place on an annual basis. They provide an opportunity at the highest level of Government on both sides to review important issues of shared interest and concern, to arrive at decisions for joint or

complementary work and to address issues where there may be differences between us.

This year's summit provides a good opportunity to restore stability and vitality to the EU-US relationship. It is fully acknowledged that the relationship has been through a very rocky period over policy on Iraq. There has been a noticeable improvement in the relationship over recent months. Our aim as EU Presidency is to build on this improvement and deliver a summit that reconfirms the importance of EU-US partnership for our citizens and for the broader international community.

Our reasons for doing this are simple. A co-operative and productive partnership between the European Union and the United States is critical to the prospects for long-term growth, stability and prosperity for our own citizens and for the broader international community. The EU and the US are each other's main trading partners and have the world's most important bilateral investment relationship, with the total two-way trade and investment amounting to approximately €2 trillion.

The EU-US partnership is also key to addressing many of the issues on the international agenda. The best way to restore confidence in the relationship is to focus on pragmatic co-operation on specific issues. On the political side the EU and US are working closely on the Arab-Israeli peace process and on wider relations with the Middle East region and on Afghanistan, Iraq and North Korea — to single out a few of the dossiers — as well as co-operation on issues such as non-proliferation and counter-terrorism. On economic and trade issues, too often the media focus tends to be on disputes rather than on areas of co-operation. For that reason, I believe it is important to put these differences into perspective and to concentrate on the positive economic agenda between the EU and the US, while effectively managing the small number of outstanding disputes, which account for less than 3% of overall trade.

Of course, it is not possible to be in full agreement on all issues but it is important that both sides try harder to manage such differences in a way that avoids damaging the overall relationship.

I very much welcome the positive views reflected in US Ambassador Kenny's article of 6

[Mr. Cowen.]

February 2004, referred to by Deputy Mitchell. The momentum to restore and revitalise the EU-US relationship is coming from both sides, which augurs well for a successful summit during the Irish Presidency. I agree with Deputy Mitchell that Ireland is particularly well placed to assist in promoting EU-US relations.

Transatlantic relations also encompass the EU's important relationship with Canada. An EU-Canada summit meeting is scheduled for 18 March and will take place in Ottawa. The Taoiseach and President Prodi will lead the EU side and will meet with the new Canadian Prime Minister Paul Martin. This summit provides an excellent opportunity to add momentum to this important relationship. The summit is expected to conclude a review of the EU-Canada relationship initiated under the Danish Presidency in 2002 and to launch a new trade and investment enhancement agreement.

A close transatlantic partnership is essential for prosperity and growth on both sides of the Atlantic, as well as the broader international community. As Presidency, we will work to reaffirm the strength, depth and significance of these relationships in a spirit of partnership.

Deputy Higgins asked for a list of the meetings which have taken place. There have been a number of meetings at political director level. I met Secretary of State Powell on 25 January when he attended the inauguration of President Saakashvili in Georgia and I will meet the Secretary of State again, together with Xavier Solana and Commissioner Patten, at the EU-US foreign ministerial troika on 1 March in Washington. I will accompany the Taoiseach to the EU-US summit, which President Bush and Secretary of State Powell will attend. In addition, a wide range of consultations will take place between the EU and US at official level, based on mechanisms developed over a number of years to foster co-operation across the full range of political and economic issues. The meetings held within this consultative structure will help prepare for the US summit and some of these scheduled for the Irish Presidency have been held.

Mr. G. Mitchell: Will the Minister confirm that President Bush has been invited to lead the US side at the EU-US summit? I did not understand what he said in his reply. I refer to the article written by Ambassador Kenny and the document published by Fine Gael. The Fine Gael document, an advance copy of which I have given the Minister, makes the case for a transatlantic foundation promoting better co-operation between the European Union and North America, in particular the United States, to be located at Shannon. Does the Minister agree that we have a golden opportunity to promote and advance this idea during Ireland's Presidency? As the European Union expands to the east Ireland becomes much more peripheral, but in terms of

EU-US relations we are ideally located. Shannon is an ideal location, being the first stop-off point coming from North America to Europe.

Will the Minister raise with the United States the case for locating such a foundation to promote EU and North American relations in Ireland and will he consider funding such a foundation in its initial stages so as to breach the gulf which Ambassador Kenny refers to in his article.

Mr. Cowen: Under the present arrangements, it is expected that a summit will take place during this Presidency. Discussions are ongoing with our colleagues to finalise arrangements, including possible dates and locations. If a summit is to take place, it will obviously be led on the US side by President Bush and Secretary of State Colin Powell.

Regarding the Fine Gael proposal about a foundation for transatlantic co-operation, there are numerous institutes and think tanks on both sides of the Atlantic that carry out very useful work on transatlantic relations. I understand that the Institute of European Affairs already has an EU-US group looking at the relationship. The ideas and research that emerge from such bodies certainly help inform the thinking of all of us, on both sides of the Atlantic, who are involved in this relationship. Before going further down the road towards agreeing to establish a foundation, one would have to take those facts into account. It would clearly require further examination, particularly in the area of funding.

Mr. M. Higgins: While welcoming the new ambassador's wishes — and I hope he is successful in establishing cordial relations with Ireland — I put it to the Minister that if the visit referred to were to take place, the Minister would have to be explicit about the recent events of the war. He would have to face the fact that the war was illegal, that pre-emptive action was illegal under international law and that the best act of friendship might be to explicitly and unequivocally state Ireland's position. Does the Minister now regret not having spent greater effort in ensuring that the United Nations' inspectors were able to stay in Iraq and perhaps avoid some of the appalling loss of life, which unfortunately now continues?

Mr. Cowen: It is too early to say what the full range of the agenda will be, but it would involve political, economic and trade issues.

I continue to refer to this incorrect characterisation of the Government position on the war, and to the motion passed by this House. Every effort was made by this Government, when Ireland was a Security Council member and thereafter, to continue with the participation of the UN weapons inspectors for so long as the Security Council wished. That is the position of the Irish Government, so it is not required that I make it clear to the Deputy. The position is clear

in the motion of the House and is confirmed by the vote of the House.

Mr. G. Mitchell: Will the Minister confirm that the EU-US summit will take place in Ireland, as the venue has not been firmly decided on? Will he agree that it is a golden opportunity, particularly in an election year in the United States, which now claims 38 million people of Irish heritage, to get the President of the United States to buy into Shannon as a location for transatlantic co-operation between the European Union and North America? Does the Minister agree that if this summit were to take place in Ireland, it would be the right place to raise this issue? Will he put the issue on the agenda? It will be very rare for the Irish Presidency of the EU to coincide with a US Presidential election, and many Irish-American voters might be very pleased to see a US-supported transatlantic foundation in Ireland.

Mr. M. Higgins: The Tánaiste, the Taoiseach and several Ministers have referred regularly to the necessity for the war, and the Taoiseach has made reference to weapons of mass destruction. Does the Minister now accept that this was largely a fiction used to create a particular effect? Will he agree that it is now time to review what took place, and the appalling circumstances in which it took place? I hope he is not asking us to believe that he ever condemned pre-emption. He never condemned a pre-emptive strike, nor did the Taoiseach or any Member of the Government.

Mr. Cowen: I will correct that for the Deputy, because I did condemn pre-emptive strike. It is in the record of the House, which I will get.

Mr. M. Higgins: The Minister told me the jury was out.

Mr. Cowen: I have been asked this question by the Deputy on occasion. Let us be clear about it.

Mr. Gormley: The Minister did say the jury was out.

Mr. Cowen: if the Deputies want to hear the answer to the question, I will give it. In the same way as they do not like being misrepresented, neither do I. No one has a monopoly on truth in this House. I know what my truthful position was. It is set out in the motion which was adopted by this House. Of course I said that pre-emptive action was not a legal way forward in international law. I never suggested it was. The argument is that those who supported military action claimed they had a legal basis from Resolution 687, and subsequent resolutions. That is the argument they put. I did not say that I accepted it. I said there was no consensus or unanimity on the argument on both sides of the fence. What I said was that regardless of what the position of others was, our position was clear. We

required a second resolution of the United Nations.

Mr. Gormley: We did not get it.

Mr. Cowen: We did not get it. That is why we stated in our motion that we endorsed the decision of the Government that Ireland would not participate in the coalition's proposed military action against Iraq. That is the legitimate position of this Government, which continues to be accused of misrepresentation by those whose motion was defeated in this House.

Mr. Gormley: The Government allowed Shannon to be used.

An Ceann Comhairle: Deputy Gormley, this is not your Priority Question.

Mr. Cowen: Regarding Deputy Mitchell's points, I have already said that discussions are ongoing with colleagues to finalise arrangements, including possible dates and locations. I cannot be more specific at this time. As I have stated, if the summit were to take place it would clearly be headed on the US side by President Bush. Regarding the proposal on the foundation, I have answered in a previous supplementary that there are a number of such foundations already, that the question of funding would have to be considered, and that it is clear that the EU-US relationship would not be solved simply by setting up another foundation.

There is a substantive agenda to be addressed on a range of issues, about which in some cases there are differences. We have to explore and manage those differences through dialogue. There is also a series of co-operative talks taking place in the United States and the EU based on the strategic importance of this relationship for the European Union and for the quality of life and employment opportunities of our citizens. We have to deal with those too. The gamut of interests should be the subject of a summit based on finalising agenda to the mutual satisfaction of everyone.

Foreign Conflicts.

3. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs further to Parliamentary Question No. 57 of 11 December 2003, the further action he intends to propose to his colleagues on the General Affairs and External Relations Council in relation to the wall currently being constructed by the Israeli authorities in the West Bank; his views on the success that European policy in this regard has had to date; his further views on whether the construction of the wall along its current route represents a breach of the human rights clause contained in Article 2 of the EU Association Agreement with Israel; and if he will make a statement on the matter. [4493/04]

Mr. Cowen: The question of the legal consequences of the construction of a wall in the occupied Palestinian territory was referred to the International Court of Justice for an advisory opinion by the General Assembly of the United Nations on 8 December 2003. In accordance with the rules of procedure of the court, member states of the United Nations were invited to make submissions which might be useful to the court in its deliberations.

After consultations among the member states, it was agreed that there would be a common EU submission and that individual member states might make national submissions based on established European Union positions. The common submission reflected the texts of Presidency statements to the UN General Assembly on 20 October and 8 December. The texts of these statements were annexed to the covering letter.

Essentially, the Union's position is that the building of the wall within the occupied Palestinian territories is in contradiction of international law; but that the General Assembly's request that the ICJ issue an advisory opinion will not help the efforts of the two parties to re-launch a political dialogue and is, therefore, inappropriate. However, contrary to some press reports, the EU has not asked the ICJ to refrain from issuing an advisory opinion. There would have been no consensus to adopt such a position.

In addition, the Government authorised me to submit a national statement. This statement, which is fully consistent with the EU Common Position, sets out the legal basis for Ireland's opinion that the construction of the wall in the occupied territories is in violation of international law.

Both statements were transmitted to the registrar of the International Court of Justice in The Hague on 30 January. The written submissions of all interested parties, including the Israelis and Palestinians, have now been received by the court. It is expected that oral submissions will commence on 23 February.

I am afraid that the rules of procedure of the International Court of Justice do not permit me to make the text of the Irish submission publicly available at this time, but I assure the

4 o'clock House that it is firmly grounded in well-known Irish positions on the applicability of the Fourth Geneva Convention to the occupied Palestinian territories and the applicability of international humanitarian and human rights law in this case. It is clear that the consistent pressure of the European Union is among the factors which have caused the Government of Israel to reconsider the route and extent of the barrier.

Additional information not given on the floor of the House.

While any development which eases the dislocation for Palestinians caused by the building of the barrier is positive, the position of the EU

and the UN General Assembly remains that the construction must still be stopped and reversed. Issues of international law are also factors in the case being brought before the Supreme Court of Israel by two human rights groups this week.

As regards the question of the consistency of the construction of the barrier with the obligations which Israel has assumed under its association agreement with the European Union, this would depend on the humanitarian impact of the barrier. This matter is being closely monitored by European Union diplomatic missions in Israel and the Palestinian territories.

Aengus Ó Snodaigh: Obviously the Minister is aware that hopes were raised that Ireland would play a leadership role in promoting a resolution of the Palestinian-Israeli conflict during the EU Presidency. The quartet is stalled and as the Minister admitted in his contribution in the Seanad last week, some of the reason for that is Israeli intransigence. The Minister will also be aware of the serious concerns about the EU's refusal to fully support the UN General Assembly's referral of the issue to the International Court of Justice.

The Minister said that the member states could not come up with a common position. Which member states are preventing a common position being adopted, and why is there some intransigence in the EU on this issue? Will the Minister request the Commission to examine the issue of the association agreement with Israel and propose that these association agreements be suspended under Articles 2 and 79, and that this be done at the next General Affairs and External Relations Council meeting on 23 February?

Mr. Cowen: There is an EU common position. Such a position was established under the chairmanship of the Irish Presidency, one that was not available before the meeting began on that Monday but which, as a result of a focused and detailed discussion and further consultations in the following days, ensured that a common position was submitted to the court. People might argue to be in the common position but a common position was established under our Presidency. The important point also is that national statements were also made, including in this country. Ten of the 15 put in national statements, including the Presidency, but in our own capacity as a member state of the Union.

The position on the association agreements is that we continue to monitor these through our people in the territories. This matter is being closely monitored by the European Union diplomatic missions in Israel and the Palestinian territories. We already see indications that consideration is being given by the Israeli Government to the prospect of re-routing aspects of the wall. Obviously we would rather not see it built but the Israeli Government claims it must protect the human rights of its citizens from suicide bombings. One must also take into

account the human rights and humanitarian concerns of Palestinians who may be deprived of the basic requirements of daily life due to the line this wall is taking inside the occupied Palestinian territories and east Jerusalem.

On Ireland taking a leadership role, I assure the Deputy the Government is doing all it can, against a difficult background, to move the process forward. We had the first visit of Ahmed Qurei, the Palestinian Prime Minister, outside the territories since his appointment in November when he visited Dublin this week. I assure the Deputies that the meetings he had with the Taoiseach and later with me were detailed and focused and regarded as helpful as far as Palestinians were concerned. There was a frank exchange of views and an effort made to try to devise means by which we can move this matter forward. It is not a question of simply putting forward legitimate grievances people on both sides have in this spiralling conflict. It is a question of trying to focus on the realisable, realistic efforts that can be made now, which would be reciprocal on both sides, to try to stop this situation deteriorating.

I reported the outcome of those discussions to members of the quartet and I continue my efforts in the Presidency, working with others, including the Secretary General of the UN, to try to move the situation forward. The prospect of a ministerial meeting between the Palestinians and the Israelis is being worked on as we speak.

4. Mr. G. Mitchell asked the Minister for Foreign Affairs the assurances that he or other members of the Government were given, in particular through contact with the American or British Governments, on the existence of weapons of mass destruction in Iraq prior to military action taken by America and Britain in the absence of a United Nations resolution authorising that action; and if he will make a statement on the matter. [4426/04]

Mr. Cowen: In the period prior to the invasion of Iraq, the US and UK Governments presented information and provided intelligence on the weapons of mass destruction programme of the Saddam Hussein regime to many foreign Governments. We were among the recipients of some of this material, and most of it is now available in the public domain. Both Governments also presented their views, both publicly and privately, on the threat to international peace and security posed by Iraq at that time.

I assure the House that the Government did not rely on US or UK foreign intelligence sources in its approach to the issue of whether there were weapons of mass destruction in Iraq prior to the coalition action.

In arriving at a position on the threat posed by Iraq, the Government, like most Governments throughout the world, was guided by a number of factors: the hard evidence that Iraq had at one time been in possession of chemical weapons and

had used them both in its war with Iran and against its own people; that it had sought to develop nuclear weapons capability; that it had persistently defied the demands of the Security Council that it verifiably dismantle its WMD capabilities; that it refused to co-operate fully with UN weapons inspectors; and that the UN weapons inspectors were not satisfied that Iraq had accounted for its stocks of weapons of mass destruction. The Government did not base its position on intelligence provided by either the United States or the United Kingdom.

The Government had due regard to a series of Security Council resolutions, going back to 1991, in which the Security Council stated that Iraq had weapons of mass destruction. As regards verification of Iraq's weapons of mass destruction capabilities, we relied on the reports of the UN weapons inspectors.

At the time when Security Council Resolution 1441 was unanimously adopted by the 15 members of the Security Council, the council was acting in the belief that Iraq possessed weapons of mass destruction. This belief was widely shared in the international community. The General Affairs Council of the European Union, at its meeting of 18 and 19 November 2002, stated three times in the clearest terms its belief that Iraq possessed weapons of mass destruction. This was despite the fact that there was disagreement among many member states about how to deal with the situation.

In his report of 6 March to the Security Council, Dr. Blix, head of UNMOVIC, the arms inspection team mandated to investigate Iraq's weapons of mass destruction, said that many questions relating to Iraq's weapons of mass destruction remained unanswered. The belief that Iraq retained WMD capability was therefore widespread, including in this House where different viewpoints were embraced.

Mr. G. Mitchell: Before turning to what Dr. Blix actually said, the Minister referred to widespread views within the European Union. The Austrian Government did not take the same view and certainly not in terms of making facilities available. The French and German Governments did not take that view, so I do not know where the widespread view in the European Union to which the Minister refers was. I will put on the record shortly some of the comments made by Dr. Hans Blix.

Will the Minister inform the House why he assured it on 23 October 2003 that there was no guarantee that Iraq no longer possessed these dreadful and illegal weapons and that, instead, there was good reason to suspect that it had continued to pursue this programme? He went on to say that——

An Ceann Comhairle: It is not appropriate to quote during Question Time.

Mr. G. Mitchell: I am not quoting; I am referring. I did not say I would quote from any document. I am aware of the Standing Orders and I am operating within them. The Minister also told the House at that time that these weapons were a major threat to both regional and international security.

As far as I know we do not have an intelligence service of our own — the €500,000 in the secret service fund would not extend to that — but if the Minister did not rely on British and American assurances, on what assurances did he rely? Dr. Hans Blix informed the UN and the world that, had he been given time, he could have shown a critical path through which this matter could have been resolved and that a multilateral motion could have been passed by the UN to deal with Iraq had that country not let him finish his work, and he said it could have.

He recently accused the British Prime Minister and President Bush of behaving like insincere salesmen who exaggerated intelligence in an attempt to win support for the war. He also said that intelligence communities were too ready to believe the tales of defectors and that Mr. Blair and Mr. Bush, while not acting in bad faith, were too preoccupied with spin.

When he referred to weapons of mass destruction that could be deployed within 45 minutes, Dr. Blix insisted that the intention was to dramatise it, just as the vendors of some merchandise are trying to exaggerate the importance of what they have. Mr. Blix said: “From politicians or our leaders in the western world, I think we expect more than that, a bit more sincerity.” That is what the EU fellow member states of the European Union did——

An Ceann Comhairle: The Deputy is making a statement. I ask him——

Mr. G. Mitchell: In those circumstances, will the Minister tell the House what intelligence he relied upon if not the intelligence or the advice or the canvassing of the British and American Governments which have shown that multilateralism has been set aside and has set a woeful precedent for China, Russia or whomsoever——

An Ceann Comhairle: Will the Deputy give way to the Minister, please?

Mr. Cowen: The problem is that in preparing to put forward his supplementary question he did not listen to the primary answer. I explained precisely in my reply that upon which I rely. I made it very clear and I do not intend to repeat it as it is on the record. Quite apart from that, whether those weapons existed at the time, Iraq was in material breach of its disarmament obligations through its failure to co-operate fully with the arms inspectors in carrying out their mandate of verifying that Iraq no longer held weapons of mass destruction. I remind the

Deputy that the Government was in favour of Mr. Blix taking whatever time he required to continue with the inspections regime. The United Nations Security Council unanimously determined in Resolution 1441 of November 2002 that: “Iraq’s non-compliance with Council resolutions and proliferation of weapons of mass destruction and long-range missiles” posed a threat to international peace and security.

I relied on the UN Security Council in deciding whether there was a threat to international peace and security. This resolution decided: “Iraq has been and remains in material breach of its obligations under relevant resolutions, in particular, through Iraq’s failure to co-operate with UN inspectors and the IAEA and to complete the actions required of it under Resolution 687.” The resolution mandated “an enhanced inspection regime with the aim of bringing to full and verifiable completion the disarmament process” established by several Security Council resolutions. The resolution instructed Iraq to comply, but Iraq did not do so. Why Saddam Hussein refused to co-operate fully with the United Nations and thereby avoid the possibility of conflict is a question I hope he will one day answer.

An Ceann Comhairle: Question No. 5, please.

Mr. G. Mitchell: A Cheann Comhairle——

An Ceann Comhairle: Sorry, Deputy, we have spent almost eight minutes on the question. I ask the Deputy to resume his seat. He spent almost four minutes asking a supplementary.

Mr. G. Mitchell: What was the content of Colin Powell’s phone call?

An Ceann Comhairle: The next question, please.

Mr. G. Mitchell: It is a very important matter. Many people are still dying.

An Ceann Comhairle: Of course it is. I have called Question No. 5. We have spent almost eight minutes on this question.

Mr. G. Mitchell: In the past few days 100 people died in tragic circumstances.

An Ceann Comhairle: I have called Question No. 5.

Mr. G. Mitchell: Who gave these assurances? What was the content of Colin Powell’s phone call? We are entitled to know.

An Ceann Comhairle: Will the Deputy resume his seat and allow the Minister to reply to Deputy Gormley’s question?

5. Mr. Gormley asked the Minister for Foreign Affairs if he will clarify the statement the Taoiseach made in Brussels in December 2003

that he was always against the war in Iraq; if he will outline that opposition; and if he will make a statement on the matter. [1288/04]

Mr. Cowen: In his remarks of 11 December the Taoiseach confirmed that the Government had at all times striven to secure a peaceful resolution to the situation which arose from the refusal of the Saddam Hussein regime to meet the obligations imposed on it by the UN Security Council. Ireland made every effort while we were members of the Security Council and after to bring about a peaceful solution to the conflict. We did this through the UN, the EU and bilateral contacts with the US and others, including the countries of the region.

On 8 November 2002, the Security Council, of which Ireland was a member at that time, agreed unanimously to adopt Resolution 1441. This resolution found Iraq in material breach of successive UN resolutions and gave its regime a final opportunity to meet its disarmament obligations.

During the period leading up to the adoption of Resolution 1441, Ireland worked discreetly but effectively to encourage consensus in the council. We encouraged members to work from a single text and to refuse support for any course of action which looked likely to cause division in the council. The outcome was a vindication of our constructive approach.

The Government publicly and repeatedly stated it was for the Security Council to determine whether there existed a threat to the peace, and then to decide what was to be done to remove that threat, and to resolve what measures were to be taken if its decisions were not respected or implemented in full. In every public statement the Government made on this issue we emphasised our opposition to war and our commitment to the resolution of the issue through peaceful means. We repeatedly expressed our strong concern about the risks involved in military action; the loss of life and material destruction; the danger of further destabilising an already volatile region; the deepening of misunderstanding between the people of Islam and the rest of the world; and the negative consequences for the struggle against terrorism. We argued that any military action should receive the clear and undisputed authorisation of a further Security Council resolution. Our position was clear and we articulated it at every appropriate opportunity. War could have been avoided if Saddam Hussein had co-operated fully with the arms inspectors mandated by the UN Security Council. Saddam Hussein was manifestly unwilling to do this.

When the US and its allies launched their invasion of Iraq, the Taoiseach came to the House on 20 March and moved a motion on behalf of the Government. This motion reaffirmed Ireland's commitment to the United Nations as the guarantor of collective global security and as the appropriate forum for the

resolution of disputes threatening international peace and security. The motion expressed regret that the coalition found it necessary to launch the campaign in the absence of agreement on a further resolution. Furthermore, it endorsed the decision of the Government that Ireland would not participate in the coalition's proposed military action against Iraq. At the same time, the Dáil expressed its support for the Government's decision to continue to offer overflight and landing facilities to US aircraft.

Mr. Gormley: This morning the Minister for Defence told the House that the Taoiseach can hold diametrically opposed views at the same time and still be right. This is yet another example of it. Does the Minister realise we are approaching the anniversary of the biggest protest march in the history of the State where 100,000 people went out on the streets of this city and protested against the military use of Shannon by the Americans for their war effort? Does the Minister accept he blatantly ignored their wishes? Does he accept that no other neutral state in the European Union, and outside, allowed its airports to be used by the Americans for their war effort in Iraq? Given that the Taoiseach said in this House that war was justified because Saddam Hussein had not surrendered his weapons of mass destruction and given now that there are no weapons of mass destruction will the Minister accept he, the Taoiseach, George Bush and Tony Blair got it wrong and that the war was not justified?

Mr. Cowen: In any democratic society, thankfully including this one, if not elsewhere in some other parts of the world, people have the right to peaceful protest and to express their views, and I welcome that. Decisions made by Government that require approval by Parliament are made in this House in the democratic fora of our State, not on the street. While I respect the right of people to voice their opinions regarding the resolution of conflict, and many did so for many different reasons, not totally as claimed by the Deputy for the purpose of their opposition to war, an opposition I share, the motion passed in this House provided the democratic basis for our decisions. It was legitimate. There was not unanimity in the House on this question in terms of how people perceived our interests but it was done overtly in this House in the proper and appropriate way.

I am not aware if the United States sought to reroute its planes travelling to the Middle East through Helsinki in Finland. I presume there was no such request as they were not going in that direction.

Mr. Gormley: They knew what answer they would get.

Mr. Cowen: I confirmed — I got majority support in the House — that our position on this

[Mr. Cowen.]

matter was as I have set out in reply to earlier questions regarding our support for the United Nations, the guarantor of collective global security, that being the appropriate forum for resolution of disputes threatening international peace and security. We expressed our deep regret that the Security Council failed to reach agreement on how to address the question of Iraqi non-compliance. We recalled our statements as a member of the Security Council on the adoption of the resolution in the previous October that it would be for the Security Council to decide on any ensuing action in the event of further Iraqi non-compliance. Throughout the whole period this Government held to its consistent position. When we voted in this House, we also endorsed the decision that we would not participate in the coalition's proposed military action against Iraq. The continuing effort by the Deputy and others to suggest that overflight or landing facilities constitute participation in a war is fundamentally wrong in international law and is a charge the Deputy does not ascribe to other countries such as Germany and France, which provided such facilities.

Mr. Gormley: Mr. Justice Kearns said in the High Court that it is not compatible with international law or neutrality. This is a load of bull from the Minister. It is what we get every time the Minister comes to the House.

An Ceann Comhairle: Deputy, please. You are being disorderly and I ask you to resume your seat. We are moving on to Question No. 6

Mr. Cowen: The Deputy's intemperate remarks do not make him more correct on international law. They prove instead the paucity of his remarks.

Mr. Gormley: I have the arguments here. I have the record.

Mr. Cowen: The Deputy makes it up as he goes along.

Mr. Gormley: It is the Minister who makes it up as he goes along.

An Ceann Comhairle: I do not want to spend all day dealing with Deputy Gormley's question.

Mr. Gormley: The Minister got it wrong.

Murder of Papal Nuncio.

6. **Mr. Ring** asked the Minister for Foreign Affairs if he has made contact with the Government in Burundi following the murder of Archbishop Michael Courtney in December 2003; if he will report on the political situation in Burundi; and if he will make a statement on the matter. [4321/04]

24. **Mr. Wall** asked the Minister for Foreign Affairs the representations which have been made to the authorities in Burundi regarding the murder of Archbishop Michael Courtney; the assurances which have been received that efforts will be made to bring those responsible to justice; and if he will make a statement on the matter. [4208/04]

Mr. Cowen: I propose to take Questions Nos. 6 and 24 together.

There has been a series of contacts between the Government and the Burundian Government following the tragic and horrific murder of Archbishop Michael Courtney in Burundi on 29 December last. Earlier this week, I met with the Burundian Foreign Minister, Mr. Sinunguruza, who travelled to Ireland in order to present the results of his Government's official investigation into the murder of Archbishop Courtney. This meeting followed an earlier meeting in Brussels on 13 January 2004 between my colleague, the Minister of State, Deputy Kitt, and the President of Burundi, where the murder of Archbishop Courtney was discussed and the Burundian President offered to share information on its investigation with the Government.

I appreciate the urgent and speedy manner in which the Burundian Government has carried out its investigation into the nuncio's murder and its willingness to make available to us the results of its investigation. I also understand that the Holy See, of whom the late archbishop was such a dedicated servant, has also received the same information from the Burundian authorities. Deputies will be aware that following the investigation carried out in Burundi, an individual is in custody on suspicion of possible involvement in the ambush which resulted in Archbishop Courtney's murder, and that legal proceedings are now pending.

From my contacts with the Burundian authorities, there can be no doubt about the deep esteem in which the late nuncio was held by the Burundian people and the very real sense of loss which continues to exist following his murder. These sentiments are also shared here in Ireland and I was very pleased during my meeting with the Foreign Minister to announce that the Government intends instituting a series of peace fellowships to enable Burundian students to come to study in Ireland, in tribute to the memory of Archbishop Courtney.

If any small consolation can be derived from the tragic events of 29 December, it is that the nuncio's murder does appear to have provided a renewed impetus to the efforts to achieve a final, comprehensive peace agreement within Burundi for which he personally had worked so tirelessly to bring about. In my discussions with Foreign Minister Sinunguruza, I made clear that the European Union very much welcomes the recent progress in the Burundian peace process, including the opening of negotiations between President Ndayizeye and the FNL, the last group opposing the peace process by force. I also

reassured him that the EU would continue its constructive engagement in support of the peace efforts in Burundi, including through the efforts of its special representative, Mr. Ajello.

As Ireland holds the EU Presidency, we stand ready to extend any practical assistance we can to assure that the current efforts are successful. In this regard, the Government has recently decided to make a contribution of €500,000 available in support of the African Union-led AMIB peacekeeping force in Burundi, as a practical demonstration of our commitment to assist the peace process in Burundi.

Mr. G. Mitchell: I pay tribute to Archbishop Courtney's contribution to the peace process in Burundi and his selfless dedication to others throughout his life. It is fitting that his memory be honoured and I join with the Minister in acknowledging that.

Suspicion for the murder falls on the National Liberation Front, the FNL, according to all reports. Is the Minister satisfied that this is the correct avenue of investigation? Are other avenues being investigated? One reads of 11 years of assassination in this sad region. In the context of the resources of the Minister and of the Holy See, which is well connected in the region, are there other suspicions in regard to the murder of Archbishop Courtney?

What steps are being taken by the EU General Affairs and External Relations Council to advance the peace process in Burundi?

Mr. Cowen: We have, at the request of the UN Secretary General, contributed money towards the peace process in the context of the efforts which continue to be made in Burundi. We continue to monitor that situation and to provide all the support we can as holders of the European Union Presidency. The matter is being dealt with by the African Union and is one of the main successes among initiatives by Africans to solve the problems there.

Nelson Mandela was very much involved in trying to broker a peace between the parties and has done much since the Arusha accords were signed. I discussed this matter in some detail with Prime Minister Mbeki when I met him in South Africa recently. It is our intention during our Presidency to work with the newly established African Union to assist it in trying to bring about solutions to problems in Burundi, Sudan and elsewhere.

With regard to the investigation, we keep in close contact with the Holy See and the Papal Nuncio here, and they are anxious that we allow the inquiry to continue. Recent arrests have been made and the identities of four other suspects are known and their apprehension is sought at this stage.

The Burundians have a full understanding of what happened on the occasion in question. Obviously, there is sensitivity that we do not do anything which would jeopardise the peace

process but that is not in any way to suggest that there is not a full, vigorous and robust investigation taking place in regard to the murder of Archbishop Courtney. The Burundian Government, in its recent meeting with me, suggested it is doing all it can in that regard, and the Burundian public prosecutor was among the visiting party. They are trying to apprehend four known suspects in addition to the one already arrested, and are satisfied that they are FNL personnel.

Mr. M. Higgins: Archbishop Courtney's death was an incredible loss of an enormously talented diplomat of the Church. He was wise and experienced in conflict zones and it is very important that his example and contribution are not lost.

Mr. Cowen: I agree totally with the Deputy.

Humanitarian Aid.

7. **Mr. Hogan** asked the Minister for Foreign Affairs the humanitarian situation in Iran following the December 2003 earthquake; and if he will make a statement on the matter. [4240/04]

74. **Ms Lynch** asked the Minister for Foreign Affairs the humanitarian aid the Government has provided or plans to provide to help the Iranian people to cope with the devastating impact of the recent earthquake there; and if he will make a statement on the matter. [4191/04]

Minister of State at the Department of Foreign Affairs (Mr. Kitt): I propose to answer Questions Nos. 7 and 74 together.

It is now over six weeks since the city of Bam was devastated by an earthquake which claimed more than 40,000 lives. In this interval the people of Bam, of whom 75,000 were made homeless, have started to rebuild their lives and livelihoods. However, the scale of the disaster was so great that the rebuilding and full recovery of the city of Bam is expected to take years. On the day the earthquake struck, 26 December last, I allocated €1 million in humanitarian funding for the rescue operation and for immediate humanitarian needs. A further €2.3 million in emergency funding was allocated by the European Community Humanitarian Office.

Some €500,000 of the Irish funding was delivered to the International Federation of the Red Cross/Red Crescent, IFRC, and the remaining €500,000 was provided to the UN Office for the Co-ordination of Humanitarian Affairs, OCHA, for onward dispersal to effective humanitarian organisations on the ground on a needs basis. Ireland has been commended by the United Nations for being one of the first donors to deliver on its pledge.

The view of donors, international humanitarian agencies and international NGOs is that the local authorities in Iran, with the assistance of the local Iranian Red Cross, responded exceptionally well

[Mr. Kitt.]

to the humanitarian crisis resulting from the disaster. The emergency response phase has ended and international assistance will be required for the medium to long-term post emergency rehabilitation phase.

In early January, a UN assessment mission took place in Bam. This assessment formed the basis for the UN's emergency appeal launched on 8 January by the Iranian national authorities, the United Nations Emergency Relief Co-ordinator, OCHA, and the International Federation of Red Cross and Red Crescent Societies. The appeal requested a total of \$31 million for shelter, food, water and sanitation. The long-term rehabilitation of Bam and surrounding areas is expected to cost between \$700 million and \$1 billion.

Further assistance for Bam from the Government is likely in the coming weeks. The main areas of need are pre-fabricated housing, water and sanitation. The rebuilding of health facilities and schools is another urgent requirement. I intend to take a best-practice approach in channelling funding through a national mechanism in Iran that will give the appropriate local authorities a degree of flexibility in determining rehabilitation priorities. This route would ensure local ownership of the recovery process, reduce costs and support the local economy.

Mr. G. Mitchell: I thank the Minister of State for his reply. Will he inform the House of the latest estimated number of deaths? The figures mentioned were between 30,000 and 50,000, which would make it the highest death toll from an earthquake for more than 25 years.

On the problems faced by the Iranian Government in the region and given the extent of the disaster, is the European Union considering taking special collective steps to try to help the region recover and rebuild? Given the extent of the problem and the terrible devastation caused, will the Minister of State agree that something exceptional needs to be done? Will he inform the House if such an approach is being considered by the European Union Council of Ministers?

Mr. Kitt: On the estimated number of deaths, the figures available to me suggest that more than 40,000 people were killed. It was a major disaster. I understand that the last major earthquake in the region was in 1990 when 30,000 people were killed and more than 70,000 were made homeless. There is a good infrastructure locally, thanks to the local Iranian Red Crescent. There is a very good tradition in Iran and other neighbouring countries of back-up assistance being provided speedily.

The needs are huge. Following the search and rescue phase, which is over, aid workers are putting in place semi-permanent facilities, specifically pre-fabricated housing, for the many people who have had to endure freezing

temperatures, especially at night. The rebuilding of the city will cost approximately \$1 billion.

We will work closely with our EU colleagues and use our Presidency, to ensure that the EU plays its part. We keep in close contact with the European Union. I said that €2.3 million was provided under the European Community Humanitarian Office. We have been working and will continue to work closely with our colleagues in the enlarged Union to ensure that continued assistance is provided. It will be required well into next year and the years ahead.

Mr. G. Mitchell: I understand there are dangers within Tehran where the potential for earthquakes and the gas supply could give rise to further disasters of this nature. I do not know whether this is a matter for the Petersberg tasks in terms of humanitarian aid. What specific vehicle within the European Union will be the correct one to use? Will the European Union make available to the Iranian Government its expertise and advice to minimise potential disasters in the region?

Mr. Kitt: The Deputy is correct in saying that this area is prone to earthquakes. Part of the recovery process will be to ensure that structures in the area are earthquake resistant and that those involved in the process, including the European Union, will bear that in mind. The process involves the UN and the European Union working together in this regard.

The Deputy may be aware that there were some reports of a lack of co-ordination between the UN and the EU. On my direction and as part of the Presidency, we became involved in Dublin in ensuring that the UN OCHA and the European Commission officials were brought together. I assure the Deputy that this will lead to better co-ordination in the months ahead. The aspects of the disaster referred to by the Deputy will be borne in mind. During our Presidency, we will ensure maximum co-ordination between the UN and the European Union.

Mr. Gormley: Will the Minister of State agree that it does not assist western relations with Iran when President George W. Bush describes it as belonging to an axis of evil? Will he agree the remarks were regrettable and that we should try to improve our relationship with Iran?

Mr. Kitt: As part of the European Union, we have our own relationship with Iran. We support the work of the IAEA on the nuclear question. We are anxious, as part of the European Union, to develop relations with Iran.

Foreign Conflicts.

8. **Mr. R. Bruton** asked the Minister for Foreign Affairs if he will report on the situation in Macedonia; and if he will make a statement on the matter. [4249/04]

Mr. Cowen: My most recent meeting with the Foreign Minister of the former Yugoslav Republic of Macedonia, Ms Ilinka Mitreva, was in Brussels on 9 December last. She informed me of the Macedonian Government's intention to present an application for EU membership in February of this year. We discussed progress in the wide-ranging reform process and the improvement in the overall level of stability in Macedonia. The coalition Government in power is led by the pan-Slav party, the SDSM, in partnership with the largest Albanian political party, the DUI. It remains fully committed to the implementation of the Ohrid Framework Agreement, which is essential for progress in the development of closer relations between the European Union and Macedonia.

The Ohrid Framework Agreement, which was brokered by the European Union, brought an end to the violent conflict in the country in 2001. Its objective is the creation of a truly multi-ethnic Macedonia. It provides for a series of constitutional amendments to safeguard minority rights, strengthen local government and secure equitable representation for the two main ethnic communities at all levels of state administration. Important progress has been made over the past year. A census has been conducted successfully and its results released. A dozen more laws required under the agreement have been adopted. Key draft laws on decentralisation are before parliament. The main political challenges in the period ahead are to ensure effective progress on the difficult but essential issues of decentralisation and equitable representation.

The EU continues to play a central role in support of the reform process in the country — politically, economically and in terms of security. This close co-operation is being maintained during Ireland's Presidency of the EU. The Stabilisation and Association Agreement with Macedonia, which was concluded in 2001, has now been ratified by all 15 member states of the European Union. It will formally enter into force this spring and will be the first of these agreements with countries of the western Balkans to be ratified by the EU.

In co-operation with the Macedonian Government, the EU is also helping to address the continuing security challenges in Macedonia, through the EU police mission, Proxima, which has been in place since 15 December 2003. The EU-western Balkans Summit in Thessaloniki last June agreed that the future of the countries of the region lies in their eventual integration into EU structures. Progress towards this goal will be made through implementation of the reforms required under the stabilisation and association process. On 26 February, the Prime Minister of Macedonia, Mr. Branko Crvenkovski, will lead a high level multi-ethnic delegation which will visit Ireland for the presentation of the country's formal application for membership of the European Union.

Mr. G. Mitchell: Does the Minister agree that, between February and July 2003, there was a real danger that Macedonia would descend into the same chaos that happened in Bosnia-Herzegovina in recent years but, thanks to the efforts of the OSCE, NATO and the European Union, that did not happen? Does he also agree that, following the withdrawal of NATO, all the EU member states, excluding Ireland — I am not sure about Denmark, and the applicant states were prepared to participate in the peacekeeping force which went into Macedonia? Will he inform the House why, in those circumstances, Ireland did not alter its domestic law to participate in that force? Do we not owe it to those people? Are we not ashamed that we have allowed the Chinese, because of the Macedonian recognition of Taiwan, to block our sovereign right to send troops with other EU and applicant states to keep the peace on our doorstep in Macedonia, a country which on 26 February will apply for membership of the European Union? Is that not nonsense?

When will we see a proactive foreign policy in this House that takes on those who use NATO as a four letter word and anti-Americanism as a policy? When will we have the courage of our convictions to repeal the triple lock and give this House the right to decide on a case by case basis if we should participate in peacekeeping and peace enforcement when they are in keeping with the principles and priorities of the United Nations charter?

Mr. Cowen: The European Union has, through its diplomatic and political efforts, been instrumental in ensuring that the violence in Macedonia did not erupt into civil war. We have been able to confirm the usefulness and importance of the EU through the Ohrid framework agreement. This is our backyard and it is important that Europe faces its responsibilities in this region.

This is perhaps a matter best addressed by the Minister for Justice, Equality and Law Reform but I understand that the question of non-participation by Garda personnel in Operation Proxima was for operational reasons based on the recommendations of the Commissioner and nothing else. Operational reasons were given as to why it would not be possible for our police to be involved in that effort.

Operation Proxima will contribute to the efforts of the Macedonian Government to fight organised crime and uphold the rule of law in the territory of the Former Yugoslav Republic of Macedonia, with a particular focus on the former crisis areas. EU police experts are monitoring, mentoring and advising Macedonian police, and members of Operation Proxima are not involved in executive policing tasks. The mission was launched on 15 December and will run for an initial period of 12 months with a possibility of extension by agreement with the Macedonian authorities. It comprises 180 international police

[Mr. Cowen.]

officers located at the Ministry of the Interior as well as at selected police headquarters.

On the participation by our Defence Forces in operations outside the State, it is important to point out the declaration we obtained and submitted as part of the second referendum on the Nice treaty that confirmed the Seville declaration setting out the triple lock. That is the basis upon which we would be involved. It is a matter for Parliaments to revisit the legislative framework domestically at any time and I am aware of Fine Gael's views on the matter. That is the position at the moment.

Mr. G. Mitchell: I find it difficult to see how the best interests of Ireland or our Defence Forces are served by sending troops to a relatively dangerous theatre such as Liberia, where, the Minister for Defence told the House, there is a medium risk militarily and a high risk in terms of Health while we cannot send them to the relatively safer theatre in Macedonia as part of an EU force because of our domestic law. I find that appalling. Will the Minister and his colleague, the Minister for Defence, revisit the issue? The UN Charter allows for regional action once that action is in keeping with the principles and purposes of the charter. Clearly Macedonia met those terms, although it did not have a mandate for UN forces and that is why we could not participate. Will the Minister revisit the legislation?

Mr. Cowen: This matter, as with all issues, is available for consideration at any time by any Government. As I understand it, apart from legal interpretations of our domestic legislation, there were also operational issues which influenced the decision.

Written Answers follow Adjournment Debate.

Message from Select Committee.

An Leas-Cheann Comhairle: The Select Committee on Justice, Equality, Defence and Women's Rights has completed its consideration of the Ombudsman (Defence Forces) Bill 2002, and has made amendments thereto.

Adjournment Debate Matters.

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy John Bruton — the reported details regarding archaeological excavations licensed in the State between 1997 and 2002; (2) Deputy Connolly — that consideration be given to the restoration of the rail link between Drogheda, Navan and Kingscourt, County Cavan; (3) Deputy Durkan — the circumstances whereby a prisoner serving a long-term sentence was shot while on temporary release; (4) Deputy Wall —

the current overcrowding at Naas hospital and the need for the reopening of the respite and assessment unit at St. Vincent's Hospital, Athy; (5) Deputy Ó Caoláin — the need for the Minister for Health and Children to act decisively to ensure the reopening of the maternity unit at Monaghan General Hospital following the birth at 5 a. m. on 11 February of a child in yet another roadside delivery en route from Monaghan to Cavan General Hospital; (6) Deputy Gormley — the announcement by the Sisters of the Holy Faith that St. Mary's girls' school, Haddington Road, is to close, the effect this will have on the Dublin South-East constituency which has a growing population and insufficient girls' secondary school, the need for the Department of Education and Science to take all necessary steps to ensure the school remains open; (7) Deputy Gregory — the renewed calls for an inquiry into the Grangegorman murders in 1997; (8) Deputy Olivia Mitchell — to discuss recent further revelations of an indeterminate delay in the setting up by the Minister of a long-promised independent inquiry into the delay by the then BSB in informing blood donors of positive test results for hepatitis C in the early 1990s and related matters; (9) Deputy Kirk — that the Minister raise with the Secretary of State for Northern Ireland the matter of a British Army incursion at Ferryhill, Omeath, County Louth, on Wednesday, 11 February 2004 at approximately 7.50 p.m. and seek an assurance for the people of the area that such an incident will not occur again.

The matters raised by the following Deputies have been selected for discussion: Deputies Wall, Durkan, Gregory and John Bruton.

Adjournment Debate.

Nursing Home Subventions.

Mr. Wall: I welcome the opportunity to raise this issue. Representations at Members' clinics in south Kildare have increased dramatically as a result of overcrowding in Naas General Hospital and the effect it is having on families of senior citizens who are in a position to return home but whose families are unable to provide the required care. They are unable to find accommodation in nursing homes in Kildare because the nursing home subvention does not meet the financial demands imposed by nursing homes and because the South Western Area Health Board closed the respite and assessment unit in St. Vincent's Hospital in Athy.

In the past four days, I have been visited by four different families who face pressure to bring their loved ones home from the hospital because it seeks to alleviate overcrowding. None of these families was in a position to do this so we sought the nursing home subvention. There are three rates for the nursing home subvention —

medium, second and high rate — and they reflect the costs of nursing home accommodation. I presume that is because patients who are able to look after their own needs would be given the lower rate while those who are not able to care for themselves would be given the higher rate. That is not reflected in the costings given by the nursing homes. They give only one cost which does not reflect the different rates in nursing home subvention.

There is also a problem regarding the enhanced subvention. I learned from a reply to a parliamentary question that there was a waiting list for the enhanced subvention in south Kildare. We are trying to use the nursing home system to move patients from Naas Hospital to St. Vincent's for secondary care, but it is not possible because in practically all cases there is a shortfall in the payment of around €200 per week and the families are not in a position to meet that.

I ask that the 21-bed assessment and respite unit at St. Vincent's Hospital be re-opened. I spoke to the staff there and learned that there is a great demand for it to be re-opened. It is necessary for the Department of Health and Children and the Department of Finance, through the South Western Area Health Board, to provide the necessary funding to allow the director of nursing there to hire nurses to ensure that unit can be re-opened. That would immediately clear the overcrowding at Naas Hospital, whereby people in need of secondary care could move to Athy, as was the practice prior to the closure of this assessment and respite unit. It was a secondary care facility for such patients and freed up capacity in Naas Hospital.

In light of the amount of money that has been spent on Naas Hospital, it is crazy that some people still have to be cared for on trolleys and chairs. Members may have seen reports on television and elsewhere of 30 to 40 people being cared for in such circumstances during the past few weekends in that hospital which has been upgraded. There is an obvious solution. First, money must be provided to re-open the assessment and respite unit in St. Vincent's Hospital in Athy. Second, the Minister must revisit the operation of the nursing home subvention because it is not working. Nursing homes are not applying it as intended because the rates are too low in the first instance and there is a waiting list for the enhanced subvention.

The health system in Kildare is clogged up. Families are experiencing major problems in trying to facilitate their loved ones and bring them home or in trying to get them into a secondary care facility to get some respite to then be able to bring them home. I ask the Minister to examine the nursing home subvention, the enhanced subvention and, most importantly, the provision of funding for the re-opening of the 21-bed assessment and respite unit, which could be used to alleviate the overcrowding.

Mr. Durkan: I support the case made by my colleague from south Kildare.

Minister of State at the Department of Health and Children (Mr. Callely): I thank Deputy Wall for raising this matter and Deputy Durkan for supporting it. I point out to the Deputies that responsibility for the provision of services at Naas General Hospital and at St. Vincent's Hospital, Athy, rests with the South Western Area Health Board and the Eastern Regional Health Authority.

Naas General Hospital has a current bed complement of 193 and provides general, medical and surgical services, acute psychiatric services and medical and social assessments to a population of approximately 180,000 in the Kildare-west Wicklow catchment area. Major developments, involving multimillion euro investments, are taking place in Naas General Hospital. I was happy to be chairman of the ERHA, or perhaps it was then the EHB, when we signed contracts for such developments. Deputy Wall was in attendance on the day along with my ministerial colleague, Deputy McCreevy. There are different phases in the development programme, the details of which I will not go into. On completion of the development the hospital will have a bed complement of 279 beds, inclusive of recovery beds, psychiatric beds, medical assessment beds, ICU beds and day services beds, and all the services emanating from the hospital will be greatly enhanced. I take this opportunity to compliment the staff of the hospital who continue to provide a service despite the disturbance caused by the major developments taking place.

Pressures on the hospital system, particularly in the eastern region, which includes Naas General Hospital, arise from increases in hospital admissions through emergency departments and from difficulties associated with patients who no longer require acute care and treatment but who are still dependent and awaiting placement in the sub-acute setting. A number of measures have been introduced aimed at addressing these issues including the provision of additional acute hospital beds in line with the report *Acute Hospital Bed Capacity — A national Review*. Some 568 acute beds have been commissioned to date on foot of the report, of which 253 are in the eastern region. Of these, 61 have been commissioned at Naas General Hospital. Revenue funding of approximately €40 million has already been made available to the ERHA for these beds.

An additional €8.8 million has been allocated to the ERHA to facilitate the discharge of patients from the acute system to a more appropriate setting, thereby freeing up acute hospital beds. It allows for funding through the subvention system of additional beds in the private nursing home sector and ongoing support in the community. Already this funding has resulted in the discharge of more than 220

[Mr. Callely.]

patients from acute hospitals in the eastern region. Planning for the discharge of patients by acute hospitals, together with ongoing liaison with community services have been prioritised by the authority. A number of tremendous initiatives have been undertaken in the community, with which Deputy Wall is familiar. I am happy to have launched one of these in my area, the Homefirst project. Other projects include Slán Abhaile and the home subvention. I have also rolled out the personal care packages, PCPs. All these projects are within the Eastern Regional Health Authority. They contribute to providing alternative care packages for older people to enable them to be discharged home, which is where they want to be.

I acknowledge there are some difficulties, as Deputy Wall pointed out, with the closure of beds and the current subvention system. Currently, 20 beds are closed in St. Vincent's Hospital, Athy, but that is due to staffing difficulties. It has nothing to do with my Department in respect of funding or the opening of beds; it is a local staffing issue. It is regrettable that the money is available, as well as other supports.

The advice I have received is that the ERHA is actively working with all the area boards under its functional area to ensure the opening of any long-term beds that are currently closed, including the beds at St. Joseph's unit to which Deputy Wall referred.

I met some geriatricians and indicated to them that I intend to have a round table meeting with some of my Department officials to deal with some of the issues Deputy Wall raised. I assure the Deputy that the Government will continue to invest in the development of high quality, equitable and accessible hospital services so that those availing of the services can continue to receive timely and appropriate care.

Gangland Killings.

Mr. Durkan: I welcome the opportunity to raise this issue which arose almost two weeks ago. It concerns a fellow who was on release, for one reason or another, from prison in a certain part of this city. He was serving a ten-year sentence but for some reason — there may have been compassionate reasons of which I am not aware — he was on release and in the course of that he was shot and killed.

I raise this matter because it is not good enough that organised killers can go about this or any other city and execute people at will.

Whether they are guilty of some other offence is immaterial. This is the kind of practice that was pursued in Chicago in the late 1920s and early 1930s when it appeared that nobody ruled except the criminals. They were killing each other and the hope was they would eventually eliminate each other. That practice was found not to be a useful. It also created greater opportunities for revenge

and counter-revenge and led to a breakdown in law and order.

I acknowledge the Minister's presence in the House to address this important issue. It has been pertinent for the past five to six years and is growing in importance daily. There is no law if there is contempt for the law. It appears that incidents such as the killing of Mr. Byrne can happen daily with impunity and that the Parliament and Government cannot stop them. The perpetrators disappear and we look for closed circuit television cameras to tell us who they were and where they have gone. The CCTV cameras were not much good in tracing the perpetrators of some crimes because the criminals carried umbrellas most of the time to ensure they would not be detected.

CCTV is fine and may offer some evidence on the location of a certain person at a specific time, but it is useless in detecting and preventing crime because there are those who can easily circumvent the system. A recent horrendous case in the United Kingdom serves as a classic example of how useless CCTV can be, especially if there are inadequate police patrols.

I call on the Minister to put in place the procedures to ensure that adequate steps are taken in the event of the early release of prisoners. I fully accept I do not know the reason for the early release of Mr. Byrne, but he had a severe sentence of ten years. I remember pleading for compassionate leave for prisoners to attend funerals and other events and being refused. This may have been for good reasons, yet the prisoners involved were not hardened criminals but involved in petty crimes or guilty of committing a first offence.

In the case in question, the prisoner was released and executed while on release, almost as if the State were involved in approving an execution. This is a most unnerving and worrying development. I hope the Minister has a thorough explanation why this came about and an assurance it will not occur again. There is nothing to be gained by debating this or other subjects in the House unless we can ensure such incidents do not recur, regardless of whether the victim is innocent or guilty. Nobody has the right to take the law into his own hands.

Minister for Justice, Equality and Law Reform

(Mr. McDowell): Deputy Durkan's written request for an Adjournment debate on this issue stated that the deceased man, Kenneth Byrne, was on temporary release when he was shot. That was certainly not the case. Mr. Byrne had been a prisoner in the training unit serving a sentence up to 19 January 2004 when he was released by a judge of the Dublin Circuit Court who had provided in advance that she would review his sentence after a certain time had elapsed.

My Department had no part in the release of Mr. Byrne. No decision was made in my Department which was bound by the judgment of the Dublin Circuit Court in this matter. At the

5 o'clock

time of Mr. Byrne's death, he was no longer a sentenced prisoner but one who had, in the eyes of the law, completed his sentence. He had, prior to the court review, been in prison since April 1999 serving a number of sentences for offences, including robbery and assault, and these sentences ranged from three months to seven years. Some of the sentences were concurrent and others consecutive. Since the courts are independent in the exercise of their judicial functions, I do not propose to comment further on that aspect of the case.

The Deputy will agree that the Court of Criminal Appeal has disapproved of the practice of the Judiciary's imposing sentences and providing for a judicial review of these sentences at a later date. That is a matter which, by law, is reserved for the Executive and someone such as me who is accountable to this Parliament regarding the manner in which I discharge that function. The Court of Criminal Appeal has specifically disapproved of the practice of releasing people by order of the Judiciary after their having served a portion of a sentence imposed on them by the Judiciary.

It may well be that, in this case, the learned Circuit Court judge indicated at the time of original sentence that she would review the sentence and felt that, having made this public indication of her intention, she was obliged to honour it. I am not sure about that but wish to clarify that my Department had no part in the release of this poor man from prison. It was not a case of temporary release, parole or otherwise; it was radically different.

The Deputy claimed what might be referred to as gangland killings happen frequently. The majority of criminal organisation related killings are under active Garda investigation. In most cases, a conclusion has been made as to the suspect and only a handful of perpetrators remain undetected. Last year, in spite of what some might believe having read about the crime problem, the number of murders decreased significantly since the previous year. This year, the rate of homicide has decreased yet again and continues to decrease. I hope this continues to be the case. Regardless of the criminal record of anybody who is shot down, a life is a life and the Constitution vindicates the right to life of all citizens. I agree with Deputy Durkan that it would be unacceptable if the State took the view that some people were below the protection of the law, just as we have often said that nobody is above the law.

Temporary release, which is not the subject of this debate, is normally used to prepare those coming towards the end of their sentences for re-integration with the community. For example, somebody serving a lengthy sentence could be let out from the same institution in which Mr. Byrne was held — I stress that he was not on temporary release — in which case that person could take up employment during the day to integrate himself into the community.

It would be wrong to suggest Mr. Byrne's release was due to a lack of prison spaces. There are 3,216 persons in custody today compared with 3,156 on the corresponding day last year.

Garda Investigations.

Mr. Gregory: The murders of Sylvia Shiels and Mary Callinan in Grangegorman in March 1997 were probably the most brutal of recent times. It would be difficult to imagine two more vulnerable victims than these unfortunate women. If for no other reason than the extreme callousness of the murder of these innocents, this case should be brought to finality, the person responsible prosecuted and justice seen to be done.

However, there is also another dimension, namely, the case of Dean Lyons who originally signed a statement of admission to the murders. We are told his untaped statement contained details that were known only to the murderer and to the investigating gardaí. If his statement contained information that he could not have known about — details that then made it possible to prosecute him for the crime — surely this is a matter that must be independently investigated and fully explained. We are also told that the taped written statement of Dean Lyons is, by way of contrast, a precise chronologically correct narrative about the murders in language way beyond his ability, in complete contrast to the confused incoherence of his earlier taped interview.

What rational explanation can there be for this? Surely an independent inquiry is essential on these grounds alone. As I have said before in this House, if Dean Lyons had been a person of affluence and influence and not a homeless heroin addict, it is most likely that we would have had an independent inquiry a long time ago. While the charges against him were dropped, he was allowed to die in poverty in England without having his name cleared.

The question that will not go away is what would have happened to Dean Lyons if Mark Nash had not murdered Carl and Catherine Doyle in Roscommon on 15 August of that same year and had Nash not then admitted to the Garda that it was he who had also murdered the two women in Grangegorman? Could the murders of Carl and Catherine Doyle have been avoided if the innocence of Dean Lyons had been established at the outset and it was known that the real murderer was still at large?

The sister of one of the murder victims, Sylvia Shiels, has again this week called for an inquiry, I believe rightly. Her solicitor has identified five areas where the standards set out under Article 2 of the European Convention on Human Rights have not been met, whereby the State must investigate all circumstances around the unlawful taking of life. He states that the Garda investigation did not meet the required standards as being transparent, effective, prompt, independent and involving the next of kin to the

[Mr. Gregory.]

fullest extent. The solicitor said that an inquiry would have to establish: why nobody was ever successfully prosecuted; why Dean Lyons was charged with the crime and the charges later dropped; what steps were taken to investigate the confession made by Nash but later withdrawn; what internal inquiries were conducted by the Garda into the investigation of the case; and why the information surrounding the case could be outlined by the media, yet not a scrap of information was ever communicated directly to Miss Nolan, the surviving sister of one of the women who was murdered.

When I last raised this case by way of a priority question on 27 November 2002 the Minister stated that he would defer final decision on a further inquiry pending communications between the Garda Commissioner and the relatives and pending his own discussions with the Commissioner. Since then there has been only silence. Why is this so? This case demands an independent inquiry. I again call on the Minister to establish one.

Mr. McDowell: I am grateful to Deputy Gregory for raising this matter.

The facts as notified to me by the Garda authorities, are as follows. As Deputy Gregory has outlined, Sylvia Shiels and Mary Callinan were brutally murdered at Grangegorman during the night of 6 and 7 March 1997. In July 1997, the late Mr. Dean Lyons made a full confession to investigating Garda officers of his alleged guilt in the double murder. This confession was recorded on audio-video tape. Later the same day he made a further detailed admission of his alleged involvement in the murders. This second interview was not audio-visually recorded at Mr. Lyons's request. Following consultation between the Garda and the Office of the Director of Public Prosecutions, the person in question was charged with one of the murders at Grangegorman. In August 1997, another person, referred to by Deputy Gregory, who had been arrested and detained during the investigation of another double murder in County Roscommon, made a confession in relation to the Grangegorman murders. That person later retracted those admissions.

As a result of the admissions made by the second person, the Garda Commissioner appointed Assistant Commissioner James McHugh, who is now retired, and who I know personally to be a man of the utmost integrity, to review all available evidence on the Grangegorman murders.

The Garda authorities have stated that this investigation indicated that Mr. Lyons did not commit the murders in question. It also established that the manner in which Mr. Lyons had been interviewed about the case was in compliance with the Criminal Justice Act, 1984 (Electronic Recording of Interviews) Regulations 1997 which came into operation on 1 March 1997.

Following completion of his inquiry, Assistant Commissioner McHugh submitted a report to the Director of Public Prosecutions. In April 1998, after consideration of Assistant Commissioner McHugh's report, the Director of Public Prosecutions decided that criminal proceedings against Mr. Lyons be discontinued. In July 1999, Mr. Lyons presented a signed and witnessed statement denying any involvement in the Grangegorman murders. At that point we were confronted with a situation where both suspects have confessed and retracted their confessions. Having considered the file submitted to him by the Garda regarding the second individual who had confessed to the murders, the Director of Public Prosecutions decided that no prosecution should take place.

When the DPP decides not to prosecute in a particular case, the reasons for the decision are given to the State solicitor and the investigating gardaí. The DPP has stated that it is his policy not to disclose this information otherwise. This policy has been upheld by the Supreme Court. As the House is aware, I have no function regarding the prosecution of offences. This function is the responsibility of the Director of Public Prosecutions who is independent in the exercise of his functions, and it would therefore not be appropriate for me to intervene or comment on his decisions.

A letter from the solicitors representing the sister of the one of the murder victims, Sylvia Shiels, was received in my office on 11 February. The letter asks that there be a fully independent public inquiry into the circumstances surrounding Ms Shiels's death and grounds this request on the protections afforded by the European Convention on Human Rights. In view of the matters raised in the letter and in order to assist me in my consideration of the request, I will again consult with the Garda authorities and the Office of the Attorney General. I expect to be in a position to respond to the solicitors' letter in the near future.

Regarding the statement made by Deputy Gregory that there had been nothing but silence since the last time I addressed this in the House, I understand that there would be communication with the relatives. I am sorry if that has not happened.

Mr. Gregory: That is the whole history of the case. That has happened again and again.

Mr. McDowell: Nonetheless, the situation that arises on foot of the letter that has arrived in my office will be addressed by me in the manner that I have indicated.

Archaeological Sites.

Mr. J. Bruton: I am here to highlight a matter of great importance. Ireland is a country with an exceptionally rich archaeological heritage. We have on this island some of the most outstanding remains of one of Europe's oldest civilisations.

These rested largely undisturbed until the 19th century when mechanised agriculture began to damage and, in some cases, completely destroy things and places that had survived intact for two millennia.

In the past ten years a more urgent and immediate threat has emerged. This threat arises from the breakneck pace of infrastructural and residential development in Ireland. Much of this is concentrated in the east, the area of most dense settlement in prehistoric times and thus the area with the highest concentration of archaeological remains of previous civilisations.

An archaeological excavation, even if undertaken to the highest scientific standard, involves large-scale destruction of whatever is being excavated. Objects undisturbed and thus available to future generations are taken forever out of their historic context and brought somewhere else and the context itself is destroyed forever. If we are to destroy a portion of our heritage in this way in the interests of development, it is vital that the archaeological excavation that precedes the development is of the highest possible standard and that all of the information obtained is carefully collated and immediately analysed in the most systematic manner possible.

Against this background, I was horrified to learn last week that of 6,700 archaeological excavations carried out between 1997 and 2002 — each one of which had to be individually licensed by the State — more than one quarter had not been the subject of reports properly lodged with the authorities by the archaeologists in charge. There are now 1,514 archaeological excavations, conducted between 1997 and 2002 where the relevant excavation reports have not been lodged and where the data on the excavations are not available to be examined by the general public or by other persons carrying out research.

I raised this issue in a Dáil question before Christmas. Last week I eventually received a letter from the heritage and planning unit which said: "It would not necessarily be correct to assume that the remaining 1,514 reports were not submitted as at least some of them may be active and not yet lodged in our archive unit. Others would have been placed on planning files and not copied to the archive."

This is not reassuring. Two months after the tabling of my original question, the missing 1,514 reports have not been traced. Some of them may still be active and some may have been placed in the wrong file, but nobody can say for sure. How much confidence does that instil?

It is all the more a matter of concern when one bears in mind that many of these excavations have been carried out by archaeological conglomerates — businesses set up to avail of opportunities in archaeology in anticipation of infrastructural developments. If reports are not lodged on excavations, not only do we not know what, if anything, was found, we do not know whether the work should have been carried out

or not. We do not know whether prior archaeological excavation should be required in similar cases in the future, and development held up at considerable expense. We should remember what is in question is possibly billions of euro in costs due to delays in projects to allow archaeological excavation in the first place. Then the reports are not even lodged and cannot be found after two months. What is the point of imposing those costs on the taxpayer and on developers if the excavation reports are not lodged?

I would also like to ask if there is adequate scrutiny of the excavation reports that are lodged. Does the Minister of State know if the Office of Public Works has a sufficient number of archaeologists on its staff to verify that the reports in question are accurate, complete and to a sufficiently high standard?

I understand there are staffing and computer problems in the relevant offices. However, the Government must ask itself whether the way in which it has been shunting around responsibility for archaeology between one Department and another — and within Departments — is not the main reason for these staffing and computer problems, and perhaps for an associated loss of staff morale. I believe a crisis exists in Irish archaeology. If our heritage is to be preserved — and it must be — we must have complete confidence in the judgment of the archaeological profession. This judgment must be one that balances immediate and genuine needs for development with those of archaeology. I am raising the matter today in order to ensure that this confidence exists.

Minister of State at the Department of the Environment, Heritage and Local Government

(Mr. N. Ahern): I am grateful to the Deputy for raising the issue of outstanding excavation reports, which is one the Department is naturally concerned over. Deputy Bruton has given a full record of what the situation is. I cannot disagree with anything he has said.

The unprecedented upsurge in building and infrastructure development in recent years and its resultant impact on the archaeological heritage has, without question, put enormous pressures on the archaeological profession. My Department, through its role in licensing archaeological excavations, has played a major part in ensuring that development work is not delayed, while at same time providing for necessary archaeological supervision where there are impacts on the national heritage. The increase in volume of licences has risen dramatically from 487 in 1997 to approximately 2000 in last year. To meet this challenge the initial focus has been on the timely issue of licences so that archaeological excavations may be carried out within the timeframe of the relevant development project. In addition, codes of practice for the protection of the archaeological heritage were developed between the Department and bodies such as the

[Mr. N. Ahern.]

National Roads Authority, Bord Gáis, the Irish Concrete Federation and Bord na Móna. These partnerships provide for best practice and consistent high standards in mitigating impacts on the archaeological heritage and in preserving sites *in situ* where possible. Indeed, much of the work of the archaeologists in the Department has been to protect sites from unnecessary interference by offering advice through the planning system. This has helped avoid damage to monuments and save costs in excavations.

On completion of an excavation, the archaeologist holding the licence is obliged to furnish a report to the Department. This report should include a full account of the stratigraphy features and finds including any specialist reports required. The reports are held by the Department and are accessible to the public for information and research. The Department also ensures that information on excavations is provided annually by contributing to the research, editing and publication of the *Excavations Bulletin*, which contains a summary report of all excavations carried out in Ireland in the relevant year. These summarised reports are available on a dedicated website which is also funded by the Department. Through these initiatives, the information gained from excavation is made available to the general public and specialists alike.

I want to see more progress in getting excavation reports submitted. I understand that the receipt of final reports from excavations is an issue, not only affecting Ireland, but also other countries — not that this should be an excuse to be complacent. The focus now, therefore, is not just on the timely issue of licences to ensure proper archaeological supervision of an excavation but also on the submission of reports. This year we will be initiating a number of improvements some of which involve: contacting all licensed archaeologists regarding their outstanding reports——

Mr. J. Bruton: About time.

Mr. N. Ahern: — the refinement of databases and archival material; the establishment of a new archaeology website to allow the full version of reports to be available electronically; and an external evaluation of the quality of reports.

Mr. J. Bruton: By whom?

Mr. N. Ahern: An external evaluation. I note the point raised by the Deputy as to whether the relevant expertise is available within the OPW. Here I am just referring to an external evaluation. I will look into what is happening internally within the OPW.

This initiative has resulted in the initial identification of just over 1,500 outstanding reports. However, the refinement of databases is likely to reduce that figure and the vigorous pursuit of outstanding reports will assist. I hear the Deputy's point about the background to this and what has happened within the two-month period. I agree with him that this information is important and that it is a cultural asset which will greatly assist our understanding of the past. I would stress that the fact, as the Deputy mentioned, that there are outstanding reports does not mean that excavations were not carried out by the necessary archaeological expertise. That is what we want evidence and proof of. I am confident that the situation will be much improved as a result of the proposed initiatives outlined above.

I agree that perhaps in the urgency to have the licensed system and have proper people doing the work, the follow-up was inadequate.

Mr. J. Bruton: My parliamentary question had an effect.

The Dáil adjourned at 5.30 p.m. until 2.30 p.m. on Tuesday, 17 February 2004.

Written Answers

The following are questions tabled by Members for written response and the ministerial replies received from the Departments [unrevised].

Questions Nos. 1 to 8, inclusive, answered orally.

Human Rights Issues.

9. **Ms Enright** asked the Minister for Foreign Affairs if he will report on the recent condemnation of human rights violations in Iran at the United Nations General Assembly; and if he will make a statement on the matter. [4262/04]

51. **Mr. McCormack** asked the Minister for Foreign Affairs if he will report on the use of capital punishment in Iran; if his attention has been drawn to reports that there has been an increasing number of public hangings and other barbaric punishments in Iran in 2004; and if he will make a statement on the matter. [4257/04]

Minister for Foreign Affairs (Mr. Cowen): I propose to take Questions Nos. 9 and 51 together.

The human rights situation in Iran is of serious concern. I particularly deplore the practice of public executions and other unacceptable practices.

The General Affairs and External Relations Council last October outlined its deep concern regarding serious human rights violation in Iran. It specifically mentioned that the practice of public executions was to be particularly regretted. The Council is equally concerned at the continued use of torture and other forms of cruel, inhuman and degrading punishment.

Ireland co-sponsored a resolution entitled "The situation of human rights in the Islamic Republic of Iran" at the UN third committee in December 2003. This resolution called on the Islamic government of Iran to abide by its obligations under the international covenants on human rights and other international human rights instruments. These obligations include those related to freedom of opinion and expression, the use of torture and other forms of cruel, inhuman and degrading treatment and punishment, and the promotion and protection of the human rights of women and girls. The resolution also called on Iran to continue its efforts to consolidate respect for human rights and the rule of law. The resolution was passed by 73 votes to 49, with 50 abstaining. All EU member and accession states supported the resolution, with the exception of Cyprus who abstained.

The EU is also engaged in a human rights dialogue with Iran through which we pursue improvements in the human rights situation. The third round of the dialogue was held in Brussels

in October and we hope to agree dates for the next round during our Presidency.

Northern Ireland Issues.

10. **Mr. P. McGrath** asked the Minister for Foreign Affairs his views on the recent meeting of the Government and the Democratic Unionist Party in London; and if he will make a statement on the matter. [4307/04]

52. **Ms O'Sullivan** asked the Minister for Foreign Affairs the matters discussed and conclusions reached at his meeting with a delegation from the Democratic Unionist Party in London on 29 January 2004; and if he will make a statement on the matter. [4200/04]

Minister for Foreign Affairs (Mr. Cowen): I propose to take Questions Nos. 10 and 52 together.

On 29 January, the Taoiseach, accompanied by myself, the Minister for Justice, Equality and Law Reform, Deputy McDowell, and Minister of State, Deputy Kitt, met with a DUP delegation, led by Dr. Ian Paisley at the Embassy of Ireland in London. Dr. Paisley was accompanied by fellow MPs Peter Robinson, Nigel Dodds, Iris Robinson, Gregory Campbell and Jeffrey Donaldson.

The meeting, which was the first contact between the DUP and the Government since the agreement was signed, was constructive and positive in tone. While these discussions were of an exploratory nature, we saw this as a very valuable opportunity to open a sustained dialogue with the DUP. We are keen to develop and maintain good relations with the party based on mutual respect.

During the meeting, both sides discussed their broad approaches to the review of the agreement, which was subsequently convened on 3 February 2004. We said that we looked forward to engagement with DUP in the review and, as with all the other parties involved, would listen carefully and respectfully to their detailed proposals. We made it clear that both Governments were of the view the review should focus on the operation of the agreement, not its fundamentals. During the discussion, the DUP members emphasised that they would engage constructively and proactively in the review. They also restated their well known views in regard to the linkage between participation in Government and definitive closure of all paramilitary activity. In addition, they confirmed that, while they saw no role for the Irish Government in regard to Strand 1 matters, they were willing to have dialogue with us in regard issues pertaining to Strands 2 and 3.

Together with the Secretary of State, I had a further opportunity to meet a DUP delegation, led by Dr. Paisley, earlier this week in Belfast. This trilateral meeting took place in the context of the current review process and was focused on Strands 2 and 3 and other aspects of the agreement. Due to schedule constraints, the

[Mr. Cowen.]

meeting was relatively brief. However a further trilateral meeting has been scheduled with the DUP for 24 February.

As the Taoiseach has already stated, we look forward to broadening and deepening our contacts with the DUP in the period immediately ahead.

Millennium Development Goals.

11. **Mr. Coveney** asked the Minister for Foreign Affairs the action he will take during Ireland's Presidency of the European Union to progress the millennium development goals which include halving poverty and ensuring that every child has a primary school place by 2015; and if he will make a statement on the matter. [4246/04]

Minister of State at the Department of Foreign Affairs (Mr. Kitt): From the outset of our EU Presidency, Ireland has urged the need for renewed action by the Union on the millennium development goals, MDGs. An important UN stocktaking on progress towards achieving the MDGs is to take place in 2005 and Ireland, as Presidency, feels that the Union, as the world's largest donor of overseas development assistance, should show leadership in this important task.

We used the occasion of the annual orientation debate on the effectiveness of external actions at last month's General Affairs and External Relations Council, GAERC, to highlight the millennium development goals. A Presidency paper provided the basis for a debate among Ministers and the adoption of Council conclusions which stated the achievement of the MDGs is a key objective for the European Union and the wider international community, and that the commitments made by EU member states at the 2002 Monterrey conference on financing for development reflect the Union's leadership role in international efforts to achieve the MDGs.

EU commitments at Monterrey included the volume of ODA. In this regard, the EU pledged that collectively an EU average of 0.39% of GNP would be reached by 2006. Member states which had not reached the EU average of 0.33% agreed to strive to reach at least this figure by 2006.

In the January 2004 GAERC conclusions, the EU confirmed that its commitment to the achievement of the MDGs should be reflected across the range of EU policies and in its decisions on financial allocations. Ministers also agreed that a major effort will have to be sustained during 2004 to ensure that the commitments made by member states on increasing overseas development assistance at the 2002 Monterrey conference will be met.

This Presidency initiative will be followed up at the April 2004 GAERC which is due to discuss the current position on the EU's Monterrey commitments on the basis of an extensive report from the Commission. Further, in ensuring that the EU is well positioned to provide leadership in the international stocktaking of the MDGs in

2005, the April 2004 GAERC will also consider inviting the Commission to take on the role of monitoring and analysing member states' implementation of their commitments in respect of the MDGs similar to that which the Commission is currently undertaking on the Monterrey commitments.

Under the Irish Presidency, therefore, the EU is in the process of bringing MDG implementation to the top of its external agenda and the EU will be well placed to play a leadership role in the UN 2005 stocktake commensurate with its role as the world's major donor of ODA.

Overseas Development Aid.

12. **Mr. O'Dowd** asked the Minister for Foreign Affairs the efforts he will make to improve the transatlantic relationship during Ireland's Presidency of the European Union; and if he will make a statement on the matter. [4274/04]

88. **Mr. O'Shea** asked the Minister for Foreign Affairs if he expects an EU/US summit to be held during the course of the Irish Presidency of the EU; the likely location of such a summit; if he expects that President Bush will visit Ireland for such a summit; and if he will make a statement on the matter [4197/04]

Minister for Foreign Affairs (Mr. Cowen): I propose to take Questions Nos. 12 and 88 together.

I refer the Deputies to my reply to priority Questions Nos. 1 and 2 dated today on the same issue.

Human Rights Issues.

13. **Mr. Stanton** asked the Minister for Foreign Affairs his views on the Amnesty International report on the use of the death penalty for child offenders; and if he will make a statement on the matter. [4303/04]

Minister for Foreign Affairs (Mr. Cowen): I am aware of the recent report from Amnesty and welcome the organisation's contribution to the promotion and protection of human rights. As the Amnesty International report states, and as I have stated on many occasions, the EU is adamantly opposed to the use of the death penalty in all circumstances and accordingly seeks its universal abolition.

The EU position on this issue is clearly set out in the EU guidelines on the death penalty, adopted in 1998, and referred to in this report. These guidelines seek, in the first instance, the universal abolition of the death penalty and state that where the death penalty still exists, the EU will continue to press for its use to be progressively restricted, including in the cases of juvenile offenders. The EU has consistently taken action on this issue, through interventions in individual cases including juvenile cases in some of the countries cited in the Amnesty report.

In addition to this, the EU frequently raises the issue of the death penalty in démarches on human rights issues, through its human rights dialogues and by raising the issue at appropriate regional and international fora such as the Council of Europe, the OSCE and the UN Commission on Human Rights. The EU has consistently urged states that have not yet done so, to sign, ratify and fully implement the terms of the UN Convention on the Rights of the Child which unreservedly prohibits the imposition of the death penalty on persons below 18 years of age.

The EU welcomed the entry into force of Protocol No. 13 of the European Convention on Human Rights last year. This protocol bans the death penalty in all circumstances, including for crimes committed in time of war and imminent threat of war. The EU has called upon all member states of the Council of Europe, who have not yet done so, to sign and ratify Protocol 13. The EU is the principal sponsor of a resolution on the death penalty and joint sponsor of a resolution on the rights of the child at the UN Commission on Human Rights. Both resolutions call upon all states to comply with the provisions of the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights, which prohibit the imposition of the death penalty on persons under 18 years of age.

The abolition of the death penalty is a political priority for Ireland and our EU partners. The EU will continue to closely monitor developments regarding the death penalty with a view to highlighting its concerns regarding both individual cases and the current death penalty practices and to continue to work for its worldwide abolition.

EU Enlargement.

14. **Mr. Durkan** asked the Minister for Foreign Affairs the extent to which agreement has been reached on the Cyprus issue in the context of the forthcoming European enlargement; and if he will make a statement on the matter. [4336/04]

66. **Mr. J. O’Keeffe** asked the Minister for Foreign Affairs the steps being taken either bilaterally or through the EU to encourage a resolution of the Cyprus problem. [4100/04]

Minister for Foreign Affairs (Mr. Cowen): I propose to take Questions Nos. 14 and 66 together.

I welcome the initiative of the UN Secretary General to invite the parties to resumed talks on the basis of his proposals for a comprehensive settlement of the Cyprus problem. The talks, involving the Greek Cypriot and the Turkish Cypriot leaders, opened in New York on 10 February. Their resumption offers a real opportunity to achieve the historic objective of the accession of a united Cyprus to the European Union on 1 May 2004. I hope all parties will engage in the process constructively and with

determination to reach a settlement on the basis of the Secretary General’s proposals.

The accession of a united Cyprus on 1 May remains the clear preference of the EU. The December 2003 European Council urged all parties concerned, and in particular Turkey and the Turkish Cypriot leadership, to strongly support the Secretary General’s efforts and, in this context, called for an immediate resumption of the talks on the basis of his proposals. The Council reiterated its willingness to accommodate the terms of a settlement in line with the principles on which the EU is founded.

I welcome encouraging signs of progress since the European Council. The Government has remained in contact with the parties concerned to encourage movement to meet the Secretary General’s requirements for the resumption of negotiations. Most recently, I met in Dublin with the Foreign Minister of Cyprus, Mr. George Iacovou, on 2 February. I also discussed the prospects for a settlement with the UN Secretary General when I met him in Brussels on 28 January. I assured him of the full support of the EU for his mission of good offices. The European Commission will play an integral role in resumed negotiations to assist a speedy solution within the framework of the *acquis*.

In the weeks ahead, Ireland as EU Presidency will remain in contact with the Secretary General, who has the central role in the search for a comprehensive settlement. We are ready to assist in whatever way he may require to encourage agreement. The time available is short if agreement is to be reached and put to simultaneous referenda in Cyprus before accession on 1 May. Difficult compromises will be required on all sides. However, it is the strong view of the Government that the accession of a united Cyprus is in the interests of all the people of the island, of Greece and Turkey and of the European Union.

Common Foreign and Security Policy.

15. **Mr. Costello** asked the Minister for Foreign Affairs if, following the public statements of Dr. Kay, former head of the United States initiated group searching for weapons of mass destruction in Iraq, to the effect that none such have been found, the Government has satisfied itself with its decision to make Shannon Airport available for a pre-emptive strike against, and occupation of, Iraq. [4186/04]

67. **Mr. Gormley** asked the Minister for Foreign Affairs his views on whether he has been proven completely wrong regarding the existence of weapons of mass destruction in Iraq; if he regrets allowing Shannon Airport to be used by the Americans for their war effort in Iraq; and if he will make a statement on the matter. [4322/04]

Minister for Foreign Affairs (Mr. Cowen): I propose to take Questions Nos. 15 and 67 together.

[Mr. Cowen.]

What appears to be the increasingly firm conclusion that Iraq may not have been in possession of WMD at the time of the invasion of that country gives rise to important questions. In this regard, there are clearly questions which must be raised on the reliability of certain intelligence material. Of concern also, however, is how the international community should deal with a leader such as Saddam Hussein, who is prepared to defy the UN Security Council and to allow the impression to persist that he is in possession of WMD, even to the extent of bringing UN sanctions, invasion and occupation upon his people. Access to accurate and up to date intelligence, particularly for the United Nations, is clearly crucial to determining the appropriate response in such circumstances.

In arriving at a position on the threat posed by Iraq, the Government, like most governments around the world, was guided by a number of factors: first, the hard evidence that Iraq had at one time been in possession of chemical weapons and had used them both in its war with Iran and against its own people; second, that it had sought to develop nuclear weapons capability; third, that it had persistently defied the demands of the Security Council that it verifiably dismantle its WMD capabilities; fourth, that it refused to co-operate fully with UN weapons; finally, that the UN inspectors were not satisfied that Iraq had accounted for its stocks of WMD. The Government did not base its position on intelligence provided by either the US or the UK.

At the time when Security Council Resolution 1441 was unanimously adopted, the Security Council was acting in the belief that Iraq did possess weapons of mass destruction. This belief was very widely shared in the international community. The General Affairs Council of the EU at its meeting of 18-19 November 2002 stated three times in the clearest terms its belief that Iraq possessed weapons of mass destruction. This was despite the fact that there was disagreement among many member states about how to deal with the situation.

In his report of 6 March to the Security Council, Dr. Blix, head of UNMOVIC, the arms inspection team mandated to investigate Iraq's weapons of mass destruction, said that many questions relating to Iraq's weapons of mass destruction remained unanswered. The belief that Iraq did retain WMD capability was therefore widespread, including in this House, and including on the part of some who appeared ready to oppose military action against Iraq under any circumstances. This fact appears to have been conveniently forgotten. It may be that only one man in the world truly knew at the time of the invasion whether or not Iraq possessed weapons of mass destruction.

The fact remains that, whether or not these weapons still existed at the time, Iraq was in material breach of its disarmament obligations

through its failure to co-operate fully with the arms inspectors in carrying out their mandate of verifying that Iraq no longer held weapons of mass destruction. War could have been averted if Saddam Hussein had co-operated fully with the arms inspectors mandated by the UN Security Council. Saddam Hussein was manifestly unwilling to do this. He began to offer minimal, but still thoroughly unsatisfactory, co-operation only when military pressure started to mount.

When the invasion was launched, the Government came before this House on 20 March 2003 and put forward a motion, which was approved by the Dáil, regretting that the coalition had found it necessary to launch its campaign in the absence of a further resolution of the UN Security Council. The reasons the Government nevertheless decided to maintain overflight and landing facilities for US aircraft were set out in the Dáil during the debate and the Government's decision was endorsed in the motion approved by the Dáil.

I do not regret the Government's decision. I regret the circumstances which gave rise to the Government having to make that decision. But, given those circumstances, I believe that the Government took the right decision.

Good Friday Agreement.

16. **Mr. O'Shea** asked the Minister for Foreign Affairs the progress made to date with regard to the review of the Good Friday Agreement; the Government's priorities for the review; the time he expects the process to take; and if he will make a statement on the matter. [4198/04]

Minister for Foreign Affairs (Mr. Cowen): The review of the operation of the Good Friday Agreement was convened on 3 February 2004. This review was provided for within the terms of the agreement itself.

It will provide a valuable opportunity for us to collectively examine all aspects of the operation of the agreement and rededicate ourselves to advancing those areas where progress has, to date, been modest or disappointing. In that context, we particularly wish to see an early restoration of stable political institutions, with a definitive end to all forms of paramilitarism, irrespective of their nature or source.

While the restoration of devolved government on an inclusive basis is a key priority for both Governments, it is also important to recognise that the Good Friday Agreement is wider than devolution. Both Governments have responsibilities to meet in ensuring that the non-devolved aspects of the agreement within their respective competences continue to be implemented. We remain fully committed to advancing the implementation of the non-conditional aspects of the Joint Declaration and the British-Irish Intergovernmental Conference will closely monitor progress in this regard.

The review was formally launched at an opening plenary meeting on 3 February. I jointly

chaired this round table meeting with the Secretary of State. It included representatives of all the political parties in the Northern Ireland Assembly. Between now and Easter, the review will meet two days per week, with the exception of two separate recess weeks. The meetings will take place in various formats, including bilateral, trilateral and plenary sessions. The agenda is comprehensive and will cover the full operation of all aspects of the agreement. In April both Governments will carry out a stocktake of the progress made. Over the coming weeks, all parties will have the opportunity to put forward their views on all aspects of the operation of the agreement and the Governments will listen carefully and respectfully to all contributions.

As both Governments have previously indicated, the fundamentals of the agreement are not up for negotiation in this review. As stated by the Taoiseach and Prime Minister Blair, our intention is that the review should be short, sharp and focused. Nevertheless, in the light of the practical experience over the last six years, there may be scope for pragmatic and sensible changes to be made to the workings of the agreement. The Government is open to considering such changes, as long as they are consistent with the fundamental provisions of the agreement and attract a wide measure of consensus support among the parties.

Last Monday, Strand One issues were discussed in bilateral meetings between the British Government and the parties. While the Government does not directly participate in these discussions, we have been appropriately informed of developments in Strand One by the British Government. On Tuesday, both Governments held a series of trilateral meetings with the parties to discuss Strand Two, Strand Three and other aspects of the operation of the agreement. In these discussions, where I was accompanied by the Minister of State at the Department of Foreign Affairs, Deputy Kitt, and the Secretary of State was accompanied by Minister Spellar, I found the approaches of the various parties to be progressive and constructive and I look forward to further positive engagement in the weeks ahead.

Human Rights Issues.

17. **Mr. Timmins** asked the Minister for Foreign Affairs his views on the recent Amnesty International report, *Bosnia Herzegovina — Shelving Justice, War Crimes Prosecutions in Paralysis*; and if he will make a statement on the matter. [4299/04]

Minister for Foreign Affairs (Mr. Cowen): On 12 November 2003 Amnesty International released a report entitled *Bosnia and Herzegovina, Shelving Justice — War Crimes Prosecutions in Paralysis*. The report outlines Amnesty's concern that insufficient action is being taken to address fully the legacy of war crimes in Bosnia. It makes a series of

recommendations to the international community, and to the Governments of Bosnia and Herzegovina, Croatia, and Serbia and Montenegro.

I fully share the view that it is essential for the future of Bosnia that those responsible for the appalling crimes committed against the people of the country in the conflict of the 1990s should be brought to justice. The EU strongly supports the priority given by the High Representative in Bosnia, Lord Ashdown, to the establishment of an effective and independent judicial system. In full co-operation with the governmental authorities in Bosnia and Herzegovina, detailed work is being pursued on the reform of the judiciary and of the prosecution service. A war crimes chamber has recently been established in the state court to enable the handling in Bosnia of trials for war crimes committed in Bosnia. This is an important development for reconciliation in Bosnia and for the process of building functioning state institutions. However, it will only succeed on the basis of sufficient support from the international community.

At a donor conference in The Hague on 30 October 2003, funds were pledged to secure the first two years work of the war crimes chamber. As an expression of Ireland's support, the Government has contributed €200,000 for the period, in addition to our existing contribution to the work of the high representative in this area.

The issue of policing and police training is also important. The EU police mission in Bosnia and Herzegovina has been working with the Bosnian police since its launch last year to establish sustainable policing arrangements in accordance with European and international best practice. Three members of the Garda are serving with the mission.

While progress has been made in the consolidation of the rule of law and in prosecuting war criminals, the situation remains unsatisfactory. Co-operation with the International Criminal Tribunal for the former Yugoslavia remains poor, particularly on the part of the Serb entity in Bosnia and Herzegovina, the Republika Srpska. Indicted war criminals including Radovan Karadzic and Ratko Mladic are still at large. The EU is co-operating with the high representative to isolate the support networks which have enabled indictees to escape justice. It remains an essential element of EU policy that progress in the development of relations with the countries of the region requires their full and unequivocal co-operation with the tribunal in the Hague.

The people of Bosnia endured appalling suffering during the conflict which followed the break up of the former Yugoslavia. At the EU-Western Balkans Summit in Thessaloniki last June, we agreed that the future of the countries of the region lies in their eventual integration into EU structures. Bosnia is making progress in its reform process towards this objective. The Commission feasibility study, published in

[Mr. Cowen.]

November 2003, identified 16 major areas of reform on which further progress is needed with a view to a possible decision at the end of 2004 on the opening of negotiations for a stabilisation and association agreement. I look forward to meeting the Foreign Minister of Bosnia in Dublin at the end of March and to discussing with him the role that Ireland can play as EU Presidency to assist in the building of a society based on respect for human rights and the rule of law.

Overseas Development Aid.

18. **Mr. M. Higgins** asked the Minister for Foreign Affairs if during the Irish Presidency of the EU, the details of the disbursement procedures of overseas development aid pledged by and to the EU will be published. [4179/04]

Minister of State at the Department of Foreign Affairs (Mr. Kitt): I presume the Deputy is referring to the disbursement of funds in the EU aid programme with particular reference to budget implementation and to the European Development Fund under the Cotonou Agreement.

The European Commission's annual report and the Court of Auditors' report on financial activities will be published in the second half of 2004. In December 2003, the Commission reported the provisional results of the 2003 EC budget implementation. The Commission stated that since the beginning of 2003, € 3.919 billion has been committed, an increase of €42 million when compared to 2002, and € 3.271 billion paid, compared to €3.327 billion in 2002. Furthermore, the backlog of unspent commitments has not increased from €11.5 billion for the third consecutive year. This means that, at current rate of spending, the number of years required to clear this backlog would be 3.5, which compares with 4.6 years at the end of 1998.

For the European Development Fund, EDF, separately financed by member states outside of the EC budget, provisional figures for payments amount to €2.4 billion, a record level and a 24% increase over 2002 figures. Commitments also reached a new level at € 3.7 billion or 76% above the 2002 performance. The backlog of unspent commitments has increased from €8.4 billion at the end of 2002 to an estimated amount of €9.4 billion at the end of 2003. However, expressed in terms of the number of years to clear the backlog, the figure is about four years compared to 5.5 years at the end of 2000.

The reductions in the backlog and the increased annual expenditure suggest that the reforms of external assistance undertaken in 2000 are beginning to have a positive effect. Ireland has been at the forefront of those member states promoting this reform and we will continue to do this throughout the Presidency and beyond. We need to further enhance the efficiency of expenditure, but also its effectiveness. Development Ministers will have a discussion

about the reform process at the meeting of the General Affairs and External Relations Council scheduled for 27 April.

Passport Applications.

19. **Mr. Wall** asked the Minister for Foreign Affairs the plans he has for the introduction of procedures to allow people to apply for passports over the Internet; when the proposed system is likely to be in place; and if he will make a statement on the matter. [4209/04]

Minister for Foreign Affairs (Mr. Cowen): The new passport system which is currently being developed by my Department is being designed to facilitate the processing of on-line passport applications through the public services broker, which is currently being established by the REACH agency.

The ultimate goal is to enable passport applications to be made across the Internet. However, this will require the provision by the public services broker of the level of authentication of applications necessary to ensure the integrity and security of the passport issuing system. The Passport Office will work with the REACH agency to achieve that objective.

In the meantime, my Department is examining the possibility of providing certain passport services across the Internet such as tracking the progress of applications and the completion of application forms on line.

Emigrant Services.

20. **Mr. Stagg** asked the Minister for Foreign Affairs if his attention has been drawn to the conditions under which many elderly Irish emigrants in Britain are now living, which were highlighted in a television programme (details supplied) of 22 December 2003; if he intends to increase the financial provision for the welfare of Irish emigrants; and if he will make a statement on the matter. [4205/04]

69. **Dr. Upton** asked the Minister for Foreign Affairs if his attention has been drawn to the call by the chairman of the Irish Episcopal Commission for Emigrants, Bishop Seamus Hegarty, for the early establishment of an agency for the Irish abroad as recommended by the task force on emigrants; his views on the call made; and if he will make a statement on the matter. [4206/04]

94. **Mr. Rabbitte** asked the Minister for Foreign Affairs the timescale for the implementation of 50 of the 71 recommendations of the recent report by the task force on policy regarding emigrants in view of his recent statement to the House that progress is being made on same; and when the budget suggested for their implementation will be provided by Government. [4184/04]

103. **Mr. Stagg** asked the Minister for Foreign Affairs if he will publish the report of the

interdepartmental working group considering the recommendations of the task force on policies regarding emigrants; the recommendations that have been implemented and those that have not, in regard to the report of the task force; if a timetable has been set for the implementation of outstanding recommendations; and if he will make a statement on the matter. [4204/04]

Minister for Foreign Affairs (Mr. Cowen): I propose to take Questions Nos. 20, 69, 94 and 103 together.

The Government has been providing assistance to Irish emigrants in Britain for many years. The DION fund, which is administered by the embassy in London through the DION committee, has provided almost €18 million for welfare services to the Irish in Britain since its establishment in 1984. More than half of this has been allocated since the present Government took office in 1997. The DION fund has increased from €760,000 in 1997 to €2.75 million last year, an increase of 350%. This year, the DION fund will increase by a further 30% to €3.58 million.

As regards the implementation of the report of the task force on policy regarding emigrants, action is currently being taken on more than two thirds of the recommendations. A number of recommendations fall within the areas of responsibility of other Departments and I have asked those Departments to examine them to determine what progress has been made in implementing them. In this regard, my colleague, the Minister for Social and Family Affairs, is implementing the recommendation that the Government give priority to the link between migration and social exclusion during our Presidency of the EU by organising a Presidency conference on reconciling mobility and social inclusion next April.

As regards other recommendations, the following examples will illustrate the progress that is being made: a key recommendation of the task force was that all funding for emigrant services abroad should be brought together under the Department of Foreign Affairs. This was done last year with the transfer of the DION fund from the Department of Enterprise, Trade and Employment; I secured an additional provision of €1 million in the Vote for Foreign Affairs for services to emigrants in 2004. This brings the overall expenditure by my Department on emigrant services this year to just over €4 million, an increase of one third on 2003; the task force recommended that financial assistance be given to AN, the umbrella group for voluntary agencies providing information and advice to potential emigrants, to enable them to provide more effective support to their member agencies. I recently announced that part of the additional funds made available this year will be allocated for this purpose and the task force also recommended that the Government continue its political engagement with the authorities in the United States in regard to undocumented Irish people in that country. We are doing this on a

continuous basis both through our embassy in Washington and my own discussions at political level.

I would not exclude the establishment of an agency for the Irish abroad as recommended by the task force. However, the most effective way of using the available funds is through the voluntary agencies that are providing front line services to our emigrants. They are in the best position to direct these resources to where they can be of greatest benefit to those who are most in need. The task force itself estimated that the annual cost of such an agency would be in the region of €2 million. As I said in the House on 27 January, I do not believe that, in the context of a significantly increased budget for support for emigrants of €4 million this year, the majority of it should be expended on administrative structures at this time. Instead, I intend to establish a dedicated unit in the Department of Foreign Affairs later this year to work with the voluntary agencies at home and abroad to help maximise the impact of our collective efforts.

There are many other things that can and will be done. I intend that, in allocating the additional funds which I have secured, priority will be given to improving services for the neediest and the most vulnerable among our emigrants, particularly in Britain, in line with the recommendations of the task force report. I have also directed that increased emphasis be placed on providing assistance to returning emigrants, and on projects to promote more effective networking and information sharing between statutory and voluntary agencies providing services to emigrants.

I am particularly anxious to ensure that voluntary Irish agencies are able to increase their own capacity to access funds from other sources, as well as to improve the effectiveness of their services. I have recently allocated an additional €150,000 to the Federation of Irish Societies in Britain to enable them to launch a major five year capacity building project. This is critical if the federation and its affiliated bodies are to maximise their access to statutory and voluntary sources of funds in Britain.

I am also happy to make available the report of the interdepartmental working group which examined the task force's recommendations, and will place this on the Department's website at an early date. I assure the Deputies that I will continue to implement the report of the task force and to work in partnership with the governments of the countries concerned and with voluntary Irish agencies at home and abroad, to support our emigrants overseas.

Foreign Conflicts.

21. **Dr. Upton** asked the Minister for Foreign Affairs the main points of the submission made by the Government to the International Court of Justice regarding the building by Israel of a security wall in the occupied Palestinian territories; the Government's views on the right

[Dr. Upton.]
of the court to adjudicate on this issue; and if he will make a statement on the matter. [4207/04]

36. **Mr. Boyle** asked the Minister for Foreign Affairs if Ireland is associated with a European Union submission to the International Court of Justice regarding the wall being constructed by Israel in the occupied territories; the submissions Ireland has made independently; and if he will make a statement on the matter. [4324/04]

57. **Mr. Howlin** asked the Minister for Foreign Affairs the steps the Government has taken on foot of the invitation by the International Court of Justice to make submissions on the legality of the wall being constructed in the occupied Palestinian territory; if the Government will avail of the opportunity to make a written and oral submission to the court; and if he will make a statement on the matter. [4189/04]

Minister for Foreign Affairs (Mr. Cowen): I propose to take Questions Nos. 21, 36 and 57 together.

I refer the Deputies to my reply to Priority Question No. 3.

22. **Mr. Perry** asked the Minister for Foreign Affairs if he will report on the situation in Kashmir; his views on the current relationship between India and Pakistan; and if he will make a statement on the matter. [4281/04]

Minister for Foreign Affairs (Mr. Cowen): There is a long running history of conflict between India and Pakistan, and these two nuclear armed countries came close to war in 2002. However, there have recently been encouraging political developments. Both countries have agreed to hold a “composite dialogue”, to include the issue of Kashmir, full diplomatic relations have been restored, civil aviation and communications links are being restored, and a ceasefire along the line of control has been in place since 25 November 2003.

During the South Asia Association for Regional Co-operation, SAARC, summit in Islamabad from 4 to 6 January 2004, the President of Pakistan and the Prime Minister of India held discussions on Kashmir and terrorism. Most positively, they announced an agreement to hold composite dialogue talks in a joint statement following the summit. These will take place at official level from 16 to 18 February 2004. Ireland, as EU President, issued a statement welcoming these developments.

The EU has always been ready to lend what encouragement it can to assist both countries in making progress towards establishing a durable peace in Kashmir. I will lead an EU troika mission to India on 16 February, and to Pakistan on 18 February. The visit will afford the opportunity to review and discuss bilateral and regional issues and, in particular, to urge both countries to pursue actively the dialogue which they have recently initiated.

23. **Mr. Gilmore** asked the Minister for Foreign Affairs if he has satisfied himself that the Government was misled regarding weapons of mass destruction in Iraq; if the House was misled in this regard; and that advertently or inadvertently the Oireachtas Joint Committee on Foreign Affairs was briefed on information in regard weapons of mass destruction that has proved to be false. [4187/04]

64. **Mr. Cuffe** asked the Minister for Foreign Affairs if officials in his Department were in contact either before or after the publication of the British dossier on weapons of mass destruction; if an official in his Department was sceptical regarding the claims of weapons made by the British on weapons of mass destruction; and if he will make a statement on the matter. [4326/04]

90. **Ms Burton** asked the Minister for Foreign Affairs his views in relation to the intelligence upon which Resolution 1441 of the UN Security Council, regarding the existence of weapons of mass destruction in Iraq, was based; his further views on the implications of such being proved to have been seriously flawed, and the use of such by the Taoiseach and the Tánaiste in public statements and statements to the House; and if his Department provided such information to both. [4181/04]

101. **Mr. Gilmore** asked the Minister for Foreign Affairs if the Irish Government, in view of recently published defects in the intelligence upon which the recent war on Iraq was based, regrets not having made a public demand for an extended time period for the UN inspectors to enable them to implement UN resolutions and avert a war. [4188/04]

Minister for Foreign Affairs (Mr. Cowen): I propose to take Questions Nos. 23, 64, 90 and 101 together.

The contents of the dossier mentioned had no bearing on the Government's position in relation to this issue. The Government did not rely on UK and US intelligence sources in its approach to the issue of whether there were weapons of mass destruction in Iraq prior to the coalition action.

In arriving at a position on the threat posed by Iraq, the Government, like most governments around the world, was guided by a number of factors: first, the hard evidence that Iraq had at one time been in possession of chemical weapons and had used them both in its war with Iran and against its own people; second, that it had sought to develop nuclear weapons capability; third, that it had persistently defied the demands of the Security Council that it verifiably dismantle its WMD capabilities; fourth, that it refused to co-operate fully with UN weapons; and, fifth, that the UN inspectors were not satisfied that Iraq had accounted for its stocks of WMD.

The Government had regard to reports of UN weapons inspectors and Security Council resolutions going back to 1991, in which the

Security Council stated that Iraq had weapons of mass destruction.

At the time when Security Council Resolution 1441 was adopted, the Security Council was acting in the belief that Iraq did possess weapons of mass destruction. This belief was very widely shared in the international community. The General Affairs Council of the EU at its meeting of 18-19 November 2002 stated three times in the clearest terms its belief that Iraq possessed weapons of mass destruction. This was despite the fact that there was disagreement among many member states about how to deal with the situation.

In his report of 6 March to the Security Council, Dr. Blix, head of UNMOVIC, the arms inspection team mandated to investigate Iraq's weapons of mass destruction, said that many questions relating to Iraq's weapons of mass destruction remained unanswered. We fully supported the work of the weapons inspections teams throughout the crisis. On 5 March, in this House, I called for them to continue the inspections process for as long as they, and the members of the Security Council, considered it necessary and worthwhile. Whether or not these weapons still existed at the time, Iraq was in material breach of its disarmament obligations through its failure to co-operate fully with the arms inspectors in carrying out their mandate of verifying that Iraq no longer held weapons of mass destruction.

The reported comments of the Department of Foreign Affairs official related to the contents of a British dossier and not to the supposed existence of weapons of mass destruction. In particular, the official in my Department expressed his scepticism that Iraq could deploy battlefield weapons carrying weapons of mass destruction material within a 45 minute time frame. The House and the Oireachtas Joint Committee on Foreign Affairs were briefed on information received from the Security Council and the UN weapons inspectors. I clearly stated in my briefings that the Government had no independent means of verifying such reports.

Question No. 24 answered with Question No. 6.

Human Rights Issues.

25. **Mr. Boyle** asked the Minister for Foreign Affairs if his attention has been drawn to the report of the Palestinian Centre for Human Rights (details supplied) outlining the killing of Palestinian civilians, the raising of Palestinian agricultural lands and the indiscriminate shelling of Palestinian residential areas; his views on whether these actions are consistent with the obligations of the Israeli Government in relation to human rights under Article 2 of the association agreement between Israel and the European Union; and if he will make a statement on the matter. [4323/04]

35. **Mr. Costello** asked the Minister for Foreign Affairs if his attention has been drawn to the report of the Palestinian Centre for Human Rights of January 2004 which indicated that in one short period 20 Palestinians were killed, 28 houses were destroyed, and 120 square meters of land confiscated; and the authorities, including the Israeli authorities with which he has raised these questions. [4185/04]

Minister for Foreign Affairs (Mr. Cowen): I propose to take Questions Nos. 25 and 35 together.

I assure the Deputies that the reports of the Palestinian Centre for Human Rights are followed closely by my Department. The work of this organisation is supported by my Department through our programme for human rights and democratisation and only last December a further €100,000 in core funding was approved for the centre. I am aware of the incidents referred to in the reports of the centre, to which the Deputies refer. The recent actions of Israeli forces in Palestinian areas have been the subject of a demarche to the Israeli Foreign Ministry by our ambassador to Israel and are being closely monitored.

The association agreement between Israel and the European Union does establish human rights standards to be observed by both parties and it is questionable whether the actions of Israeli forces in the Occupied Territories are consistent with those provisions of the agreement. The actions of Israeli forces were raised by the European Union during the last association council with Israel which took place in November 2003.

International Summits.

26. **Mr. Neville** asked the Minister for Foreign Affairs if he will report on the recent Summit of the Americas; and if he will make a statement on the matter. [4318/04]

Minister for Foreign Affairs (Mr. Cowen): The Summit of the Americas process brings together the democratically elected heads of state or government of the countries of the western hemisphere with the aim of developing a shared vision for the future development of the region. The secretariat for the summits process is based within the Organisation of American States, OAS. Up to this year, three Summits of the Americas had taken place: in Miami in 1994; Santiago de Chile in 1998; and Quebec city in 2001. The next scheduled summit is due to take place in Argentina in 2005.

On 12-13 January 2004, however, a special summit took place in the city of Monterrey, Nuevo León, in Mexico. It is understood that this summit was inspired by several factors, not least the fact that 14 new heads of state or government had taken office in the western hemisphere since the third summit in April 2001. It was also the first meeting of heads of state or government since the tragic events of 11 September 2001.

[Mr. Cowen.]

The summit approved the Declaration of Nuevo León, affirming that the well-being of the peoples of the Americas required the achievement of three closely linked and interdependent objectives: economic growth with equity to reduce poverty; social development; and democratic governance. In particular, the summit agreed on the need to work together to stimulate prosperity, promote social inclusion and a more equitable distribution of economic growth, eliminate hunger, raise living standards, generate new employment and investment opportunities and promote decent work, combat corruption, as well as confront the new threats to security, such as terrorism, organised crime and illicit trafficking in arms.

The declaration reaffirmed the commitment of participating states to the inter-American democratic charter and reiterated their firm intention to continue implementing the mandates of previous summits, as well as the commitments made at the Millennium Summit, the International Conference on Financing for Development — the Monterrey Consensus — and the Johannesburg World Summit on Sustainable Development.

Northern Ireland Issues.

27. **Mr. McGinley** asked the Minister for Foreign Affairs if he will report on the recent meetings between the Northern Ireland adviser to the American President and parties in Northern Ireland; and if he will make a statement on the matter. [4308/04]

29. **Mr. Penrose** asked the Minister for Foreign Affairs if he will make a statement on the outcome of his meeting on 4 February 2004 with the new US special adviser for Northern Ireland, Dr. Mitchell Reiss. [4201/04]

Minister for Foreign Affairs (Mr. Cowen): I propose to take questions Nos. 27 and 29 together.

I met Dr. Mitchell Reiss on 4 February and was pleased to welcome him on his initial visit to Ireland in his capacity as President Bush's special envoy to Northern Ireland. His appointment as special envoy, replacing Dr. Richard Haass, is testament to the ongoing commitment on the part of the US Administration to playing a positive and proactive role in the peace process. During his tenure as special envoy, Richard Haass developed a profound knowledge of the peace process as well as a deep personal commitment to its success. I am confident that Dr. Reiss will demonstrate the same ability and commitment in this role.

At our meeting last week, Dr. Reiss and I exchanged views on our respective recent contacts with the political parties in Northern Ireland. Dr. Reiss had just completed introductory meetings with the main parties and he shared with me some of his initial impressions of the main issues currently facing us in the

process. We also discussed the prospects for the review of the British-Irish Agreement and agreed on the importance of the full implementation of the agreement, not least in regard to its key commitments on the operation of stable political institutions and the complete ending of paramilitarism. I look forward to further meetings with Dr. Reiss in the near future.

HIV Infection.

28. **Ms B. Moynihan-Cronin** asked the Minister for Foreign Affairs if proposals for the planned major conference on HIV-AIDS during the Irish Presidency of the EU have been finalised; and if he will make a statement on the matter. [4195/04]

Minister of State at the Department of Foreign Affairs (Mr. Kitt): The Government has prioritised HIV-AIDS on the development agenda for Ireland's Presidency of the European Union. Development Co-operation Ireland and the Department of Health and Children will co-host a ministerial conference, Breaking the Barriers — Partnership for an Effective Response to HIV-AIDS in Europe and Central Asia, in Dublin Castle on 23-24 February. The conference is being organised in co-operation with UNAIDS, UNICEF, the World Health Organisation and the European Commission.

The conference takes place against the background of a continuing rise in HIV-AIDS prevalence rates across the European and central Asia region. In some countries, the increase in prevalence rates has reached a level which poses an immediate and critical challenge for governments. The conference will probably be the biggest event based in Ireland during the Presidency. It will be opened by the Taoiseach and will be addressed, *inter alia*, by the Minister for Foreign Affairs, the Minister for Health and Children and me. It will focus on four key areas: the need for stronger dialogue and co-operation at regional level; the appropriate role of governments, civil society and the private sector; preventing the spread of HIV-AIDS, particularly among young people; and the challenges now facing people living with AIDS, including access to care and treatment. It is anticipated that the conference will adopt a declaration which will provide a basis for strengthened co-operation across the region in respect of the HIV-AIDS issue.

Ministers from 55 member countries of the UN Economic Commission for Europe have been invited to the conference. High-level representatives from UNAIDS, UNICEF, the WHO and the European Commission, the Council of Europe and the Economic Commission for Europe will also be present. We have already received confirmation of attendance from many countries and organisations, including the President of the European Parliament, Mr. Pat Cox, EU Commissioner David Byrne, the President of Portugal, the executive director of

UNAIDS, the director general of the WHO, the executive director of UNICEF and Archbishop Desmond Tutu. A large number of representatives from NGO networks throughout Europe and central Asia have also confirmed their attendance, including young people and people living with HIV.

The conference will provide a unique opportunity to raise awareness of the threat posed by HIV-AIDS to the European and central Asia region and to mobilise political commitment to the struggle against it. It will foster new forms of co-operation and partnership in addressing this threat. The Government will continue to advocate an accelerated global response to HIV-AIDS and will maintain this key development challenge high on its agenda.

Question No. 29 answered with Question No. 27.

Human Rights Abuses.

30. **Mr. Crawford** asked the Minister for Foreign Affairs his views on the Amnesty International report on unfair trials and secret executions in Uzbekistan; and if he will make a statement on the matter. [4301/04]

Minister for Foreign Affairs (Mr. Cowen): I am deeply concerned at the terms of the Amnesty International report on unfair trials and secret executions published on 18 November 2003. The report details the findings of research carried out by Amnesty into abuse associated with the use of the death penalty. Its recommendations include an appeal to the authorities in Uzbekistan to take immediate steps towards abolition of the death penalty and to promptly declare a moratorium on death sentences and executions. I fully support these recommendations.

As I stated in the House on 11 December last in reply to a parliamentary question on the death penalty, Ireland, along with its EU partners, is adamantly opposed to the use of the death penalty and accordingly seeks its universal abolition. In 2003, in accordance with EU guidelines on the death penalty, case specific demarches on the death penalty were made to a number of countries, including Uzbekistan.

The issue of the death penalty in Uzbekistan was addressed more recently at the meeting of the EU Uzbekistan co-operation council, which was held in Brussels on 27 January. As Ireland currently holds the EU Presidency, the meeting was chaired by Deputy Roche, Minister of State with special responsibility for European affairs, who raised the issue directly with the Foreign Minister of Uzbekistan. At the co-operation council, the EU recalled its opposition to the death penalty and asked for a moratorium. At the same time, it welcomed the fact that Uzbekistan has recently announced the reduction to two of the number of crimes subject to the death penalty.

The co-operation council also recalled the importance of full respect for human rights and the rule of law in promoting political stability and economic growth. It was agreed that any development of closer political relations between the EU and Uzbekistan would depend upon respect for shared values, as agreed in Article 2 of the partnership and co-operation agreement with Uzbekistan.

The EU welcomed the announcement by Uzbekistan of a programme aimed at eliminating the practice of torture in Uzbek prisons, expressed its concerns about cases of torture in detention centres and asked for impartial investigation of deaths of prisoners or other people in custody. The EU also welcomed the visit to Uzbekistan of the UN Special Rapporteur for Torture, Theo van Boven, and the announcement that Uzbekistan will implement his recommendations and those of the UN Committee Against Torture. Ireland, together with its EU partners, will closely follow the progress made by Uzbekistan in doing so and calls for the implementation process to be speeded up.

The abolition of the death penalty in Uzbekistan as in other countries is a political priority for Ireland. Together with our EU partners, we will continue to work for its worldwide abolition.

HIV Infection.

31. **Mr. Crawford** asked the Minister for Foreign Affairs his views on the recently published UNICEF report, *Growing up Alone*, on the plight of children orphaned and made vulnerable in sub-Saharan Africa; and if he will make a statement on the matter. [4241/04]

Minister of State at the Department of Foreign Affairs (Mr. Kitt): I congratulate UNICEF-Ireland on its recently published report, *Growing up Alone: children orphaned and made vulnerable by HIV-AIDS in sub-Saharan Africa*. The report highlights one of the most troubling consequences of the HIV pandemic, namely its impact on children. It calls for the rights of children orphaned and made vulnerable by the disease to be protected. It also urges that the families and communities of these children have the capacity to care for them.

Even though HIV-AIDS is a global phenomenon, no other region has been worse affected than sub-Saharan Africa. Over 11 million children under 15 years of age, orphaned by the AIDS pandemic, live in the region. This figure is expected to rise to 20 million by 2010. The huge number of children who have lost one or both of their parents is a severe strain on wider family members, particularly grandparents. African families have demonstrated extraordinary resilience under the impact of the epidemic, but they are now at breaking point. World Bank research suggests that the long-term social and economic impact of the epidemic will be

[Mr. Kitt.]

devastating, largely because significant numbers of these children will not receive the care, education and attention they need.

The declaration of commitment, agreed at the UN General Assembly special session on HIV-AIDS in June 2001, paid special attention to children orphaned by HIV-AIDS. It set specific goals to address their plight. These goals emphasise the importance of developing and implementing national strategies to strengthen government, family and community capacities to respond to the crisis, ensuring non-discrimination and building international co-operation. Unfortunately, there is increasing evidence that these commitments are not being met because the demands on governments and communities are so great.

HIV-AIDS is a key priority for Development Co-operation Ireland, the Government's official programme of development assistance. Ireland was one of the first donors to develop a comprehensive HIV-AIDS strategy in its development programme. We have promoted a more vigorous, focused and coherent approach to dealing with the HIV-AIDS crisis in the EU and through our participation in the executive boards of the UN's funds and programmes. Since 2001, the Government's financial allocations to the fight against AIDS have increased tenfold to €40 million in 2003.

UNICEF, which is leading the UN's response to the care and protection of children orphaned through HIV-AIDS, is one of Ireland's key partners in the UN system. In 2003, we contributed over €13 million to UNICEF. The executive director of UNICEF, Ms Carol Bellamy, will attend the Dublin conference on HIV-AIDS in Europe and Central Asia on 23-24 February 2004. UNICEF will also hold the annual meeting of UNICEF national committees in Dublin in April 2004. This latter meeting will also focus on the issue of HIV-AIDS.

The programme countries in Africa which are supported by Development Co-operation Ireland, Ethiopia, Lesotho, Mozambique, Tanzania, Uganda and Zambia, have very severe HIV-AIDS epidemics, as does South Africa, where we also have an intensive involvement. In each case, our efforts are targeted at strengthening Government capacity to respond to the disease and at supporting district and NGO responses at local and community levels. In many cases, funding is focused on support for orphans, including ensuring access to education, provision of food and clothing and psycho-social care. Support for orphans is also part of our regional HIV-AIDS programme in southern and eastern Africa.

The Government will continue to fight HIV-AIDS through its support for prevention, care, including the care of orphans, and treatment programmes in sub-Saharan Africa. We will also continue to press for a strong international response to an epidemic which is undermining all

development gains in the world's poorest countries.

Official Engagements.

32. **Mr. Howlin** asked the Minister for Foreign Affairs the matters discussed and conclusions reached at his meeting in Brussels on 28 January 2004 with the Secretary General of the United Nations, Kofi Annan; and if he will make a statement on the matter. [4190/04]

Minister for Foreign Affairs (Mr.: Cowen): I met United Nations Secretary General Kofi Annan on 28 January in Brussels. The purpose of the meeting was to inform the Secretary General of Ireland's European Union Presidency priorities, particularly in respect of EU support for effective multilateralism and the United Nations.

I assured the Secretary General that the European Union was firmly committed to a rules based international order with the United Nations at its heart and shared his concern at strains faced by the system of collective security. I briefed the Secretary General on the Irish Presidency programme, particularly on what the EU will do to help strengthen the multilateral system and the resources it will bring to the task of making the UN more effective in meeting challenges to peace and security, including through support for the work of the high level panel on threats, challenges and change which the Secretary General has established.

I reviewed the important developments in the past year in the EU's contribution to collective security, including the adoption of the European security strategy, the signature of the EU-UN declaration on co-operation in crisis management in September and the deployment of the EU mission in the Democratic Republic of the Congo, Operation Artemis, from June to September. I informed the Secretary General that Ireland's Presidency will focus on implementation of the European security strategy and that we will work closely with the UN in making operational the joint declaration. I also told him of our aim to reach agreement on how an EU rapid response capability might support the work of the United Nations.

The meeting also provided a welcome opportunity to reiterate the determination with which Ireland wishes to advance the international development agenda, principally the implementation of the millennium development goals. I also emphasised the priority Ireland attached to the resolution of conflict in Africa, the struggle against HIV-AIDS and the resumption of international trade talks. In respect of HIV-AIDS, I outlined plans for the international ministerial conference on HIV-AIDS in Europe and central Asia to be held in Dublin on 23-24 February, at which the Secretary General will make a video statement.

The Secretary General commended the European Union's developing relationship with

the United Nations, including co-operation in crisis management. He emphasised in this regard the importance of rapid deployment and praised Operation Artemis as a positive example of crucial EU support. He looked forward to further close co-operation between the EU and the UN. The Secretary General commended the European Union's developing relationship with the United Nations, including co-operation in crisis management. He emphasised in this regard the importance of rapid deployment and praised Operation Artemis as a positive example of crucial EU support. He looked forward to further close co-operation between the EU and the UN. He conveyed his deep appreciation of Ireland's determination to use its Presidency to support effective multilateralism and his confidence in Ireland's trusted capacity to deliver on this central objective.

The Secretary General and I were in full agreement on the need to enhance Africa's own capacity for peacekeeping. I briefed him on the African peace facility, under which the EU contributes towards the cost of African led peace initiatives as well as enhancing African peacekeeping capacity. The Secretary General, however, stressed the importance of the continued commitment of European states to participation in peacekeeping in Africa and, in this regard, expressed his appreciation of the participation of the Irish Defence Force in the UN peacekeeping mission in Liberia.

I took the opportunity to brief the Secretary General on my recent visit to the Middle East. At my request, he provided an analysis of a number of pressing international issues, including the Middle East, Ethiopia and Eritrea, Cyprus, Iraq, Afghanistan, North Korea and Sudan.

I also informed the Secretary General that Ireland, in response to his request for support for the peace process in Burundi, would make a contribution of €500,000 to the African mission in Burundi, AMIB, and expressed appreciation for his kind statement following the death of the late Papal Nuncio to Burundi, Archbishop Michael Courtney.

EU Presidency.

33. **Mr. J. Bruton** asked the Minister for Foreign Affairs the action he proposes to take, in the context of the Irish EU Presidency, to stem the proliferation of weapons of mass destruction; and his views on the proliferation risk associated with each category of weapon of mass destruction. [4375/04]

Minister for Foreign Affairs (Mr. Cowen): As EU President, Ireland will carry forward and oversee the implementation of the EU strategy against proliferation of weapons of mass destruction, WMD, adopted at the European Council in December 2003. The strategy constitutes an elaboration of the non-proliferation element of the European security strategy and outlines how the EU, using all

instruments and policies at its disposal, will seek to prevent, deter, halt and, where possible, eliminate proliferation programmes of concern worldwide. The Union's commitment to multilateralism permeates the strategy. Support for disarmament and non-proliferation treaties and fostering the role of the Security Council with regard to WMD will be central elements in addressing the proliferation of WMD and their means of delivery.

The strategy recognises that the proliferation of WMD is a growing threat and that meeting this challenge must be a central element in the EU's external action. Proliferation is driven by a small number of countries and non-state actors but presents a real threat through the spread of technologies and information. Increasingly widespread proliferation of WMD increases the risk of their use by states and of their acquisition by terrorist groups seeking to cause large scale death and destruction.

With regard to nuclear weapons, the Treaty on the Non-proliferation of Nuclear Weapons, NPT, which came into effect in 1970, has helped to slow and in some cases reverse the spread of military nuclear capability, but it has not been able to prevent it completely. The possession of nuclear weapons by states outside the treaty and non-compliance with the treaty's provisions by states party to it, risk undermining non-proliferation and disarmament efforts. The EU is, therefore, committed to promoting the universalisation of the NPT and to promoting adherence to the additional protocols which strengthen the International Atomic Energy Agency, IAEA, safeguards agreements. Proposals to strengthen the treaty will be made to the 2005 NPT review conference and Ireland will have an important role, as EU President, at the preparatory meeting for this conference to be held in New York in April.

Several countries still possess large chemical weapons stockpiles that should be destroyed, as provided for in the Chemical Weapons Convention, which entered into force in 1997. In addition, the possible existence of chemical weapons in states not party to the convention is a matter of concern and the EU has recently carried out a series of demarches to promote its universalisation. A particular difficulty with verification and export control regimes in this area is that the materials, equipment, and know-how are dual use.

As well as chemical weapons, biological weapons pose a special threat as they may have particular attractions for terrorists. Although effective deployment of biological weapons requires specialised scientific knowledge, including the acquisition of agents for effective dissemination, the potential for the misuse of the dual-use technology and knowledge is increasing as a result of rapid scientific developments. The use of both biological and chemical weapons is banned under the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating

[Mr. Cowen.]

Poisonous or other Gases, and of Biological Methods of Warfare of 1925. The stockpiling, production and development of biological weapons is prohibited by, the Biological and Toxin Weapons Convention, BTWC, which came into force in 1975.

Ireland will continue to play an active role in multilateral fora in an effort to ensure compliance with all of the obligations contained in the relevant legal instruments. We are also committed to strong national and internationally co-ordinated export control regimes, which are a necessary complement to this multilateral treaty framework.

Overseas Development Aid.

34. **Mr. Perry** asked the Minister for Foreign Affairs if the Government will meet the UN target of 0.7% of GNP for overseas development assistance in 2007; his views on whether progress towards reaching this target has stalled, with overseas development assistance remaining at 0.41% for the past two years; and if he will make a statement on the matter. [4247/04]

87. **Ms McManus** asked the Minister for Foreign Affairs the allocation for ODA in his Department's Estimates for 2004; if it remains the Government's commitment to meet the target for ODA of 0.7% of GNP by 2007; the proportion of that target that will be met in 2004 and in each successive year up to 2007; and if he will make a statement on the matter. [4193/04]

131. **Mr. Durkan** asked the Minister for Foreign Affairs the extent to which he expects to achieve the UN recommended targets in overseas development aid for this country; and if he will make a statement on the matter. [4479/04]

Minister of State at the Department of Foreign Affairs (Mr. Kitt): I propose to take Questions Nos. 34, 87 and 131 together.

The Government continues to have as an objective the achievement of the ODA target of 0.7% of GNP by 2007. Every effort is being made to provide the resources needed to work towards that target. Despite the many pressures on the public finances at present, an allocation of €400 million has been made in the 2004 Estimates to my Department's Vote for international co-operation. In addition, elements of ODA which are administered by other Government Departments are expected to total some €80 million this year. Total spending on ODA, therefore, is expected to approach €480 million in 2004, the highest ever in the history of the programme. This level of expenditure, in difficult budgetary circumstances, demonstrates the profound commitment of the Government to the attainment of the UN target.

In 2001, our aid expenditure amounted to 0.33% of GNP. Provisional figures indicate that the percentage in 2003 was 0.41%. This year it is likely to reach the same level or possibly exceed

it. In percentage terms, Ireland will remain one of the world's leading donors — we are currently in seventh place — and well ahead of the EU average. The Government hopes that increased allocations, the scale and timing of which will be considered on an ongoing basis, will be possible over the coming years with a view to the achievement of our objective. As budgetary circumstances improve, we hope that renewed momentum towards the UN target will be possible.

Question No. 35 answered with Question No. 25.

Question No. 36 answered with Question No. 21.

Military Neutrality.

37. **Mr. G. Mitchell** asked the Minister for Foreign Affairs his views on recent comments concerning a collective EU defence and Irish neutrality by the Irish EU Commissioner, David Byrne; and if he will make a statement on the matter. [4254/04]

Minister for Foreign Affairs (Mr. Cowen): Commissioner David Byrne, in a speech on 9 December to the Institute of European Affairs in Brussels, expressed the view that “some member states, including Ireland, are more squeamish than others about assuming collective defence or security roles”.

Let me be clear. Ireland is a ready participant in European security and defence policy, to the extent that this is consistent with our traditional policy of military neutrality. As Commissioner Byrne also highlighted in his speech, modern day neutrality is not about sitting on one's hands, relying on others to help out. Together with the other neutral and non-aligned member states, Ireland has sought to play a positive and constructive role in the evolution of ESDP. We are contributing a number of gardaí to the EU police mission in Bosnia-Herzegovina, and a number of Defence Forces personnel also participated in the EU military stabilisation force in the Democratic Republic of Congo last summer. We also participated actively in the negotiations on the security and defence provisions of the draft EU constitutional treaty and our contribution has helped shape the text which has now emerged.

In the context of negotiations on the mutual defence clause in the draft EU Treaty, Article 40.7, Ireland sought to retain the right to take our own sovereign decision on whether to provide assistance to another member state in the event of an armed attack on its territory. The safeguard clause in the current text makes clear that mutual defence obligations would be without prejudice to Ireland's security and defence policy. Effectively, this means Ireland would retain the right to take its own sovereign decision on whether to provide assistance in the event that a

member state is the subject of an attack, in keeping with our constitutional and legal requirements.

In relation to an EU common defence, Ireland's position is clear. In keeping with the amendment to the Constitution of October 2002, Ireland cannot participate in an EU common defence unless the people so decide in a referendum.

EU Presidency.

38. **Ms B. Moynihan-Cronin** asked the Minister for Foreign Affairs if proposals for a major conference aimed at bringing the EU closer to its citizens during the Irish Presidency of the EU have been finalised; and if he will make a statement on the matter. [4196/04]

Minister for Foreign Affairs (Mr. Cowen): The Government is committed to better informing and engaging citizens about developments in the European Union. It has decided in that context to convene an informal ministerial conference during Ireland's Presidency to assess and review how the EU is communicated to its citizens. The conference will be chaired by Minister of State, Deputy Roche.

Ministers or Secretaries of State for European Affairs from existing and acceding states, and the Presidents of the European Commission and the European Parliament, have been invited to participate in the conference which will take place on 7 and 8 April in Druids Glen, County Wicklow. The Presidency has also invited Ministers from Bulgaria, Romania and Turkey, and representatives from western Balkan states to attend.

On the first day of the conference, Ministers will discuss their experiences of communicating Europe to their citizens before assessing and reviewing the most effective strategies to raise wider public awareness and understanding about the EU.

On the second day of the conference, Ministers will meet with a delegation from Ireland's national forum on Europe and with representatives of European civil society organisations to exchange views on how to promote greater engagement by citizens in the European Union.

In preparation for the conference, a questionnaire has been circulated to all participants through the information working group in Brussels, which will assist the Presidency in defining the final conference agenda. Deputy Roche is also in continuing contact with his counterparts in other member states about the conference.

The conference will provide member states with an important opportunity to address the issues of communicating Europe more effectively and of promoting greater engagement of citizens with the EU.

Humanitarian Aid.

39. **Mr. Broughan** asked the Minister for Foreign Affairs his views on a new attempt to establish the United National Relief and Rehabilitation Agency as originally suggested after World War II in view of the present situation in such countries as Iraq, Somalia and Afghanistan; and if he will make a statement on the matter. [4182/04]

Minister of State at the Department of Foreign Affairs (Mr. Kitt): The United Nations Relief and Rehabilitation Administration, UNRRA, was founded in 1943, during the Second World War, to provide assistance in areas liberated from the Axis powers. UNRRA focused on, *inter alia*, assistance to refugees, distribution of emergency supplies and the restoration of basic services. UNRRA discontinued its operations in 1949. The functions of UNRRA were transferred to other UN agencies, including UNICEF, the Food and Agriculture Organisation and the United Nations High Commission for Refugees, UNHCR.

Since the Second World War, the United Nations has developed a group of specialised agencies to address humanitarian, recovery and development needs throughout the world. These agencies include the World Food Programme, WFP, the United Nations Development Programme, UNDP, UNICEF, the United Nations High Commission for Refugees, UNHCR, the Food and Agriculture Organisation, FAO, and the United Nations Relief and Works Agency, UNRWA. These agencies have established an excellent reputation in all aspects of humanitarian and recovery operations and in longer-term development activities. They are active throughout the world including in Iraq, Somalia and Afghanistan. Specialised agencies of the United Nations are co-ordinated in their humanitarian operations by the United Nations Office for the Co-ordination of Humanitarian Affairs, OCHA, which has the mandate to co-ordinate UN assistance in humanitarian crises that go beyond the capacity and mandate of any single humanitarian agency. Over the years, OCHA has developed greatly its capacity for effective co-ordination and played important roles in Afghanistan, Iraq and recently in Iran.

Ireland is a strong advocate of co-ordination in all development activities. Such co-ordination is essential for effective humanitarian and development impact. Ireland is therefore a substantial supporter of OCHA and its mandate. Ireland is a member of the OCHA working group which meets at technical level in Geneva on a regular basis. The working group is a forum for dialogue between major donors and OCHA officials. OCHA received €2.6 million in emergency and recovery funding from Ireland in 2003. This funding was allocated to OCHA programmes in Iraq, Liberia, West Africa, Iran and in support for OCHA's general work programme for 2004.

[Mr. Kitt.]

The United Nations Development Group, UNDG, was established by the UN Secretary General in 1997, to improve the effectiveness of UN development interventions at country level. The UNDG brings together the operational agencies working on development. The group is chaired by the administrator of the UNDP on behalf of the Secretary General. The UNDG develops policies and procedures that allow member agencies to work together and analyse country issues, plan support strategies, implement support programmes, monitor results and advocate for change. These initiatives increase UN impact in helping countries achieve the millennium development goals, MDGs, including poverty reduction. Ireland supports the work of the UNDG.

There is always room for improvement in co-ordination of humanitarian operations and long-term development activities. I believe that the best way forward, in seeking to improve the way the UN and the international community responds to emergencies and development, is to improve the existing instruments, such as the UN and its specialised agencies, rather than the reconstitution of an organisation such as the United Nations Relief and Rehabilitation Agency, which has not been operational for 55 years.

EU Enlargement.

40. **Mr. P. Breen** asked the Minister for Foreign Affairs the bilateral meetings already held or to be held between the Government and the government of Bulgaria in 2004; the position regarding the Bulgarian application for membership of the European Union; and if he will make a statement on the matter. [4242/04]

75. **Mr. Stanton** asked the Minister for Foreign Affairs the bilateral meetings already held or to be held between the Government and the government of Romania in 2004; the position regarding the Romanian application for membership of the European Union; and if he will make a statement on the matter. [4243/04]

Minister for Foreign Affairs (Mr. Cowen): I propose to take Questions Nos. 40 and 75 together.

The Taoiseach visited both Bulgaria and Romania in November 2003. He met the Romanian Prime Minister again last month and is due to meet him once more later this month. I met my Bulgarian counterpart last month and Minister of State, Deputy Roche will meet the Bulgarian Minister for European Affairs in March 2004. Further meetings will be arranged as necessary.

The European Council in December 2003 emphasised the continuity and irreversibility of the ongoing enlargement process of which Bulgaria and Romania form an integral part. Over the past year, these countries have significantly taken forward their preparations for

membership, which is reflected in the well advanced state of their accession negotiations. The Union's objective is to conclude negotiations with both countries in 2004, sign the accession treaty in 2005 and that the two countries should accede in January 2007, if they are ready. Negotiations will be concluded on the same basis and principles applied to the ten acceding states. To date, Bulgaria has closed 26 negotiation chapters and Romania has closed 22. As Presidency, Ireland will work to advance negotiations as rapidly as possible, in line with the clear political mandate given by the December European Council.

Foreign Conflicts.

41. **Mr. Allen** asked the Minister for Foreign Affairs if he will report on the situation in Senegal; and if he will make a statement on the matter. [4304/04]

Minister for Foreign Affairs (Mr. Cowen): The elections in April 2001, which resulted in the election of President Abdoulaye Wade, enhanced Senegal's reputation as an African democracy. The current government seems to have a sufficiently solid political base to enable it to move forward with political and economic reforms and to address Senegal's persistent social tensions. The next legislative elections are scheduled to take place in 2006 and a presidential election is due to be held in 2007.

For many years there has been separatist movement among the Dialo community in the southern Casamance region of Senegal. In 1982, the *Mouvement des Forces Démocratiques de Casamance*, MFDC, took up arms to fight for Casamance's independence. Despite various peace initiatives, violence has continued sporadically since.

The prospects for peace in Casamance, however, were given a new impetus by President Wade's meeting in early May 2003 with a central political leader of the rebel MFDC, at which both sides made specific commitments to move the peace process forward. A ceasefire agreement was agreed towards the end of December 2003 with the armed faction of Fogny in the Northwest area of the Casamance.

The agreement, including de-mining, is in the process of being implemented. We will continue to monitor the situation.

Human Rights Issues.

42. **Mr. Ring** asked the Minister for Foreign Affairs if, in view of the absolute position of the European Union against the use of the death penalty, he will raise the issue with the government of the United States of America during Ireland's Presidency of the European Union; and if he will make a statement on the matter. [4275/04]

Minister for Foreign Affairs (Mr. Cowen): As I have previously stated in this House, the

Government is adamantly opposed to the use of the death penalty and accordingly seeks its universal abolition. We believe that its abolition contributes to the enhancement of human dignity and the progressive development of human rights. The Deputy will be aware of the efforts we have made in conjunction with our EU partners, and in accordance with the common EU guidelines on the issue of the death penalty, to seek its universal abolition. The EU has pressed for abolition and has also undertaken *démarches* on the use of the death penalty in many countries, including the United States.

The EU guidelines adopted in 1998 set out clearly the common EU position on the use of the death penalty. These guidelines now form the basis for Ireland's concerted interventions, along with other EU member states, in death penalty issues. The guidelines state that, where the death penalty still exists, the EU will continue to press for its use to be progressively restricted and for moratoria to be introduced. In addition to interventions on the use of the death penalty in principle, it has also been agreed that, where the facts of individual cases suggest a violation of basic minimum standards under international law, the Union will consider making a specific intervention. In 2003 the EU carried out a number of *démarches* in the US, at both federal and state level, in accordance with the EU guidelines.

The Government is of the view that an EU intervention on this issue carries significantly greater force than individual bilateral intervention. Since the beginning of the Irish Presidency the EU has intervened in the case of one individual who has since been granted a stay of execution. The EU has also raised its concerns regarding US policy on the death penalty in a statement on this issue delivered at the OSCE on 22 January this year. The EU regularly raises the death penalty issue in its human rights Troika meetings with the US, including at the Troika meeting with the US which took place yesterday.

During the remainder of our Presidency, the issue of the death penalty will continue to be a priority for the EU. The EU will continue to monitor death penalty cases worldwide and make interventions as appropriate. The EU will raise the issue in all appropriate fora, including at the 60th session of the UN Commission on Human Rights in March and April this year, where the EU will again table its resolution on the death penalty.

International Arms Trade.

43. **Mr. Murphy** asked the Minister for Foreign Affairs if he supports the control arms joint campaign of Oxfam and Amnesty International; and if he will make a statement on the matter. [4245/04]

80. **Mr. Cuffe** asked the Minister for Foreign Affairs if the Government will issue a public statement in support of the global arms trade

treaty; if the Government is explicitly in support of the control of the legal export of arms; if the Government supports and will participate in the Finnish proposal for a conference of the willing on this issue; and if he will make a statement on the matter. [4325/04]

132. **Mr. Boyle** asked the Minister for Foreign Affairs the position the Government has taken on the control arms campaign as promoted by organisations (details supplied). [4487/04]

133. **Mr. Boyle** asked the Minister for Foreign Affairs the actions the Government is taking to secure the adoption of an international arms trade treaty at the UN arms conference to be held in 2006. [4488/04]

Minister for Foreign Affairs (Mr. Cowen): I propose to take Questions Nos. 43, 80, 132 and 133 together.

I am aware of a process led by a number of non-governmental organisations, including Amnesty International and Oxfam, aimed at the development of an international arms trade treaty which is intended to be a legally binding agreement with core principles and mechanisms relating to international transfers of arms. A welcome aspect of the proposed treaty is that it has the objective of setting out states' existing international legal obligations in the area of international transfers of arms. In addition, once ratified, the draft framework treaty would enable the international community to move forward incrementally, by means of subsequent more specific instruments.

While work on the drafting of the text is still ongoing, it is a promising initiative and I commend the NGOs concerned for their efforts. I understand that the text of the proposed treaty is currently being re-examined from a legal perspective by those NGOs involved in the arms control campaign who are meeting this month in Costa Rica and that as a consequence of those discussions revisions to the text may be made. We await the outcome of that meeting. I also understand that the UN arms conference in 2006 will review progress made under the UN programme of action to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects of 2001. The remit of the proposed international arms trade treaty is, however, not confined to small arms and light weapons, but also currently includes heavy weapons. Pending finalisation of the text of the proposed draft treaty and clarification of its focus, it would be premature to consider what actions would be appropriate in 2006. Ireland will, however, continue to be associated with the process and will closely monitor developments.

The Government is fully supportive of the principle of having legal controls on arms. Currently, all exports of arms from EU countries must conform to the EU code of conduct on arms exports, which establishes criteria to control such exports. Ireland was actively involved in the establishment of this politically binding code,

[Mr. Cowen.]

which was adopted by the EU General Affairs Council in June 1998. The code lists the factors to be taken into account when deciding whether to allow an export of military goods, including respect for human rights, the internal situation in the country of final destination and the preservation of regional peace, security and stability. Discussions are ongoing in the Union on the possible reinforcement of the status of the code of conduct, for example, by its transformation into an EU common position, which would be legally binding. Ireland is supportive of such a reinforcement of the code.

With respect to the proposal to host a meeting in Finland on the subject of the proposed international arms trade treaty, Ireland is supportive of international efforts to make progress. It was in this context that an official of my Department participated in a conference held last November at Cambridge University in England, the purpose of which was to examine the text of the draft treaty. Formal notice of the Finnish meeting has not yet been issued, although I understand that it will take the form of a workshop which will examine the draft treaty in the wider context of export controls. Ireland would be willing to participate in the event that an invitation is issued.

The proposed international arms trade treaty is also under discussion within the EU. Discussions have taken place at working group level, most recently last month, and will continue during Ireland's Presidency of the EU.

EU Treaties.

44. **Mr. Deasy** asked the Minister for Foreign Affairs his views on the position regarding the EURATOM treaty in the draft constitutional treaty for the European Union, and at the IGC; and if he will make a statement on the matter. [4283/04]

48. **Mr. Eamon Ryan** asked the Minister for Foreign Affairs the draft of the proposed EU constitution which the Government is using for negotiations; if the opt out clause from a mutual defence commitment that the neutrals secured in early December 2003 is part of the draft constitution under negotiation or if it will have to be agreed again; and if he will make a statement on the matter. [4331/04]

54. **Mr. English** asked the Minister for Foreign Affairs the efforts being made to reach agreement on the new constitutional treaty for the European Union during the Irish Presidency of the European Union; and if he will make a statement on the matter. [4279/04]

97. **Ms McManus** asked the Minister for Foreign Affairs if it is the intention of the Government to seek agreement on a new treaty or constitution for the European Union during the period of the Irish Presidency; and if he will make a statement on the matter. [4194/04]

102. **Mr. Gormley** asked the Minister for Foreign Affairs if his attention has been drawn to the Taoiseach's statement at Davos in January 2004 that the Polish and Spanish Governments must forget the agreement reached during the Nice Treaty on voting strengths; and if he will make a statement on the matter. [4330/04]

105. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if he will report on the status of the Article 40 common defence provisions of the draft EU constitutional treaty; his views on whether the Article 40 provisions have been finally agreed or may still be open to change at the next round of negotiations; if he has agreed to the Article 40 provisions; and, if not, if he will be seeking changes and the changes that will be sought. [4351/04]

Minister for Foreign Affairs (Mr. Cowen): I propose to take Questions Nos. 44, 48, 54, 97, 102 and 105 together.

As the House will be aware, as it did not prove possible to conclude negotiations on the draft constitutional treaty in December, the Irish Presidency was asked to consult partners, and, on that basis, to make an assessment of the prospects for progress and to report to the European Council in March.

Towards this end, the Taoiseach and I have been engaged in an intensive process of consultation. There have also been extensive official level contacts. We have been struck by the positive and constructive response we have received. There is a shared belief that it is in the Union's interests to bring the IGC to a conclusion as quickly as possible.

However, the issues involved, especially, but not only, the question of voting in the Council, are sensitive and complex. There are strongly differing views which will need to be reconciled if we are to reach agreement. It is, as yet, too early to say if it will be possible to bring matters to a successful conclusion during our term in office. However, as the Taoiseach has made clear, the IGC is a matter of the highest priority for the Government and we will continue to do everything we can to facilitate and encourage agreement.

On the question of voting in the Council, and as is well known, many member states favour a move to a dual majority system. A small number prefers to maintain the current system of weighted votes. There are understandable sensitivities on both sides. Our role as Presidency is to seek to find an outcome with which all participants in the IGC can live. If we are to succeed, there will have to be a shared willingness to compromise.

In approaching our task, we are building on the work carried out by the Italian Presidency. It brought forward a range of proposals in the paper tabled ahead of the meeting of Foreign Ministers in Naples in November. These proposals were refined and additional proposals were made — including in the area of defence — in the paper

tabled ahead of the summit meeting in Brussels in December.

Many of these suggestions would probably have been acceptable to partners had a full discussion taken place at that time. As Presidency, we will seek to build on the work carried out by our predecessors in office. However, we are also proceeding on the principle that nothing is agreed until everything is agreed.

As a participant in the IGC, the Government has supported efforts by the Austrian delegation to secure a future review of the EURATOM treaty. As Presidency, it is our task to seek to achieve an overall balanced outcome which is acceptable to everyone.

Human Rights Issues.

45. **Ms Burton** asked the Minister for Foreign Affairs if he has raised, or will raise, during his forthcoming visit to the Colombian President, Uribe Velez, the human rights deficit in Colombia and the serious international concerns with regard to respect for human rights in recent anti-terrorism laws promulgated by the Colombian Government. [4180/04]

Minister for Foreign Affairs (Mr. Cowen): President Uribe is undertaking a visit to Europe from 8-13 February. On 10 February he met with the Minister of State, Deputy Roche, at the European Parliament in Strasbourg.

The EU has been closely involved in the search for a peaceful solution to the long-standing armed conflict in Colombia. Current EU policy on Colombia is set out in conclusions adopted by the General Affairs and External Relations Council, GAERC, on 26 January 2004.

The Council conclusions were the basis for Deputy Roche's discussions with President Uribe. The conclusions confirm the EU's full support for the Colombian Government in its ongoing efforts to reform Colombia's institutions and to develop a fully functioning democratic state throughout the territory of Colombia, consistent with the rule of law, respect for human rights and international humanitarian law, and the welfare and safety of the citizens of Colombia. The conclusions also note progress so far on economic and political reforms designed to address existing inequalities within Colombia and promote sustainable development. The EU has expressed its support for the continuation and acceleration of this process.

The Council reiterated its full support for President Uribe's commitment to seek a negotiated solution to the internal armed conflict in Colombia and reiterated the readiness of the EU to assist in reaching a peaceful solution to the conflict, within the framework of a comprehensive peace strategy. The Council insisted that the illegal armed groups cease all hostilities and engage in constructive and meaningful dialogue. In particular, while acknowledging the recent release of some hostages, the Council underlined the importance

of a rapid release of all remaining hostages and kidnapped persons.

The Council also stressed the importance of taking early and effective action against impunity and collusion, especially with paramilitary groups. It underlined the need for demobilisation and re-insertion into society of members of illegal armed groups to be undertaken in line with relevant international law and jurisprudence and in a manner that respects the right of the victims of the conflict to truth, justice and reparation.

The Council expressed its deep concern regarding the still grave human rights and international humanitarian law situation in Colombia, and urged the Government urgently to address this situation, in particular by implementing without delay the specific recommendations of the UN High Commissioner for Human Rights, UNHCHR, including the recommendation to publish a plan of action on human rights with a timetable for implementation. The Council recalled in particular the UNHCHR's recommendation concerning the question of the granting of judicial powers to the security forces — one element of the recently enacted anti-terrorism legislation — and hoped that further discussions by the Congress on this legislation could be undertaken.

Noting with deep concern the plight of internally displaced persons and inhabitants of closed-off communities, the Council confirmed the EU's willingness to work with the Colombian Government and the UN in order to ensure a focused and co-ordinated effort to address this crisis. The Council also highlighted the perilous security conditions under which local and international NGOs and civil society organisations, including trade unions and human rights defenders, currently find themselves obliged to carry out their work in Colombia; and called on the Government to co-operate closely with all such groups to ensure their protection.

The Council emphasised the importance of achieving full implementation of the London declaration of July 2003 and exhorted the member states and the Commission to further develop their co-operation

EU Enlargement.

46. **Mr. Allen** asked the Minister for Foreign Affairs the bilateral meetings already held or to be held between the government and the Government of Turkey in 2004; the position regarding the possibility of Turkey joining the European Union; and if he will make a statement on the matter. [4244/04]

79. **Mr. J. Bruton** asked the Minister for Foreign Affairs if he will make a statement on the likely effect on the EU labour market, the EU budget and the functioning and weighting of votes in EU institutions of Turkish membership of the European Union; and when Turkey is likely, on present trends, to be ready for full EU membership. [4376/04]

Minister for Foreign Affairs (Mr. Cowen): I propose to answer Questions Nos. 46 and 79 together.

The Taoiseach has met twice recently with Prime Minister Erdogan in Brussels on 12 December and in Berlin on 9 January 2004. I will visit Ankara next month for the EU ministerial Troika meeting with Foreign Minister Abdullah Gul. Officials met earlier this week to prepare for this meeting. In our role as EU Presidency, the Government will maintain close contact with the government of Turkey and will encourage progress in the reform process in preparation for the decision on accession negotiations to be taken by the December European Council.

The Helsinki European Council in December 1999 decided that Turkey is a candidate country destined to join the European Union on the basis of the political criteria, which apply to all candidate countries. The Copenhagen European Council in December 2002 made the clear commitment that if the European Council meeting in December 2004 decides that Turkey has fulfilled the Copenhagen political criteria, the EU will open accession negotiations without delay. This decision will be taken on the basis of a report and recommendation by the Commission.

Last December's European Council welcomed the determined efforts by the Turkish Government to accelerate the pace of reforms. The Council encouraged Turkey to build on the substantial progress achieved so far in its preparations for launching accession negotiations. It underlined the commitment of the EU to working towards full implementation of the pre-accession strategy with Turkey, including the revised accession partnership. The European Council also noted that a settlement of the Cyprus problem would greatly facilitate Turkey's membership aspirations.

I have welcomed the progress made by Turkey in legislating for wide ranging human rights reforms over the past two years. A central element in the assessment to be made by the European Council in December will be the effective implementation of these legislative reforms at all levels of the administration.

In the event of a positive decision on fulfillment by Turkey of the Copenhagen political criteria, the EU is committed to opening accession negotiations without delay. Questions relating to the labour market and the budget would be important issues in any such negotiations. The question of voting in the Council is currently under discussion in the IGC. As Deputies will be aware, some partners are supporting a change to dual majority. Others prefer to maintain the current system of weighted votes. Until this question is resolved, it is not possible to say what the impact of Turkish accession would be in this matter, assuming that there were no further change in arrangements.

Human Rights Issues.

47. **Mr. Hogan** asked the Minister for Foreign

Affairs his views on the Amnesty International report on press freedom in Indonesia; and if he will make a statement on the matter. [4300/04]

Minister for Foreign Affairs (Mr. Cowen): I am aware of the Amnesty International report, "Indonesia: Press Freedom under Threat", published in October 2003, which highlights a number of cases being taken against individual journalists, as well as newspapers and magazines.

Greater freedom for the press has been one of the most promising developments in recent years in Indonesia. The passing into law of Press Law No. 40/1999 represented an important move away from previously restrictive measures. It recognizes that freedom of the press is one of the embodiments of the sovereignty of the people, and guarantees it as the human right of citizens.

On 13 June 2002, the European Commission adopted a new framework for co-operation with Indonesia, country strategy paper, covering the period 2002-06. Its primary aims are to reinforce good governance and the rule of law, assist in the reduction of poverty, reduce social unrest and assist in improving Indonesia's capacity for decentralization. As with all EU co-operation frameworks, such co-operation should contribute to encouraging respect for human rights and fundamental freedoms.

The External Relations Council of April 2003 adopted conclusions on Indonesia. The conclusions reaffirmed the EU's aspiration to build a closer partnership with Indonesia. They stressed at the same time the importance the Council attaches to the promotion and protection of human rights in Indonesia and the importance that the government of Indonesia further pursues its commitment to human rights.

I hope to lead an EU-Indonesia Troika meeting in ministerial format in the margins of the ASEM Foreign Ministers' meeting to be held in Kildare in April 2004. We will use this occasion, and further opportunities, to raise issues of concern, including emphasizing the importance the EU attaches to the promotion and protection of human rights and freedom of speech in Indonesia.

Question No. 48 answered with Question No. 44.

Common Foreign and Security Policy.

49. **Mr. R. Bruton** asked the Minister for Foreign Affairs if he will make statement on the relationship of the European Union with Cuba; and if he will make a statement on the matter. [4309/04]

Minister for Foreign Affairs (Mr. Cowen): The basis for the European Union's relationship with Cuba is set out in the EU common position, which aims to encourage, through dialogue rather than isolation, a process of transition to pluralist democracy and respect for human rights and fundamental freedoms, as well as a lasting

economic recovery and an improvement in living standards of the Cuban people.

In this context, the deterioration in the human rights situation in Cuba during the past year is greatly to be deplored. I refer in particular to the summary trial and lengthy prison sentences imposed on 75 dissidents for exercising their right to freedom of speech, as well as the summary trial and rapid execution of three hijackers of a ferry boat, in breach of international minimum standards for the implementation of the death penalty.

These grave violations by the Cuban authorities of international human rights standards caused the EU to implement the following diplomatic measures on 5 June 2003: a limitation on bilateral high-level Governmental visits; a reduction in the profile of participation in cultural events; the inviting of Cuban dissidents to national day events at EU embassies in Havana; and the decision to proceed to an early re-evaluation of the EU common position, six months before the due date.

On 16 June 2003, the General Affairs and External Relations Council, GAERC, adopted conclusions in which it reaffirmed its grave concern about the deterioration of the human rights situation and called for the release of all political prisoners. Referring to certain provocative conduct on the part of the Cuban authorities *vis-à-vis* the EU and its member states, the Council made it clear that it regarded such behaviour as unacceptable. This was a reference to the fact that official mass demonstrations, headed by President Castro, had been mounted against the embassies of two member states in Havana, and that the Cuban state media had conducted an unacceptable campaign of personal vilification against certain EU heads of Government.

The human rights situation in Cuba was deemed to be so serious that the matter was taken up by heads of state and government at the European Council on 20 June 2003. Endorsing the GAERC conclusions of 16 June, the European Council reiterated the EU's deep concern regarding the violation of fundamental freedoms in Cuba. Heads of state and government also deplored and rejected the "totally unacceptable behaviour of the Cuban authorities *vis-à-vis* at the EU and its Member States".

Notwithstanding this unacceptable conduct on the part of the Cuban authorities, on 21 July 2003 the GAERC reconfirmed the positive objectives of the common position as I have outlined them above, and also reaffirmed the validity of constructive engagement with Cuba, to be continued through political dialogue so that tangible results might be achieved, particularly in the political, economic and human rights spheres.

During the six months of the Irish Presidency, I will be open to any viable opportunity to advance relations with Cuba on the basis of the EU Common Position.

Middle East Peace Process.

50. **Ms O'Sullivan** asked the Minister for Foreign Affairs if he will make a statement on his recent official visit to Israel and Egypt. [4199/04]

86. **Mr. Noonan** asked the Minister for Foreign Affairs if he will report on the situation in the Middle East; his views on recent meetings held with Dr. Nabil Shaath, Palestinian Foreign Minister; if he has had recent contact with the government of Israel; and if he will make a statement on the matter. [4264/04]

Minister for Foreign Affairs (Mr. Cowen): I propose to take Questions Nos. 50 and No 86 together.

My visit to Israel and Egypt formed part of an intensive round of meetings with leaders from the Middle East during the last few weeks. On 9 January the Palestinian Foreign Minister, Nabil Shaath, came to Dublin and had discussions with the Taoiseach and myself. I visited Israel on 15 and 16 January, where I met President Katsav, Prime Minister Sharon, Foreign Minister Shalom and the leader of the opposition, Shimon Peres. In Egypt, on 17 January, I met President Mubarak, Foreign Minister Maher and the Secretary General of the Arab League, Amre Moussa. Most recently, on 9 February, the Palestinian Prime Minister, Ahmed Qurei, visited Dublin where he had discussions with the Taoiseach and myself. During my visit to Israeli I also gave a speech on "The Middle East and Europe" at Tel Aviv University.

In discussions with each interlocutor I stressed the serious situation that the peace process was in and that the road map appeared to be stalled. It seems that the significant initial steps of the road map are too difficult to implement at the moment. Therefore, I took the opportunity to suggest that small, but concrete and visible steps should be taken to help restore confidence in the process. These small steps could have a real effect on the ground by addressing the Israelis' concerns on security, while relieving the dire situation facing the Palestinians. This idea was quite well received by the Palestinians and was met with some interest by Israeli leaders. It also found support with the President and Foreign Minister of Egypt and the Secretary General of the Arab League.

I also discussed bilateral issues in both Jerusalem and Cairo.

Question No. 51 answered with Question No. 9.

Question No. 52 answered with Question No. 10.

Common Foreign and Security Policy.

53. **Ms Enright** asked the Minister for Foreign Affairs the steps being taken by the Government and the European Union to restore to the United Nations its authority and international standing following the unilateral action in Iraq; and if he will make a statement on the matter. [4316/04]

Minister for Foreign Affairs (Mr. Cowen): The divisions caused in the United Nations Security Council and beyond by the refusal of the then Iraqi regime of Saddam Hussein to comply with the demands of the council and by the subsequent military action in Iraq were unquestionably damaging.

At the General Debate in the UN last September, Secretary General Annan characterised the UN's position as having "come to a fork in the road." He pointed to the need for the Security Council to regain the confidence of states, and of world public opinion, by demonstrating its ability to deal effectively with the most difficult issues, and by becoming more broadly representative of the international community as a whole as well as of the geopolitical realities of today. He also spoke frankly of the need for the revitalization of the UN General Assembly.

In his address to the United Nations General Assembly on 25 September, the Taoiseach strongly supported the call made by Secretary General Annan to the international community to tackle the fundamental policy issues and the structural changes needed in the United Nations if it is to deal effectively with global issues, particularly those of international peace and security.

The Government believes that this is an issue of cardinal importance and, accordingly, the Irish Presidency of the European Union has made effective multilateralism a central priority. The Government believes that the European Union needs to develop a political profile at the United Nations commensurate with the substantial financial contribution its members make to the organization. It further believes that this collective strength, which will increase substantially on 1 May, should be used to support the strengthening of the United Nations.

The Union's strength has recently been put to good use in supporting the process of revitalization of the work of the UN General Assembly, on which a landmark resolution was adopted by the General Assembly in December. In its Presidency, Ireland is working to ensure effective implementation and follow-up.

On the more fundamental questions concerning the role of the UN, Ireland has obtained the agreement of partners that the European Union will make a contribution to the work of the Secretary General's high level panel on threats, challenges and change which is undertaking an analysis of current and future threats to peace and security and assessing how best collective action can meet those challenges.

Ireland is using its EU Presidency *inter alia* to focus on implementation of the European security strategy, which is aimed ensuring a stronger international society, a rule based international order and strong international institutions, including, most importantly, the United Nations. Ireland is working to render operational the EU-UN joint declaration on co-

operation in crisis management, which was signed in September 2003, and reach agreement on how an EU rapid response capability might support the work of the United Nations. Ireland's Presidency programme is also committed to the advancement of the international development agenda, principally the implementation of the millennium development goals agreed at the United Nations in 2000.

I outlined Ireland's Presidency priorities in this regard to UN Secretary General Annan on 28 January. The Secretary General expressed his appreciation of the European Union's developing relationship with the United Nations and his confidence that Ireland would use its European Union Presidency constructively and effectively in support of the United Nations.

Question No. 54 answered with Question No. 44.

Human Rights Issues.

55. Mr. Gogarty asked the Minister for Foreign Affairs if the human rights abuses in Guantanamo Bay will form part of the Irish Presidency's focus on human rights around the world; and if he has made representations to the US Administration concerning the prisoners in Guantanamo Bay. [4327/04]

Minister for Foreign Affairs (Mr. Cowen): Human rights have been a priority of successive Irish Governments and are a key area for the Irish Presidency in external relations. Ireland along with our EU partners monitors the human rights situations in many countries throughout the world. Where the situation warrants, the European Union makes known its concerns about human rights violations to the Governments in question, either directly, or through action at the appropriate international fora such as the UN General Assembly and the UN Commission on Human Rights.

As the Deputy is aware, I have previously expressed to the House the Government's concern that the detainees in Guantanamo Bay be treated in accordance with the provisions of international human rights and humanitarian law.

The United States authorities are well aware of the Government's position, which has been conveyed to them on a number of occasions. These concerns were conveyed most recently to the US embassy in Dublin by my Department in September last. There is no doubt that the United States is very conscious of the level and nature of international concern about the treatment and status of the prisoners held in Guantanamo Bay.

The Government recognises the danger posed by terrorist networks such as al-Qaeda. However, in confronting those who abuse and violate all forms of human rights, it is essential that the highest standards be maintained at all times.

Human Rights Abuses.

56. Mr. Kenny asked the Minister for Foreign

Affairs if, during the Irish Presidency of the European Union, there will be formal contact with Zimbabwe; if he will report on the political situation in Zimbabwe; and if he will make a statement on the matter. [4311/04]

Minister for Foreign Affairs (Mr. Cowen): A priority of the Irish Presidency is to increase the European Union's focus on African issues. In pursuit of this, we have organised a series of high-level meetings during our Presidency, including with the African Union, the Economic Community of West African States, ECOWAS, South Africa and Nigeria. During such meetings we will impress upon our interlocutors our concern at the current situation in Zimbabwe.

The European Union remains profoundly concerned about the political situation in Zimbabwe. Political violence and intimidation of dissidents continue. This was evident recently in the authorities' treatment of the National Constitutional Assembly, NCA, protesters in Harare on 4 February 2004. The right to freedom of expression and the freedom of the mass media are under attack, which can be seen in the Zimbabwe Government's harassment of the *Daily News*, Zimbabwe's only independent newspaper. Ireland condemns utterly the abuses being carried out by state forces and other groups affiliated to the governing party and the lack of accountability on the part of the Government of Zimbabwe in these matters.

As long as the current problem persists, I do not envisage engagement with the Zimbabwean Government. At the same time, Ireland, given its Presidency of the European Union, is open to dialogue with the Government of Zimbabwe as and when it can demonstrate material progress in the areas defined under the Union's established benchmarks. These centre on democratic norms, the rule of law, respect for human rights and personal freedoms. Real and verifiable progress on the benchmarks would lead to the re-engagement of the European Union with the Government of Zimbabwe.

The Union will continue to monitor the situation in Zimbabwe and to review the issue with our African partners.

Question No. 57 answered with Question No. 21.

Northern Ireland Issues.

58. **Mr. Penrose** asked the Minister for Foreign Affairs if he will make a statement on the outcome of the British-Irish Intergovernmental Conference on 22 January 2004. [4202/04]

Minister for Foreign Affairs (Mr. Cowen): Together with the Secretary of State for Northern Ireland, Mr. Paul Murphy, MP, I co-chaired the meeting of the British-Irish Intergovernmental Conference in Farmleigh House on 22 January 2004. I was accompanied by the Minister of State at the Department of Foreign Affairs, Deputy Kitt. The Secretary of State was accompanied by

Jane Kennedy, MP, and John Spellar, MP, Ministers of State at the Northern Ireland Office. The Garda Commissioner and the Chief Constable of the Police Service of Northern Ireland also attended.

This was the seventh meeting of the conference since the inaugural meeting in December 1999 in London. The conference on 22 January reviewed political developments, including developments since the Assembly elections in November and the continued efforts to fully restore the institutions of the Good Friday Agreement, based on cross-community support. The conference reasserted the two Governments' commitment to the full implementation of the agreement and discussed the review of the operation of the agreement, which was subsequently convened on 3 February 2004.

There was an exchange of views on North-South and east-west matters, including the current work programme of the North-South Ministerial Council and the British-Irish Council, respectively. The conference also reviewed the current security situation. It welcomed the reduction in violence in 2003, but noted with concern the rise in paramilitary violence in January and discussed ways of tackling this issue. It also reviewed the prospects for further normalisation and the British Government agreed to ask the Independent Monitoring Commission to report on this issue in conjunction with its report on paramilitarism.

The conference noted the increase in paramilitary crime and discussed ways of dealing with this issue, including through ongoing co-operation between the Criminal Assets Bureau and the Assets Recovery Agency. There was a discussion of the ombudsman's report on the murder of Séan Brown and the Chief Constable said he fully accepted the police ombudsman's report and had appointed a team to review the case. The conference also considered a range of criminal justice matters and recent developments in the area of human rights. Following our discussion of the Cory, Barron and Stevens reports, the conference acknowledged the need for the four remaining Cory reports to be published as soon as possible.

I also availed of the opportunity to raise concerns about the nationality requirements that restrict recruitment to certain Civil Service posts within the Northern Ireland Civil Service. Finally, the conference reviewed the continuing implementation of the Joint Declaration of 1 May 2003 and it agreed to review progress in greater detail at the next meeting, which is scheduled to take place in March 2004.

I have arranged for copies of the conference communiqué to be placed in the Oireachtas Library.

Human Rights Abuses.

59. **Mr. P. Breen** asked the Minister for Foreign Affairs his views on the Amnesty International report on concerns related to legislation

[Mr. P. Breen.] introduced by the Coalition Provisional Authority in Iraq; and if he will make a statement on the matter. [4302/04]

Minister for Foreign Affairs (Mr. Cowen): I refer the Deputy to my reply to Question No. 228 of Wednesday, 28 January 2003, which addresses the issues raised in this question.

European Enlargement.

60. **Mr. G. Mitchell** asked the Minister for Foreign Affairs if the accession of ten new member states to the European Union in May 2004 will not be considerably tarnished by the growing number of obstacles being placed in the way of these new states in terms of their mobility and equality within the Union; his views on whether the future enlargement of the Union will take place in a two-tiered manner that is contrary to the spirit of enlargement and the Union; and if he will make a statement on the matter. [4255/04]

125. **Mr. Durkan** asked the Minister for Foreign Affairs the extent to which the future enlargement of the European Union is being determined at present; and if he will make a statement on the matter. [4473/04]

Minister for Foreign Affairs (Mr. Cowen): I propose to take Questions Nos. 60 and 125 together.

The Government, in light of Ireland's Presidency, looks forward to welcoming the ten new member states into the European Union on 1 May 2004. That day will be a defining moment in the history of the Union and a major highlight of Ireland's EU Presidency. Ireland has placed a high priority during its Presidency on ensuring that these countries are fully and effectively integrated into the Union.

The outcome of the enlargement negotiations was balanced and accepted by both the existing and acceding member states. The accession treaty does not provide for or envisage a two-tier Union. The treaty does provide, in some cases, for transition periods or the option of transition periods, in many cases at the request of the acceding states. The provisions on mobility, including those on the free movement of workers, were agreed by all parties to the accession treaty.

The process of enlargement does not end on 1 May. The December European Council reaffirmed that negotiations with Bulgaria and Romania will be concluded on the same basis and principles as those applied to the ten new member states. The European Union will decide on the question of opening negotiations with Turkey at the European Council in December 2004.

Croatia applied for membership in February 2003 and the Former Yugoslav Republic of Macedonia is expected to lodge its application soon. At its summit meeting with the western Balkans in Thessaloniki in June 2003, the

European Union reiterated that the future of that region is within the European Union. As the European Union continues to enlarge, we make clear our view that moving forward together is the best way for Europe to advance.

The European Union is also developing its policy with regard to its neighbours in the European neighbourhood policy. This is designed to strengthen the framework of the Union's relations with neighbouring countries which do not currently have the prospect of membership of the European Union. In return for concrete progress and the effective implementation of political, economic and institutional reforms reflecting shared values, the initiative offers the Governments of these countries the prospect of closer economic integration with the European Union. The geographical scope of the initiative includes all the countries on the external land and sea border of the enlarged Union. These are Ukraine, Moldova and Belarus and the countries of the southern Mediterranean — Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestinian Authority, Syria, Tunisia. In January 2004, the Council invited the Commission to bring forward a recommendation on the relationship of Armenia, Azerbaijan and Georgia to the European neighbourhood policy.

Human Rights Abuses.

61. **Mr. Broughan** asked the Minister for Foreign Affairs the position on the efforts of the Nasser family to recover their family land held for generations and annexed by the Israeli authorities; the actions and advice his Department has offered; and if he will make a statement on the matter. [4183/04]

Minister for Foreign Affairs (Mr. Cowen): As I have stated in the House, the Government has consistently taken the view that the transfer of its own population into occupied territory by an occupying power is a flagrant breach of the Fourth Geneva Convention. The settlements established in the Occupied Palestinian Territories of the West Bank and Gaza Strip by the Israeli authorities are illegal and must be dismantled. Land seizures by the occupation forces for the purposes of settlement are null and void in international law. Both Ireland and the European Union have made these views known to the Israeli Government on numerous occasions.

The Nasser case referred to by the Deputy appears to be a particularly disturbing example of this policy in action. The case is currently the subject of an action before the Supreme Court of Israel and I understand that the next hearing is due to take place in March. My Department has not been approached for action or advice on the case. Our diplomatic missions in Israel and the Palestinian territories are following developments and we will in the first instance await the outcome of the court case.

62. **Mr. Murphy** asked the Minister for Foreign Affairs his views on the Amnesty International report on the perversion of justice in the United Kingdom with reference to the Anti-Terrorism, Crime and Security Act 2001; and if he will make a statement on the matter. [4305/04]

Minister for Foreign Affairs (Mr. Cowen): My officials have noted the contents of the Amnesty International report entitled “United Kingdom, Justice perverted under the Anti-terrorism, Crime and Security Act 2001”.

The Anti-Terrorism, Crime and Security Act, which became law in the United Kingdom in December 2001, contains a wide range of measures which the British Government considered necessary in the light of terrorist attacks of 11 September 2001. The measures include the power to seize assets, additional powers to detain under the Immigration Act and to search and fingerprint terrorist suspects.

The Amnesty International report raises a number of concerns about the Act and its operation. Under Part 4 of the Anti-Terrorism, Crime and Security Act, the Secretary of State can certify a non-UK national as a “suspected international terrorist” if he or she “reasonably (a) believes that the person’s presence in the United Kingdom is a risk to national security, and (b) suspects that the person is a terrorist.” The basis for these determinations may include secret information that is never revealed to the person concerned or his or her lawyer of choice. In addition, under the powers granted to the Executive in Part 4 of the Act, it can order the detention without charge or trial of foreign nationals.

I am satisfied, however, that Irish people living in Britain will not in practice be affected by the provisions in respect of “international terrorists” because they are not considered foreign nationals under the law.

In general, it is clear that a number of measures in the Act will affect all persons living in the United Kingdom. I am satisfied, however, that none of the measures will have a greater effect on Irish persons living in the United Kingdom than on British nationals or other UK residents.

Finally, it should be noted that the detention provisions of the Act are subject to a number of safeguards. They are subject to annual renewal by parliament, their operation is to be examined by a reviewer, and they will, in any event, cease to have effect in November 2006.

Irish Language.

63. **Mr. Neville** asked the Minister for Foreign Affairs if he will report on the position regarding the recognition of Irish as an official working language of the European Union; if the Government will be raising this matter at European level during Ireland’s Presidency of the European Union; and if he will make a statement on the matter. [4265/04]

Minister for Foreign Affairs (Mr. Cowen): The Irish language has the status of a “treaty language” in the European Union. This derives from the fact that the treaties are in Irish, and that in the treaties Irish is listed as one of the languages in which the text is authentic. This means that each successive treaty is published in Irish as well as in the eleven other languages, with the texts in Irish being equally authentic and having equal status with those in all other languages.

It has been the Government’s consistent approach to take any appropriate opportunity to enhance the standing of Irish in the European Union, and it has done so in several respects, including the following: the right of citizens to correspond with any of the institutions in Irish was introduced by the Amsterdam treaty and is maintained in the draft constitutional treaty; at our request, an Irish language version of the draft constitutional treaty agreed at the European Convention was also prepared; LINGUA, the European Union’s programme for the promotion of language teaching and learning, recognises the Irish language for its projects; most recently, the Government took steps to enhance the standing of the Irish language in the context of the reform of the staff regulations for European Union officials.

The Government remains committed to its policy of monitoring developments with a view to availing itself of any appropriate opportunity which may arise to enhance the status of Irish in the European Union. It is in this spirit that there are ongoing interdepartmental discussions in which all the options available to us are being analysed. I very much hope that these discussions will result in the identification of additional opportunities to enhance the status of Irish in the European Union within a practicable time frame.

Question No. 64 answered with Question No. 23.

International Atomic Agency.

65. **Mr. Noonan** asked the Minister for Foreign Affairs if he will report on the work of the International Atomic Agency in Libya; and if he will make a statement on the matter. [4317/04]

Minister for Foreign Affairs (Mr. Cowen): On 19 December 2003, Libya announced its intention, following negotiations with the UK and US, to eliminate all “materials, equipment and programmes which lead to the production of internationally proscribed weapons”.

The International Atomic Energy Agency, IAEA, sent a team to Libya almost immediately after the announcement, and briefings from the agency indicate that IAEA inspectors have been making rapid and steady progress in their nuclear verification efforts in Libya. They report a high level of co-operation from the Libyan authorities as well as assistance from UK and US personnel.

[Mr. Cowen.]

By the end of January the agency inspectors had completed the initial phase of their work, which included conducting an inventory of sensitive nuclear components and materials, the application of IAEA seals and working with US and UK personnel who, with the agreement of the Libyan authorities, provided logistical support to remove these materials from the country. Sensitive items have been removed under IAEA supervision and remain under IAEA seal and oversight. The IAEA work is continuing and agency inspectors will be undertaking verification work on nuclear components, equipment and materials inside Libya and on items which have been removed.

I understand that the Libyan authorities have also signalled their intention to conclude an additional protocol to their safeguards agreement with the agency. Ireland and our partners in the European Union consider that the adoption and implementation of comprehensive safeguards agreements, and additional protocols to them, is a prerequisite to an effective and credible safeguards system. We look forward therefore to Libya signing, ratifying and implementing such a protocol.

Ireland fully supports the work of the IAEA in verifying the dismantling of the Libyan programme and looks forward to the report of the director general of the agency on progress in Libya at the next meeting of the board of governors in March.

Question No. 66 answered with Question No. 14.

Question No. 67 answered with Question No. 15.

Foreign Conflicts.

68. **Mr. McCormack** asked the Minister for Foreign Affairs if he will report on the situation in East Timor; if he will further report on the negotiations between East Timor and the Australian Government regarding maritime boundaries; and if he will make a statement on the matter. [4313/04]

Minister for Foreign Affairs (Mr. Cowen): In their efforts to build a nation, the people of Timor-Leste have shown great political maturity, and good progress has been made in the establishment of democracy there. Every effort is being made by the new government to consolidate democratic institutions and the rule of law.

The special representative of the United Nations' Secretary General for Timor-Leste gave a briefing to the Security Council on 15 October 2003. He said that the advances and gains since independence had been remarkable, especially in the areas of governance, open leadership, enactment of legislation, rehabilitation of infrastructure, responsible development planning

and budgetary discipline, the country's regional integration, and, most importantly, the commitment to democratic norms and personal freedoms.

On 21 May 2002, the Security Council established a UN mission of support in East Timor, UNMISET, for an initial period of 12 months. In May 2003, the Security Council renewed its mandate for a further 12 months. UNMISET is gradually being reduced in preparation for its complete withdrawal in May 2004. The government of Timor-Leste expressed its hope in December that the UN would extend its mandate beyond May 2004, to help consolidate infrastructure and reassure the community about security. The Security Council will continue to monitor developments in Timor-Leste.

In spite of the achievements of the past three years, and despite continued progress, there are still major tasks to be accomplished. Timor-Leste faces a number of challenges including supporting core administrative functions, building and strengthening the justice system, completing the investigations undertaken by the special crimes investigation unit set up under UNMISET, and creating a favourable climate for sustainable social and economic development. It remains one of the poorest nations in the world, and there is a critical need for the continued support of the international community.

Negotiations on the definition of maritime boundaries are complex. Both Timor-Leste and Australia claim the same parts of the Timor Sea, an area with vast reserves of oil and gas. Timor-Leste wants the border, which currently gives Australia the majority of seabed between them, to run halfway between their coastlines. Australia on the other hand wants the boundary to remain as it is. However, it has signed the Timor Sea Treaty with Timor-Leste, giving Timor-Leste 90% of the revenue from oil deposits there. This issue was discussed at the EU-Australia ministerial Troika on 21 January, when Foreign Minister Downer advised us that Australia is committed to resolving this issue with Timor-Leste.

In March 2003, the Government announced that Ireland had accorded Timor-Leste programme "country status" for development co-operation purposes. This announcement is recognition of the significant progress made to date in Timor-Leste, and demonstrates our continuing commitment to its political and socio-economic development and to the promotion of good governance and human rights in these crucial formative years. The Ireland Aid Timor-Leste country strategy covers the period 2003-2005, and provides for funding of more than €11 million.

Ireland will continue to play its part in the provision of ongoing international support for Timor-Leste, and will continue to follow developments there very closely.

Question No. 69 answered with Question No. 20.

Nuclear Disarmament Initiative.

70. **Mr. Naughten** asked the Minister for Foreign Affairs the steps being taken to assess the nuclear capabilities of North Korea; if the European Union will hold meetings with representatives of North Korea to discuss international concern at ongoing nuclear developments in North Korea; and if he will make a statement on the matter. [4319/04]

Minister for Foreign Affairs (Mr. Cowen): Ireland and our EU partners remain seriously concerned about the DPRK's nuclear programme and its failure to comply with its IAEA safeguards agreement. We deeply regret the DPRK's expulsion of IAEA inspectors in December 2002 and its announcement in January 2003 to withdraw from the Non-Proliferation Treaty, NPT. The expulsion of the IAEA inspectors has meant that it is difficult to provide any accurate assessment of the DPRK's nuclear capabilities.

Recent reports that the DPRK is ready to freeze its nuclear programme are encouraging signs. However, Ireland, with our EU partners, continues to urge the DPRK to dismantle immediately any nuclear weapons programme in a visible and verifiable manner, to allow the return of the International Atomic Energy Agency, IAEA, inspectors to assess the DPRK's nuclear capabilities, and to come into full and unconditional compliance with all relevant international obligations, in particular the Non-Proliferation Treaty and the IAEA safeguards agreement.

An unofficial US delegation met the DPRK Vice Foreign Minister Kim Kye Gwan and visited the nuclear facility in Yongbyon last month. One member of the delegation testified to the US Senate Foreign Relations Committee to the effect that North Korea has the equipment and expertise with which to extract plutonium for use in nuclear weapons but he was not shown conclusive evidence of a nuclear weapons programme in operation in the DPRK. A European Parliament delegation, which is likely to be led by Jacques Santer, also plans to visit the DPRK from 21-24 February 2004.

Ireland, together with our EU partners, is committed to the pursuit of a peaceful and multilateral solution to the current Korean Peninsula nuclear crisis, and supports those working towards that end. We therefore fully support the six party talks process between the Democratic People's Republic of Korea, DPRK, the USA, the Republic of Korea, China, Japan and the Russian Federation aimed at securing a peaceful and comprehensive resolution of the current nuclear crisis. I welcome the news that a second round of talks will take place in Beijing on 25 February.

The visit to the DPRK by a European Union regional directors Troika delegation last December demonstrates the commitment of the Union to actively contribute to a peaceful solution to the current tense situation. The purpose of the Troika's visit was to convey clearly to the DPRK the EU's support for the six party talks process. The delegation also conveyed the need for the DPRK to respect its international non-proliferation obligations, emphasising that EU-DPRK relations and EU assistance would develop further once the current crisis has been resolved.

State Visits.

71. **Mr. Sargent** asked the Minister for Foreign Affairs the reason a Minister of State will soon embark on a trip to Cuba while an Irish Parliamentary delegation was refused permission by the Government last Easter 2003 to visit Cuba; and if he will make a statement on the matter. [4333/04]

Minister for Foreign Affairs (Mr. Cowen): The Minister of State at the Department of Health and Children, Deputy Callely, has decided not to visit Cuba at this time.

The question of visits abroad by Members of the Oireachtas is a matter for the Members themselves. However, the Government would continue to advise against official level visits to Cuba at this time.

Irish Presidency.

72. **Ms O. Mitchell** asked the Minister for Foreign Affairs if he will report on the upcoming third Asia-Europe parliamentary partnership meeting to be held in Vietnam in March 2004; and if he will make a statement on the matter. [4251/04]

Minister for Foreign Affairs (Mr. Cowen): The Third Asia Europe parliamentary partnership meeting, ASEP 3, will be held at Hué, Vietnam, from 25-26 March 2004, hosted by the National Assembly of Vietnam.

The ASEP is the overseeing parliamentary body whose meetings parallel the biannual inter-governmental Asia Europe meetings, ASEM, and represents an initiative designed to bring together parliamentarians from Europe and Asia. Although part of the ASEM framework, it meets on an *ad hoc* basis, and has not so far been established permanently.

I understand that the three main topics for the meeting will be: (1) ASEM partnership for a fairer and more equal global trade; (2) cultural identity and diversity in the context of ASEM; and (3) the current international security situation and challenges to international law.

The Vietnamese organisers intend to invite MEPs, members of the ASEM legislatures, as well as those of the accession countries, and participants from related regional organisations. I welcome this widening of ASEP' participants.

[Mr. Cowen.]

Such a wider participation would contribute to the aims of ASEM to widen discussion of Europe and Asia to a broad spectrum of civil society.

I hope that ASEP can develop into an important forum for interparliamentary discussion and debate on issues that affect all ASEM countries and assist in the promotion of better mutual understanding of our shared interest in peace and co-operation for development.

Common Foreign and Security Policy.

73. **Mr. Naughten** asked the Minister for Foreign Affairs if he will report on the European security document published recently by Javier Solana, EU High Representative for the Common Foreign and Security Policy; and if he will make a statement on the matter. [4272/04]

Minister for Foreign Affairs (Mr. Cowen): As the Deputy is aware, the European security strategy was adopted by the European Council on 12 December 2003. The aim of the strategy is to enable the EU to bring a holistic approach to international security issues, drawing on the full range of instruments available to the Union, including development co-operation and humanitarian assistance, trade relations, diplomatic and political means, and civilian and military capabilities for conflict prevention and crisis management which are being developed under the European security and defence policy, ESDP.

The Government has welcomed the overall approach of the European security strategy. It is fully consistent with Ireland's own perspective through its embodiment of a comprehensive approach to security, including both military and non-military means and its recognition of the need to address not only the symptoms of insecurity but also the underlying causes, which include poverty, injustice and under-development.

As Presidency, Ireland is working with High Representative Solana and the Commission on the implementation of the European security strategy. This work will focus on the four areas outlined by the European Council for initial action. These are effective multilateralism with the UN at its core, the fight against terrorism, a strategy towards the region of the Middle East and a comprehensive policy towards Bosnia-Herzegovina. Preparatory work is already under way in each of these areas and operational conclusions on our plans for implementation were adopted at the General Affairs and External Relations Council on 26 January. The intention is to report to the June European Council on progress in the implementation of the strategy.

Question No. 74 answered with Question No. 7.

Question No. 75 answered with Question No. 40.

Human Rights Issues.

76. **Mr. Coveney** asked the Minister for Foreign Affairs his views on the Amnesty International report on allegations of police ill treatment and excessive use of force in Germany; and if he will make a statement on the matter. [4306/04]

Minister for Foreign Affairs (Mr. Cowen): I wish to refer the Deputy to my reply of 28 January in which I reaffirmed the Government's appreciation for the contribution that Amnesty International makes to furthering the cause of promoting and protecting human rights internationally. I am confident that the German Government will have closely examined the contents of the Amnesty report.

As the Deputy will be aware, Germany has extensive constitutional protection for human rights and is a party to the European Convention on Human Rights, which provides for an independent European complaints mechanism to augment safeguards provided in national protection. Germany is also a party to a number of other international human rights instruments.

Illegal Immigrants.

77. **Ms Lynch** asked the Minister for Foreign Affairs his views on the statement issued by President Bush on 7 January 2004 setting out proposals for a new temporary worker programme as a way of addressing the situation of undocumented foreign workers in the United States; if he has an estimate of the number of undocumented Irish workers in the United States; the number he expects to benefit from the new proposal; and if he will make a statement on the matter. [4192/04]

Minister for Foreign Affairs (Mr. Cowen): On 7 January 2004, the President of the United States announced a new immigration initiative entitled "Fair and Secure Immigration Reform". Under the initiative, the president is proposing the creation of a new form of temporary work permit which would be available to both undocumented foreign nationals currently in the United States and those seeking to enter with a job already arranged.

The temporary work permit would give such people legal status in the United States for three years, with the possibility of renewal. Recipients of these permits would be able to apply for permanent residence in the US but would not receive preference over other green card applicants. Workers who did not qualify for permanent residency status when their temporary work permits expired would have to return to their country of origin.

While the proposal does not ensure permanent legal status for the undocumented in the United States, it does offer the possibility of a temporary status, which would enable them to work legally, with the accompanying employment rights and social benefits. Importantly, it would give these

workers the right to leave the United States during the period of the temporary work permit and return again. President Bush's proposals will have to be approved by the US Congress and it is too early to say what changes or amendments may be made in the course of their consideration by congress. Nevertheless, I welcome this initiative, which represents an important first step in addressing the situation of undocumented foreign workers in a pragmatic and compassionate way.

It is too early to gauge the number of Irish undocumented who might benefit from President Bush's initiative. Given the nature of the undocumented community it is very difficult to calculate the numbers involved accurately. For its part, the US citizenship and immigration services estimates that Ireland is one of the few European countries for which the number of undocumented in the United States declined during the 1990s, from 5,000 in 1990 to 3,000 in 2000. However, many of the agencies working with our emigrants would place the figure substantially higher.

I can assure the Deputy that the embassy in Washington will follow closely the progress of the president's initiative and the consideration given to it in the US Congress. In particular, it will continuously assess the potential of the proposals to regulate the status of Irish citizens in the United States who remain undocumented.

Human Rights Issues.

78. Mr. Connaughton asked the Minister for Foreign Affairs if he will make a statement on the recently published report, *More Justice for Europe*, by Amnesty International Ireland; and his views on the violence against women and the mental health campaigns. [4256/04]

Minister for Foreign Affairs (Mr. Cowen): Ireland and our EU partners attach great importance to the promotion and protection of human rights. During our EU Presidency, we will continue this process of mainstreaming human rights concerns into all aspects of the Union's policies. The report from Amnesty International, which the Deputy mentions was received in my Department and is currently being examined by my officials. Amnesty International Ireland and the human rights unit of my Department have a long record of consultation and co-operation, and my Department values the contribution Amnesty International Ireland is making with their reports. I understand that Amnesty International Ireland intends to launch its campaign against violence against women on 8 March. It will encompass opposition to domestic violence against women as perpetrated in Ireland and violence experienced by women in conflict and post-conflict situations worldwide.

Any queries the Deputy might have relating to the domestic angle of the campaign would fall within the responsibility of my colleague, the Minister for Justice, Equality, and Law Reform. I therefore propose to only address the topic of

violence against women and girls in conflict and post-conflict situations. During periods of conflict the role of women, both young and old, often becomes one of sole household provider, sole parent, carer for the injured, older people, children and other relatives. Women may also have roles of forced or voluntary combatants or providers of various services for fighting forces. These roles should be fully recognised. In this context, I would like to draw attention to the guidelines on children and armed conflict, which the EU adopted in 2003, which also underline the specific vulnerability of girls. Implementation of these guidelines is a priority for the Irish EU Presidency.

Women and girls are particularly at risk of serious violations of human rights or breaches of international humanitarian law in times of conflict, in particular genocide, ethnic cleansing and rape, including systematic rape of women and girls. In this context the government strongly supports the Rome Statute of the International Court under which persecution of women and girls, systematic rape and other acts of sexual violence may constitute crimes against humanity. The Government, along with its EU partners, urges all states that have not done so, to ratify or accede to the Rome Statute, and actively co-operate with the court, which has a vital role to ensure justice for all and to fight impunity.

Women in areas of conflict are easy prey for trafficking and sexual exploitation which is a matter of growing concern. The Convention on Transnational Organised Crime, which Ireland signed on 13 December 2000, is a powerful international instrument in the fight against trafficking. In addition, article 6 of the convention on the elimination of all forms of discrimination against women requires state parties to suppress of all forms of trafficking. The Government ratified the convention on 22 January 1986 and its optional protocol on 22 December 2000. This protocol allows individual women, or groups of women, to submit claims of violations of rights to the committee on the elimination of discrimination against women; and provides for an inquiry procedure enabling the committee to initiate inquiries into situations of grave or systematic violations of women's rights.

The Beijing declaration and the platform for action recognise not only that peace is inextricably linked with the advancement of women but also that armed and other types of conflict still persist in many parts of the world. The Government welcomes initiatives in recent years by the United Nations to address these issues, in particular, Resolution No. 1325 on women, peace and security adopted by the Security Council in 2000. This resolution reiterates the importance of bringing women, and a gender perspective, to the centre of all decisions regarding UN peace making, peace building and peacekeeping and acknowledges that rehabilitation and reconstruction require the full participation of women. The Government, along

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with its EU partners, commends the report by the Secretary General on women, peace and security arising from this resolution and its system wide implementation action plan to the Security Council. The Government also welcomes the UNIFEM report on women, war and peace which emphasises the leading role of women in peace building and the need to support women in this role.

Regarding the Deputy's query on Amnesty International Ireland's campaign on mental health in Ireland, we understand from the organisation that the focus of this campaign is purely domestic and therefore falls within the remit of my colleague, the Minister for Health and Children.

Question No. 79 answered with Question No. 46.

Question No. 80 answered with Question No. 43.

Foreign Conflicts.

81. **Mr. English** asked the Minister for Foreign Affairs his views on the situation in the Democratic Republic of the Congo; and if he will make a statement on the matter. [4280/04]

Minister for Foreign Affairs (Mr. Cowen): : The overall political situation in the Democratic Republic of the Congo continues to be marked by steady progress in the implementation of the Sun City peace accords, concluded in South Africa last April. The new transitional government comprising representatives of the government of President Kabila and of the main rebel groups has now been in office for over six months and is developing a strong sense of coherence in discharging its responsibilities. The transitional government's programme of work covering the transition period to 2005 was approved last December by the interim parliament established last July. There are also encouraging signs of a progressive normalisation of relations between the DRC and its neighbours. An important development in this regard was the meeting on 25 September 2003 between the DRC, Burundi, Uganda and Rwanda in the presence of UN Secretary General Annan in which the four countries agreed to refrain from interference in each other's affairs and to prevent arms shipments to warring groups in the eastern area of the DRC.

While the overall security situation in the DRC has improved immeasurably since the signing of the peace accords, there continues to be concern over the situation in the Ituri and north and south Kivu regions which remain plagued by sporadic violent killings, notwithstanding the efforts of MONUC, the UN peacekeeping mission. Such incidents demonstrate the need for the newly formed transitional government to establish its presence throughout the country and, in

particular, in the eastern and north eastern regions. The transitional government has committed itself to send 3,000 police officers to the Ituri region, a decision which I welcome. I also welcome the release of European development funds totalling €205 million to support the transitional government in institution building, constitutional reform and the strengthening of the rule of law, as well as funding for health services and debt relief.

Ireland, along with our EU partners, will continue to encourage the transitional government in Kinshasa to consolidate its authority throughout the territory of the DRC and to hasten the process of creating an integrated national army and police force. Specifically, as regards the envisaged integrated police force, the EU is providing support, in a two phase project, towards the establishment of an integrated police unit in Kinshasa, with the emphasis in the initial phase on training and rehabilitation of the training infrastructure.

The European Union has already made a substantial contribution to restoring peace and security in eastern DRC through deployment of the EU led emergency multinational force, operation Artemis, to the town of Bunia in Ituri last June. Operation Artemis, the first EU operation to undertake implementation of Petersberg Tasks outside Europe, was deployed at the request of the United Nations Secretary General and on foot of UN Security Council Resolution 1484. In September, Operation Artemis handed over control of Bunia to a strengthened United Nations mission in the DRC, MONUC, having fulfilled its mandate of restoring stability to the town. Ireland contributed five army officers to Operation Artemis and a proportionate share of the costs. Ireland is currently providing two army officers who serve as military observers with MONUC.

Ireland fully intends to sustain the positive engagement of the EU in the DRC and the great lakes region during our Presidency. We will work to prepare the proposed great lakes conference which is currently scheduled to take place in November 2004. The conference will focus on peace, security, democracy and development in the great lakes region and will be held under the auspices of the African Union and the UN.

As further evidence of Ireland's commitment to the DRC, we will ensure that the office of the EU special representative to the great lakes region is utilised to the full in promoting EU policy in the region. In addition, my Department continues to avail itself of bilateral meetings with regional and pan-African parties to stress Ireland's support for the peace process in the DRC and to encourage others to support fully the transitional institutions in that country. The Government will also continue its constructive engagement in providing substantial humanitarian assistance in response to the enormous suffering caused by conflict and natural disasters in the DRC. Development Co-operation

Ireland, DCI, has delivered over €5.5 million in emergency and recovery humanitarian aid for the people of the DRC since 2000, while a further estimated €1.1 million will be made available under DCI's multi annual programme scheme.

EU Presidency.

82. **Mr. Kehoe** asked the Minister for Foreign Affairs if he will report on the situation in Georgia; if he will make a statement on his recent visit to Georgia; and if he will make a statement on the matter. [4298/04]

Minister for Foreign Affairs (Mr. Cowen): I represented the European Union at the inauguration of Georgian President Mikheil Saakashvili on 25 January 2004. While in Tbilisi, I met with President Saakashvili, with state minister Zhvania, and with parliamentary speaker Nino Burjanadze. I also discussed Georgia with Russian Foreign Minister Ivanov and with US Secretary of State Colin Powell. In my meetings with President Saakashvili and his colleagues, the new leadership conveyed its interest in strengthening Georgia-EU links, particularly with regard to the European neighbourhood initiative. I also sensed an openness to listen to ideas about how they might best move forward in their programme of democratisation and reform. President Saakashvili has said that his priorities are to fight corruption, establish the rule of law, and improve the conditions for investment in Georgia, in the interests of long-term prosperity.

Threats to Georgia's territorial integrity arising from regional conflicts will inevitably be a concern for the new administration. On foreign policy, President Saakashvili has stressed his wish to develop relations with the EU, to continue to work closely with the US, and to improve relations with Russia. Given the size of the challenge which the new administration in Georgia faces, it is to be hoped that the new leadership will continue to co-operate closely to ensure the continued stability of the country.

The European Union is supportive of the new leadership in Georgia in the challenges which it faces. Following discussion of the situation in Georgia at the General Affairs and External Relations Council in January 2004, Ministers agreed that "the EU remains committed to assisting the reform process in Georgia through the range of EU instruments and policies, in close co-operation with relevant international organisations".

The Union will monitor closely the progress of reforms in Georgia, particularly in the next few months. The parliamentary elections which will take place on 28 March will be a real test of the progress which Georgia's new leadership have made towards meeting international commitments on electoral standards. The European Union will be watching closely to see how Georgia meets this challenge. The Government provided €100,000 towards the cost

of running the early presidential election on 4 January 2004 and will send monitors to the March parliamentary elections.

The new administration has also to tackle problems caused by mismanagement of state resources and a failure to collect revenues efficiently over the past several years, as well as a massive corruption problem. They have taken courageous steps to address these issues, and a crucial test of their success will be the IMF assessment of the new state budget following the visit of an IMF delegation to Tbilisi this month. Greater accountability in the use of resources would facilitate an increase in international aid to Georgia.

The appointment of Heikki Talvitie as EU special representative for the south Caucasus in July of last year was a signal of greater EU engagement in the whole south Caucasus region. EU special representative Talvitie visited the region most recently in late January and early February, and I met with him during my visit to Tbilisi. The January 2004 General Affairs and External Relations Council invited the Commission "in consultation with the High Representative, and taking account of the EUSR's proposals, to bring forward a recommendation on the relationship of Armenia, Azerbaijan and Georgia to the European Neighbourhood Policy". The Council indicated its wish to consider this recommendation before the end of the Irish Presidency.

Foreign Conflicts.

83. **Mr. Durkan** asked the Minister for Foreign Affairs the extent to which he hopes to influence the situation in Iraq, with particular reference to restoring peace and stability; and if he will make a statement on the matter. [4337/04]

84. **Mr. J. O'Keeffe** asked the Minister for Foreign Affairs his views on the current situation in Iraq. [4101/04]

Minister for Foreign Affairs (Mr. Cowen): I propose to take questions 83 and 84 together.

I have consistently argued that an accelerated transfer of authority from the occupying powers to the Iraqis is necessary, while also recognising that this transfer has to be properly prepared. Although progress is being made in this regard, this positive development is offset by the continuing violence and the deep sense of concern which this is generating. The continuing insecurity problem cannot be solved through military means alone. A political solution is required. The support of the Iraqi people and of neighbouring countries is crucial to the successful transfer of sovereignty.

The fundamental question is how to transfer power to a sovereign Iraqi government at a time when the country is torn by violence and the three main factions — Shia, Sunni and Kurds — are in disagreement over the way forward. The resistance continues to inflict casualties on both the occupying powers and ordinary civilians. At

[Mr. Cowen.] the political level, there is disagreement on how to choose an interim government.

I welcome the announcement that a UN electoral team has been sent to assess the feasibility of holding elections before 30 June, and if not feasible, advise on possible acceptable alternatives. The UN elections advisory team left for Iraq on 5 February. I would concur with Secretary General Annan's analysis that consensus among all Iraqi constituencies would be the best guarantee of a legitimate and credible transitional government arrangement for Iraq. I have also consistently spoken in favour of a deeper UN involvement, as I believe that a UN role in the oversight of the transfer of sovereignty, for example, in supervising the formation of the transitional assembly, would give the process greater international legitimacy. I commend Secretary General Annan's efforts to maximise, within the existing political and physical constraints, the role and activities of the United Nations in regard to Iraq.

During our Presidency we will continue to support efforts aimed at reaching an international consensus on the way forward. We will be in contact with our EU partners, the United States and other concerned countries. In addition, in our role as Presidency of the European Union, Ireland is pleased to join with the US and other donors as a member of the Iraq reconstruction core group. We believe this will be a valuable opportunity to work closely with other donors to ensure that reconstruction efforts in Iraq are successful.

85. **Ms O. Mitchell** asked the Minister for Foreign Affairs if he will report to Dáil Éireann on the political climate in Sri Lanka; and if he will make a statement on the matter. [4310/04]

Minister for Foreign Affairs (Mr. Cowen): On 23 February 2002 a formal ceasefire agreement was signed, with Norwegian facilitation, between the Liberation Tigers of Tamil Eelam, LTTE, and the Sri Lankan Government. Despite mounting political difficulties on the island, the ceasefire has continued to hold. On 4 November 2003, President Kumaratunga relieved three senior government ministers of office and personally assumed their powers. President Kumaratunga was reportedly concerned about LTTE proposals on an interim administration for the north and east of the country, and claimed that the government, led by Prime Minister Wickramasinghe, was making too many concessions. She announced that talks with the LTTE had been postponed indefinitely. A state of emergency was declared and parliament was prorogued for two weeks. Although Mrs. Kumaratunga holds the office of president, her party constitutes the official opposition, having lost parliamentary elections to Prime Minister Wickramasinghe two years ago.

The prime minister reportedly rejected as unworkable a power sharing offer from the

president. On 8 February 2004, President Kumaratunga dissolved parliament and called for elections to be held on 2 April, nearly four years ahead of schedule. It is unlikely that there will be a resolution of these differences until after the elections. There are ongoing concerns that a prolonged political confrontation between the prime minister and the president could ultimately jeopardise the peace process with the LTTE. However, the LTTE have continued to reaffirm their commitment to the peace process.

On 4 November, the Presidency of the European Union, in conjunction with the European Commission, issued a statement urging the parties involved to continue to work together in support of a negotiated political solution. On 14 November 2003, Norway announced the suspension of its involvement in the peace process until such time as the political crisis is resolved. From 24 to 27 November 2003, EU External Relations Commissioner Mr. Chris Patten visited Sri Lanka where he held meetings with both government representatives and the LTTE. Commissioner Patten urged both sides to resume the peace process and warned against the extremely negative consequences that a resumption of violence could bring.

A co-chairs conference is due to take place in Washington on 17 February 2004, as a follow-up to the June 2003 Tokyo donor's conference on Sri Lanka. The co-chairs consist of the EU, Japan, the US, and Norway, the last in view of its position as facilitator of the peace process. Co-chairs are responsible for monitoring progress towards peace and advising on actions by the donor community. Through various channels, the Government will continue to take all appropriate opportunities to encourage the parties concerned to bring the peace process to an early, successful conclusion.

Question No. 86 answered with Question No. 50.

Question No. 87 answered with Question No. 34.

Question No. 88 answered with Question No. 12.

North-South Ministerial Council.

89. **Mr. Hayes** asked the Minister for Foreign Affairs his views on the report of the North-South Ministerial Council; and if he will make a statement on the matter. [4282/04]

Minister for Foreign Affairs (Mr. Cowen): The 2002 annual report of the North-South Ministerial Council provides an interesting insight into the work of the council. It demonstrates the extent to which the programme of work under way under the aegis of the NSMC has developed and has become an integral part of the relationship between both parts of the island. It will be clear from the range of work and issues

covered, that what we are talking about is practical co-operation on matters which bring obvious benefits to both North and South.

Despite difficulties in the wider political process, progress on North-South co-operation continued throughout 2002, with important work being taken forward by the North-South bodies and by Departments.

The Deputy will recall that in order to safeguard the achievements of the council, the Government legislated in November 2002 to provide that both Governments could take any decisions necessary to allow the North-South bodies to continue to carry out their important public functions during the period of suspension.

The two Governments have stated many times that the review of the agreement, which is currently underway, will not be a review of the fundamentals of the agreement, but of its operation. It will be the Government's priority in the period ahead, and against the backdrop of efforts to bring about the restoration of devolution in Northern Ireland, to protect the achievements of the agreement, including the Strand II arrangements, which include the North-South Ministerial Council and the North-South bodies.

Question No. 90 answered with Question No. 23.

Diplomatic Relations.

91. **Mr. Gogarty** asked the Minister for Foreign Affairs if he will report on his January 2004 meeting with the Swiss Foreign Minister, Ms. Micheline Calmy-Rey; and if he will make a statement on the matter. [4328/04]

Minister for Foreign Affairs (Mr. Cowen): On 13 January, I met Switzerland's Federal Councillor, Ms Micheline Calmy-Rey, who has responsibility for Switzerland's foreign relations. Because of the importance of Switzerland's relations with the European Union, Federal Councillor Calmy-Rey had requested a meeting at the earliest possible opportunity in Ireland's EU Presidency and I was happy to facilitate this. Our discussions focused mainly on relations between the EU and Switzerland and on international issues of mutual concern and interest. We were both happy to note that bilateral relations between Ireland and Switzerland are excellent.

The EU and Switzerland are at present engaged in completing negotiations on a revised set of bilateral agreements in view of the impending enlargement of the European Union. The European Commission is conducting the negotiations on behalf of the EU on the basis of a mandate agreed by the Council of Ministers. The negotiations cover taxation of savings, Schengen, co-operation in combating fraud, free movement of people, trade in processed agricultural products, Swiss participation, the EU Environment Agency, co-operation on statistics,

trade in services, and co-operation on media related matters, and on education, youth and training. Negotiations on trade in services have been deferred until a later date.

In most of these areas, only a few points remain to be agreed. With regard to the negotiations on the Schengen and Dublin agreements, on co-operation in combating fraud and on adapting the existing agreement on free movement of persons, there remain outstanding difficulties and negotiations on these continue. Ms Calmy-Rey and I had a useful exchange of views on these issues, while recognising that the Commission remains responsible for the conduct of negotiations on all of these issues on behalf of the EU.

Ms Calmy-Rey and I also discussed the Middle East peace process and, in particular, Switzerland's experience with the Geneva initiative. As this meeting was held just before my own visit to Israel and Egypt, it was a useful and timely opportunity to share views with another party with important insights into this difficult dispute.

Foreign Conflicts.

92. **Mr. McGinley** asked the Minister for Foreign Affairs if he will report on the situation in Liberia and on the welfare and conditions of the Irish troops serving in Liberia; and if he will make a statement on the matter. [4248/04]

Minister for Foreign Affairs (Mr. Cowen): Deputies will be aware that the national transitional government of Liberia was inaugurated in Monrovia on 14 October, 2003. Mr Gyude Bryant will serve as chairman of the transitional government until parliamentary and presidential elections are held before the end of 2005. The Irish Government was represented at the inauguration by my colleague, Minister of State at the Department of Foreign Affairs, Deputy Kitt. On taking office, Mr. Bryant pledged to introduce transparency in government and respect for human rights.

The security situation in UN controlled areas has improved. There has been progress in the implementation of the comprehensive peace agreement signed by the Liberian parties on 18 August 2003. The peace process, however, remains fragile. Monrovia is now a weapons free zone but the situation is less stable in other areas. Troops from the United Nations mission in Liberia, UNMIL, were deployed in rebel territory outside Monrovia for the first time on 27 December. Sporadic outbreaks of fighting in rebel strongholds highlight the need for a comprehensive process of disarmament, demobilisation, rehabilitation and reintegration, DDRR.

Initial disarmament and demobilisation efforts in December, while securing large numbers of weapons, did not proceed as smoothly as foreseen. On 15 January 2004, a new plan to restart the DDRR programme was agreed by all

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the military factions, incorporating a timeline to allow the faction leaders to educate their fighters on all aspects of the plan before physical disarmament takes place. Encouragingly, on Monday 9 February 2004, the leader of the largest rebel movement, the Liberians United for Reconciliation and Democracy, LURD, handed over a substantial cache of weapons to UNMIL to demonstrate support for the impending round of disarmament.

In addition to participating in UNMIL, Ireland, both nationally and as EU Presidency, has been actively engaged in promoting donor support for reconstruction in Liberia. In his address to the Liberia reconstruction conference in New York on 6 February, the Minister of State, Deputy Kitt, pledged the EU's continued support for the Liberia peace process and for efforts to rebuild the country. He outlined European Community assistance for Liberia, stating that the European Community alone will provide an overall amount of \$200 million through the European Development Fund and humanitarian funds to contribute to the transition process and emergency relief over the coming two years. This assistance is in addition to bilateral assistance pledged by EU member states at the conference. Ireland pledged assistance of €5 million.

Ireland will continue to encourage all parties to carry out their commitments and obligations under the comprehensive peace agreement. We will lend active support to the work of the United Nations Special Representative in Liberia, Jacques Klein, and to the EU Special Representative for the region, Hans Dahlgren.

Deputies will also be aware of the substantial deployment of permanent Defence Forces personnel to UNMIL. The Irish contingent comprises some 430 personnel including a small number of personnel at force headquarters in Monrovia. In addition, personnel from the Army ranger wing have been deployed, at the request of the UN, on a short-term basis to UNMIL.

As regards the welfare and conditions of the Irish troops deployed to UNMIL, I would refer to the comprehensive information recently given by my colleague, the Minister for Defence, to the House. The Minister provided the House with extensive briefing on the meticulous preparation and training of Defence Forces personnel for service in UNMIL, and on the measures taken to ensure that an appropriate standard of medical care is available to Irish military personnel. On his visit to the Irish contingent in Liberia on 21-23 January, he conveyed to the Irish troops the deep appreciation of the Government and people of Ireland for their continued outstanding service to the cause of international peace and security.

Colombian Trial.

93. **Mr. Rabbitte** asked the Minister for Foreign Affairs the latest reports or information he has received from the consular office which has been attending the trial of three Irish persons facing

serious charges in Colombia; if he has information with regard to when the trial is expected to resume; and if he will make a statement on the matter. [4203/04]

Minister for Foreign Affairs (Mr. Cowen): The ambassador to Colombia acted as my official representative throughout the trial and his reports were considered carefully in my Department. The trial has ended and the decision of the judge is awaited. The Deputy will appreciate that, pending the delivery of the judge's decision, it would not be appropriate for me to make any comment on this case.

I can assure the Deputy that my Department will continue to follow this case closely and to provide all possible consular assistance to the men.

Question No. 94 answered with Question No. 20.

Human Rights Abuses.

95. **Mr. Kehoe** asked the Minister for Foreign Affairs if he has had recent contact with the Government of China on behalf of Falun Dafa practitioners; if he has discussed with the Chinese authorities the position of two persons (details supplied) who are unable to return here to continue their studies due to their support for Falun Dafa; and if he will make a statement on the matter. [4260/04]

Minister for Foreign Affairs (Mr. Cowen): Human rights issues, including the issue of Falun Dafa, are regularly raised in contacts with the Chinese authorities. I will continue to raise such issues during my meetings with Chinese Ministers.

The situation regarding the persons referred to by the Deputy has not changed since my last reply on this matter on 27 January 2004.

Missing Persons.

96. **Mr. Kenny** asked the Minister for Foreign Affairs if he will report on the recent kidnapping and subsequent release of an Irish citizen and others in Iran; the efforts made by the Government on behalf of these persons to ensure their safe release; and if he will make a statement on the matter. [4277/04]

Minister for Foreign Affairs (Mr. Cowen): Mr. Aidan Leahy, an Irish citizen, was kidnapped along with two German citizens in south eastern Iran on November 28 last year, while on a cycling tour from England to Australia. He was released on December 28.

Upon receiving news of the incident, our embassy in Tehran established contact with the relevant Iranian authorities, and liaised with them on a daily basis throughout Mr. Leahy's captivity. The embassy in Tehran also remained in daily contact with the local authorities in the Sistan-Baluchistan province, who were charged with co-ordinating the search for the missing persons and

who organised a task-force for that purpose. I also wrote to Dr. Kamal Kharazmi, the Minister for Foreign Affairs of Iran, to express my concern about the situation.

In addition, my Department maintained contact with the German Foreign Ministry, to share information and ensure a co-ordinated approach towards a speedy resolution of the matter. My officials were also in close touch with Mr. Leahy's family, and kept them informed of all developments in the case.

Following his release, Mr. Leahy was assisted in his return home by our embassy staff in Tehran, Berlin and London, and I was happy to meet with him personally upon his subsequent visit here. He expressed great appreciation for the Government's efforts on his behalf.

I am grateful to the Government of Iran for its efforts to secure the release of Mr. Leahy and for the assistance it provided to our embassy in Tehran throughout this case.

Question No. 97 answered with Question No. 44.

International Criminal Court.

98. **Mr. Deenihan** asked the Minister for Foreign Affairs if he will make a statement on the position of the United States of America and its co-operation and recognition of the International Criminal Court; and if he will make a statement on the matter. [4314/04]

Minister for Foreign Affairs (Mr. Cowen): The United States of America participated in the diplomatic conference leading to the adoption of the Rome statute of the International Criminal Court in 1998 and signed the statute in December 2000. However, in May 2002, the US informed the Secretary General of the United Nations that it did not intend to become party to the statute, and that it accordingly had no obligations arising from its signature.

The objections of the US to the International Criminal Court are based on its view that, because of the independence of the prosecutor of the ICC, US citizens and in particular its military forces could be subjected to politically motivated prosecutions before the court.

While I recognize these concerns, I do not share them. The jurisdiction of the ICC is complementary to national jurisdictions, meaning that the court will become involved in a case only where a state with jurisdiction over a crime is unable or unwilling genuinely to carry out an investigation or prosecution. In addition, the Rome statute contains strong and carefully drafted safeguards to prevent politically motivated prosecutions. I would also point to the integrity, character and professional qualifications of the persons who have been elected to serve as prosecutors and judges of the court.

I wish to reiterate the view that the ICC will prove itself to be an essential means of combating

impunity for genocide, war crimes and crimes against humanity. In its investigation and prosecution of such crimes, the court may invite any state not party to the Rome statute to provide assistance. It is my firm hope that assistance will be forthcoming from all such states, based on the common interest of all states in seeing that the most serious crimes of international concern do not go unpunished.

Nuclear Disarmament Initiative.

99. **Mr. O'Dowd** asked the Minister for Foreign Affairs his views on the possible links between Pakistan and Iran concerning the development of a nuclear programme in Iran; the progress of investigations by the International Atomic Energy Agency in Iran; and if he will make a statement on the matter. [4320/04]

Minister for Foreign Affairs (Mr. Cowen): Concerns about the Iranian nuclear programme are being addressed in an ongoing process within the framework of the International Atomic Energy Agency, IAEA. Since June 2003 the director general of the agency, Dr. Mohamed El Baredi, has presented three reports on Iran to the IAEA board of governors. The board has adopted two resolutions on the issue which set out what the IAEA member states expect of Iran, essentially full co-operation with the agency in order to resolve all outstanding questions with regard to its nuclear programme. Considerable progress has been achieved in recent months with Iran presenting a declaration of activities to the IAEA and signing and implementing an additional protocol to its safeguards agreement with the agency. The process is, however, still ongoing and the director general will present another report to the board of governors at its next meeting which begins on 8 March.

During the IAEA's ongoing verification activities in Iran, questions arose regarding the source of equipment imported for use in Iran's programme. The agency signaled its intention to follow up on information received about the origins of such material, including with other relevant parties. The most recent resolution of the board of governors, adopted by consensus in November 2003, also reiterates that the urgent, full and close co-operation with the agency of all third countries is essential in the clarification of outstanding questions concerning Iran's nuclear programme. I would expect that the report of the director general to the board of governors next month will contain further information in this regard.

I am aware of the recent developments in Pakistan with regard to proliferation activities. Such revelations are, of course, a cause of concern and I would urge Pakistan to ensure a full investigation of these activities and to offer all assistance and co-operation required or requested by the International Atomic Energy Agency, particularly with regard to its ongoing verification activities in Iran and Libya. The

[Mr. Cowen.]

director general will report on the agency's activities in both of these countries at the board of governors meeting on 8 March.

The IAEA, however, is not charged with implementing or overseeing export controls, which are a matter for each individual country. As more details about this trade in sensitive nuclear technology emerge, all countries will need to examine how to improve and reinforce export control systems to combat these activities. Ireland has always taken the view that export control systems are a necessary complement to the international treaty and verification systems. The importance of strengthening export controls is highlighted in the recently adopted EU strategy against the proliferation of weapons of mass destruction and their means of delivery.

Foreign Conflicts.

100. **Mr. P. McGrath** asked the Minister for Foreign Affairs if he will report on the situation in Iraq; if he will further report on the situation in Afghanistan; and if he will make a statement on the matter. [4284/04]

Minister for Foreign Affairs (Mr. Cowen):

With regard to Iraq, I refer the Deputy to my reply to Questions Nos. 83 and 84.

On 11 December 2003, I made a statement to the House concerning the situation in Afghanistan. Progress towards re-establishing a democratic civil government in Afghanistan continues. A constitution was approved by the constitutional Loya Jirga on 4 January 2004. The constitution observes the United Nations Charter and respects the Universal Declaration of Human Rights, while establishing the centrality of Islam. It also provides for an office of president and a national assembly. Voter registration, under the auspices of the UN Mission in Afghanistan, UNAMA, began on 1 December in a number of provinces. Presidential and national assembly elections are expected to take place in the second half of this year.

On 14 October 2003, the United Nations Security Council agreed unanimously to authorize the extension of the mandate of the International Security Assistance Force, ISAF, to 20 December 2004, and to authorize the expansion of ISAF's mandate outside Kabul and its environs.

Progress has also been made on the creation of a national police force and reform of the national army. The first battalions of the army have begun military operations alongside coalition forces. The disarmament, demobilization and reintegration process began on 24 October in the northern province of Kunduz, and has continued in a number of provinces, and in Kabul city.

Nevertheless, a number of serious problems continue to confront Afghanistan: the security situation continues to give cause for concern; the economy is still in dire straits; and poppy cultivation is a large and growing industry. On the

political front, the ATA's writ largely does not run beyond Kabul, and there has been little progress in forcing regional governors to submit tax revenue to the central government. Socially and culturally, tribal divisions run deep.

Political, security and development issues are on the agenda for an EU ministerial Troika to Afghanistan on 17 February 2004, which I will lead. These issues will also be addressed by an international conference on Afghanistan, which will take place in Berlin, most likely at the end of March.

Question No. 101 answered with Question No. 23.

Question No. 102 answered with Question No. 44.

Question No. 103 answered with Question No. 20.

104. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if a public inquiry can be established into the Government's decision to collude with the illegal invasion of Iraq to address the revelations that Iraq did not possess weapons of mass destruction and did not pose as an imminent threat, in keeping with the US and British Governments' commitments to hold inquiries. [4350/04]

Minister for Foreign Affairs (Mr. Cowen): The decision of the US and UK Governments to establish inquiries into the quality of intelligence which led them to conclude that Iraq posed an imminent threat to international peace and security through its possession of weapons of mass destruction has no direct parallel for Ireland. The Government never claimed to have national intelligence to this effect and there is consequently no question of the Government establishing an inquiry.

In arriving at a view on the threat posed by Iraq, the Government, like most governments around the world, was guided by a number of factors: first, the hard evidence that Iraq had at one time been in possession of chemical weapons and had used them both in its war with Iran and against its own people; second, that it had sought to develop nuclear weapons capability; third, that it had persistently defied the demands of the Security Council that it verifiably dismantle its WMD capabilities; fourth, that it refused to co-operate fully with UN weapons inspectors; finally, that the UN inspectors were not satisfied that Iraq had accounted for its stocks of WMD. The Government did not base its position on intelligence provided by either the US or the UK.

I reject the Deputy's assertion that the Government colluded in the invasion of Iraq. The Government came before this House on 20 March 2003 and put forward a motion, which was approved by the Dáil, regretting that the coalition had found it necessary to launch its campaign in the absence of a further resolution of the UN

Security Council. The reasons underlying the Government's decision to maintain overflight and landing arrangements were set out in the Dáil during the debate and the Government's decision was endorsed in the motion approved by the Dáil.

Question No. 105 answered with Question No. 44.

Local Employment Service.

106. **Mr. P. Breen** asked the Tánaiste and Minister for Enterprise, Trade and Employment if FÁS has commenced its assessment of the labour market in County Clare; if contact has been made by the director general of FÁS with LES workers who are on industrial dispute in County Clare; and if she will make a statement on the matter. [4387/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):

A meeting was held in the Dáil on Wednesday, 21 January 2004, between myself and representatives of Clare local employment service staff to discuss the closure of the LES. Also present were a number of other Clare public representatives including Minister of State at the Department of Education and Science, Deputy de Valera, Senator Daly, Senator Dooley, a board member of Clare LES, representatives of Clare LES staff, departmental officials and representatives of FÁS.

Staff and union representatives expressed their concerns at the decision by the board to close. I pointed out that while the board of Clare LES was made up of representatives from the statutory and voluntary sectors, and the operation of the service was funded by FÁS, it was nonetheless a separate legal entity and I had no function in relation to the internal workings of a body of this kind.

I requested FÁS to undertake an assessment of the labour market needs of the Clare region in the context of the closure of the LES. As part of this assessment FÁS would bring forward recommendations on the type of employment service activity necessary to address the particular needs of marginalized client groups in the region.

I subsequently advised the director general of FÁS of my wishes in this regard. FÁS has advised that work has commenced on this assessment and it will consult with relevant parties in Clare, including staff representatives and SIPTU.

EU Presidency.

107. **Mr. J. Higgins** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will put in the public domain documents being presented by the Government to the EU Article 133 committee meeting to be held in Dublin on 20 February 2004; and if she will make a statement on the matter. [4389/04]

108. **Mr. J. Higgins** asked the Tánaiste and Minister for Enterprise, Trade and Employment

if the matters discussed and conclusions reached at the EU Article 133 committee meeting to be held in Dublin on 20 February 2004 will be put in the public domain; and if she will make a statement on the matter. [4390/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): I propose to take Questions Nos. 107 and 108 together.

Documents and reports presented to and circulated for discussion at 133 committee meetings are internal negotiating documents in the context of international multilateral trade talks and as such are restricted to members of the committee. In accordance with EU treaty provisions trade policy is a Community competence. This means that the European Commission initiates proposals which are submitted to the 133 consultative committee, as designated by the treaty, prior to their submission for approval by Council.

Hence, documents circulated for discussion at the 133 committees contain information communicated in confidence to officials within an international institution representative of all EU member states.

As the Article 133 committees are created under the EU treaty provisions as consultative bodies to the European Commission, it is not the practice to publicise their discussions.

Job Creation.

109. **Mr. J. Bruton** asked the Tánaiste and Minister for Enterprise, Trade and Employment her plans to improve the jobs ratio, that is, the ratio of jobs in a locality to the labour force resident in that locality, in County Meath from its present unsatisfactory level of 0.49, in order to minimise the necessity for persons in Meath to commute outside the county for employment. [4441/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): Regional development is a key objective for my Department and the enterprise support agencies each have specific operational activities designed to encourage a redirection of employment and economic development away from Dublin. To ensure there is coherence in our aims, these new regional commitments align with the Government's national strategic objectives as detailed in the national spatial strategy.

In order to give effect to the national spatial strategy at regional level, the Dublin and mid-east regional authorities have prepared draft regional planning guidelines for the greater Dublin area. The draft guidelines indicate policy priorities for economic development including regional employment and job creation. The settlement strategy in the draft guidelines emphasises the need to reinforce the development of the major hinterland towns, and this will contribute to maintaining or improving the jobs ratio for the local authority areas in which they are created.

[Ms Harney.]

The closing date for submissions on the draft guidelines is 5 March 2004.

Increased residential zoning by Meath County Council, especially adjacent to the county boundary and transport corridors has helped the county population grow by about 24,000 since the 1996 census. This has facilitated people live in the county and work in Dublin.

The spatial contrasts between parts of Meath close to Dublin and north Meath are acknowledged in the national spatial strategy. Rural areas that have experienced decline relative to rural settlements will have that trend reversed through a focus on boosting the development capacity of smaller villages and rural towns and supporting the housing needs of the rural community.

Last July I set up the enterprise strategy group. In developing a vision for enterprise policy and employment, I asked its chairman, Eoin O'Driscoll, to take into account an appropriate balance between the regions as set out in the national spatial strategy. Notwithstanding these activities, our commitment to balanced regional development involves working with local communities and authorities to reinforce regional strengths and use them as a catalyst to further skilled employment, to buttress the sustainability of existing employment and to accelerate the necessary and growing trend towards higher value output.

Distinctive county attributes are an important aspect of this development work and the enterprise support agencies under my Department have a strong commitment, at county level, to meet demanding targets for company support, development and growth. This involves a determined interaction with county authorities to spur necessary improvement in both infrastructure and the environment for business in Meath. These agencies are represented on the Meath County Development Board and associated teams.

New initiatives have arisen from this involvement including a special Navan-based, pilot FÁS traineeship scheme to service insurance administration. This commenced in February 2003 and was developed at the request of the IDA, Navan Chamber of Commerce and the Meath county development team to support important investors in this sector who are expanding employment. For example, in September 2003 the IDA board approved a 57-job expansion project from Generali International at the Navan Business Park. This expansion will see employment grow to 92 in Generali's financial services project. Meanwhile, Europ Assistance has engaged in an extensive recruitment programme which will see an additional 50 staff added to the current workforce.

Due to the closure of some foreign enterprises at Navan Business Park last year, the IDA has accelerated the level of itinerary visits there and

is hopeful this will result in securing replacement projects for the park. The IDA is actively working with Meath County Council's new investment manager, in marketing these facilities and securing the provision of all required infrastructure facilities in the county.

Furthermore, there are three advance office buildings at planning permission stage and one advance technology building, while planning permission and IDA agreement have been received for the conversion of Athlumney House in Navan to provide 29,000 sq. ft. of office space. The location has been included in several itinerary visits. A new 60 acre business park is under infrastructural development within the county and adjacent to Drogheda. This will bring expanded opportunities for both employment and local authority funding, through rates, to County Meath.

There are 180 Enterprise Ireland client companies in Meath employing 4,241 people. Enterprise Ireland will continue its policy of encouraging growth and development in those companies as well as encouraging new high potential start-ups in the county.

Over the past ten years projects in County Meath have received over €4.4 million in grant aid from the Meath County Enterprise Board. The board has assisted projects that created 872 full time jobs and 211 part-time jobs. During 2003, 110 people attended start your own business courses and a further 130 entrepreneurs attended management development, IT and marketing courses. A further 216 individuals availed of business advice and counselling while 18 businesses received individual mentoring. The board is encouraging entrepreneurship and self employment in the county to build an enterprise climate that will encourage more new and creative business start-ups.

The board has been instrumental in developing and operating the Navan Enterprise Centre, containing 75,000 square feet of enterprise and office space and where in excess of 150 people are currently working. The board, in conjunction with Kells Town Council, is also working on the development of a 25,000 sq. ft. enterprise centre. Construction is anticipated to commence in October 2004. These are further indicators of State support to improve the employment potential and enterprise infrastructure for County Meath.

Insurance Industry.

110. **Mr. F. McGrath** asked the Tánaiste and Minister for Enterprise, Trade and Employment the position regarding insurance legislation in regard to home insurance and damage by river floods. [4486/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): I no longer have a legislative function in insurance matters.

The Irish Financial Services Regulatory Authority has responsibility for the regulation

and supervision of insurance undertakings since 1 May 2003. The particular issue raised by the Deputy may be of interest to the consumer director of IFSRA and I will draw her attention to it.

While I still retain responsibility for the insurance reform programme my concern is in improving the functioning of the Irish insurance market and reducing the overall cost of insurance to consumers and business. The pricing and underwriting of insurance is a matter for individual insurance companies and EU law prevents Governments from intervening directly in relation to premium levels or the risks that insurers are prepared to underwrite.

Job Protection.

111. **Mr. O'Dowd** asked the Tánaiste and Minister for Enterprise, Trade and Employment the steps she can take to assist a company (details supplied) in County Louth; and if she will make a statement on the matter. [4494/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): In recent years, Enterprise Ireland has invested in both the expansion of facilities and new product development in this company in an effort to maintain its competitiveness. The agency has also worked closely with the company to develop new export opportunities.

However, it is understood that increasing costs have adversely affected the competitiveness of the company's products in its main market, Europe, where demand is also affected by seasonal factors. As a result, the company has decided to close for six weeks commencing on 20 February, 2004. Enterprise Ireland will be meeting the company to review the situation.

Hazardous Substances.

112. **Mr. Boyle** asked the Tánaiste and Minister for Enterprise, Trade and Employment the plans she has to strengthen regulations on placing child resistant tops on all containers with chemical substances. [4503/04]

113. **Mr. Boyle** asked the Tánaiste and Minister for Enterprise, Trade and Employment the proposal she has to increase the size of hazardous warning labels on domestic use products. [4504/04]

115. **Mr. Boyle** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she sees value in a media campaign raising awareness of the dangers of household chemicals. [4507/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): I propose to reply to Questions 112, 113 and 115 together.

The principal legislative provisions covering warning labels on dangerous substance products are contained in the European Communities (Classification, Packaging, Labelling and

Notification of Dangerous Substances) Regulations, 2003 and the use of products by the European Communities (Dangerous Substances and Preparations) (Marketing and Use) Regulations, 2003. These regulations, enforced by the Health and Safety Authority, transpose into Irish law and implement the latest EU directives in the dangerous substances area.

The Director of Consumer Affairs, in her role as the enforcement agency for the European Communities General Product Safety Regulations, 1997, has responsibility for the market surveillance of products covered by the EU general product safety directive. This entails ensuring that items placed on the market do not present a risk to the safety of persons or animals.

The director is not aware of any demand for the placing of child resistant tops on all containers with chemical substances or for an increase in the size of hazardous warning labels on domestic use products over and above that contained in the relevant legislative provisions.

Implementation of the regulations governing the labelling and use of dangerous substances is designed to alert users, in the most effective manner, as to the potential dangers associated with such products and to heighten the general level of awareness of the public in their use of substances of this nature.

114. **Mr. Boyle** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will request that the Health and Safety Authority conducts a report on the use and effects of chemicals in the workplace. [4506/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): The Health and Safety Authority's programme of work for 2004 stresses that inspection, workplace advice, investigation and enforcement activities of the authority are a key tool in achieving its vision of a safe and healthy working life.

In 2004, the authority is committed to focusing on achieving improvements in a number of the high priority issues including chemical safety.

I am satisfied that the authority has committed itself to an extensive and comprehensive programme of work on chemical safety generally in 2004, and, therefore, I do not propose to request the authority to conduct any special report on the use and effects of chemicals in the workplace.

Question No. 115 answered with Question No. 112.

Milk Quota.

116. **Mr. Cregan** asked the Minister for Agriculture and Food the reason entrants to the milk quota restructuring scheme (details supplied) were not allocated quota despite the fact that all applicants were under 35 years of age and all applications submitted were in order; and

[Mr. Cregan.]
if he will make a statement on the matter.
[4443/04]

Minister for Agriculture and Food (Mr. Walsh): Co-operatives-dairies are required to operate the milk quota restructuring scheme in their own collection area according to detailed rules laid down by the Department as provided for in the milk quota regulations.

I am aware that a number of applicants, including the named persons, have raised issues concerning the operation of the scheme by a particular milk purchaser. My Department has sought clarification from the milk purchaser in question in regard to the matter raised and the applicants concerned will be advised of the Department's findings in the matter.

Economic Competitiveness.

117. **Mr. J. Bruton** asked the Minister for Finance if he will make a statement on the implications for Irish business, exports and inward investment of the rise in the euro relative to the dollar; his views on the reason this currency adjustment is taking place; and whether the global imbalances underlying it are likely to be rectified in the medium term. [4395/04]

Minister for Finance (Mr. McCreevy): As Minister for Finance, I have not commented in the past on the euro exchange rate and I do not now propose to make any specific comment on it.

In terms of the impact on the Irish economy, the recent appreciation of the euro against the dollar, if sustained, may affect our capacity to achieve the growth rates projected in the budget. However, it is worth noting that the very limited movement in the euro and sterling exchange rate would tend to mitigate some of the potentially negative effects of an appreciation of the euro on the Irish economy.

The euro-dollar appreciation has a number of impacts. On the positive side, it lowers inflation by reducing the cost of imports priced in dollars. On the negative side, it reduces the competitiveness of Irish firms exporting to non-euro and sterling countries and demand for Irish goods in the euro area. That is why competitiveness is a priority for this Government. We must remain vigilant to the risks to our competitiveness, such as domestic wage and price inflation, otherwise jobs will be at risk.

Teachers' Pensions.

118. **Ms Burton** asked the Minister for Finance when he proposes to bring forward his proposed changes to teachers' conditions of service and pension entitlements; if this will require legislation; when he proposes to bring these changes before Dáil Éireann; and when he proposes to implement them. [4378/04]

Minister for Finance (Mr. McCreevy): I take it that the Deputy is referring to my announcement in budget 2004 of the Government's decision that

most new entrant public servants, including teachers, should be subject to a minimum pension age of 65 years, and should not be subject to a compulsory retirement age.

Giving effect to these reforms requires legislative change, and to this end I intend to introduce the Public Service Superannuation (Miscellaneous Provisions) Bill 2004 in the Oireachtas shortly. Subject to this Bill being enacted the changes will take effect on 1 April 2004.

The changes in question will not generally affect serving teachers or serving public servants.

Tax Credits.

119. **Mr. Carey** asked the Minister for Finance if he will re-examine the application by a person (details supplied) in Dublin 11 for the incapacitated child allowance; and if he will make a statement on the matter. [4440/04]

Minister for Finance (Mr. McCreevy): I am advised by the Revenue Commissioners that the Incapacitated Child Tax Credit was granted in July 2003 on receipt of a telephone call from the child's mother, subject to a medical report being submitted confirming the extent of the child's incapacity.

Section 465 (2) (a) of the Taxes Consolidation Act 1997 requires that the incapacity of the child must be such that it permanently prevents the child from being able in the long term, that is, when over 18 years of age, to maintain himself or herself independently.

I am informed by the Revenue Commissioners that a medical report was submitted but it did not contain sufficient information and a further report was requested. The second report did not indicate that the child would be unable to maintain himself when over the age of 18 years. Accordingly, the incapacitated child tax credit was not due. I am advised by the Revenue Commissioners that if a further medical report is submitted, the matter will be reviewed.

I am informed by the Revenue Commissioners that they do not propose to withdraw the incapacitated child tax credit already granted for 2003.

Foreign Conflicts.

120. **Mr. Durkan** asked the Minister for Foreign Affairs the extent to which he expects through the EU and the UN to make a positive impact on the situation in Iraq; and if he will make a statement on the matter. [4468/04]

121. **Mr. Durkan** asked the Minister for Foreign Affairs the degree to which he has had discussions through the EU and the UN with the US authorities in relation to the restoration of peace and stability in Iraq; and if he will make a statement on the matter. [4469/04]

122. **Mr. Durkan** asked the Minister for Foreign Affairs the extent to which he has used his influence with the UK authorities to bring

about peace and stability in Iraq; and if he will make a statement on the matter. [4470/04]

Minister for Foreign Affairs (Mr. Cowen): I propose to take Questions Nos. 120 to 122, inclusive, together.

I refer the Deputy to my reply to Parliamentary Question No. 83 answered today, which addresses the issues raised in this question.

Partnership for Peace.

123. **Mr. Durkan** asked the Minister for Foreign Affairs the recent developments in regard to defence, security and peace in the EU context with particular reference to the future role of PfP; and if he will make a statement on the matter. [4471/04]

Minister for Foreign Affairs (Mr. Cowen): The basic principles underlying the Partnership for Peace, PfP, as set out in the PfP framework document of January 1994, remain unchanged. This document sets out the political purposes of PfP which include the protection of human rights, the safeguarding of freedom, justice and peace, the promotion of democracy, the maintenance of the principles of international law, and the fulfilment of the obligations of the UN Charter, and of OSCE commitments. A key principle which applies is that of self-differentiation whereby each PfP country determines the nature, scope and limits of its participation.

A key aspect of PfP membership from Ireland's perspective lies in the core principle of self differentiation, whereby each country participates according to its own interests and priorities. Ireland has focused on co-operation in the area of peacekeeping. The development of enhanced interoperability with other PfP countries is improving our ability to undertake peacekeeping operations in a safe and effective manner.

The Deputy will be aware that the number of non-NATO countries participating in PfP will fall from 27 to 20 in June 2004, after the accession process is completed for those countries that were invited in November 2002 to join NATO; Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia.

The Deputy will also be aware that in the separate and distinct context of the European Union, European Security and Defence Policy, ESDP, became operational during the course of 2003 with a strong focus on undertaking crisis management and humanitarian missions. During that year, the EU undertook two police missions, in Bosnia-Herzegovina, and in the former Yugoslav Republic of Macedonia. The EU also launched two military crisis management and humanitarian operations, one in the former Yugoslav Republic of Macedonia and the other in Bunia, Democratic Republic of Congo. The latter operation, in which Ireland participated, was undertaken at the request of the United Nations and was successful in relieving a situation of great humanitarian distress.

Ireland's ability to make a meaningful contribution to UN-authorised missions is undoubtedly enhanced by its participation in Partnership for Peace activities. PfP has proved itself an important framework for co-operation in areas appropriate to the so-called Petersberg Tasks which include humanitarian, peacekeeping, crisis management and rescue activities. This can also be seen by the participation in PfP of all our EU partners, including the other neutral and non-aligned states.

Common Foreign and Security Policy.

124. **Mr. Durkan** asked the Minister for Foreign Affairs if he has had recent discussions with his EU colleagues in the matter of European defence and security; and if he will make a statement on the matter. [4472/04]

Minister for Foreign Affairs (Mr. Cowen): Developments in the European security and defence policy area are a regular theme for discussion among EU Foreign Ministers, both meeting collectively at the EU General Affairs and External Relations Council and in bilateral contacts. I most recently met with the Foreign Ministers of the other EU member states and accession states at the General Affairs and External Relations Council on 26 and 27 January.

A particular issue discussed at this meeting was the theme of conflict prevention, which is an integral part of European security and defence policy. The council noted the Irish Presidency's ideas in the area of conflict prevention which include, among other aspects, an increased focus on early warning leading to early preventive action and on longer term conflict prevention strategies drawing on the full range of tools at the EU's disposal. The council also discussed Ireland's intention, as Presidency, to submit a report to the European Council in June 2004 on the implementation of the EU Programme for the Prevention of Violent Conflicts.

I have also recently discussed European security and defence policy at a number of bilateral meetings with my EU colleagues. I have taken these opportunities to inform my colleagues on Ireland's Presidency priorities in this area. In this regard, an important priority is to facilitate preparatory work for a possible EU follow-on mission to the current UN authorised, NATO led mission in Bosnia-Herzegovina. Another priority of the Irish Presidency will be to facilitate the ongoing balanced development of both the EU's military and civilian capabilities for crisis management.

I expect to discuss these and other issues relating to European security and defence policy at upcoming meetings of the General Affairs and External Relations Council.

Question No. 125 answered with Question No. 60.

Overseas Development Aid.

126. **Mr. Durkan** asked the Minister for Foreign Affairs the procedures that have been put in place to ensure that international aid is reaching those for whom it was intended on the African continent; and if he will make a statement on the matter. [4474/04]

127. **Mr. Durkan** asked the Minister for Foreign Affairs if he has satisfied himself that all international aid is now reaching its intended targets throughout Africa with reference to the need to eliminate interference from corrupt or illegal organisations or regimes; and if he will make a statement on the matter. [4475/04]

Minister of State at the Department of Foreign Affairs (Mr. Kitt): I propose to take Questions Nos. 126 and 127 together.

Issues at the heart of effective delivery of assistance to poor people in least developed countries include clear objectives, a well-articulated strategy for delivery and good oversight and accountability.

As the Deputy will be aware, the central objectives of the Irish programme of development co-operation continue to be the reduction of poverty and the promotion of sustainable development. Meeting the basic human needs of some of the poorest people in the world and improving their access to food, water, health services, sanitation, education and employment are key goals of the bilateral development programme, of our interaction with multilateral institutions and of our engagement with and through NGOs.

The main geographical focus of the bilateral programme is sub-Saharan Africa, the poorest region in the world. Within the framework of three-year country strategy papers, CSPs, Development Co-operation Ireland provides long-term development assistance to seven programme countries, Ethiopia, Lesotho, Mozambique, Tanzania, Timor-Leste, Uganda and Zambia, as well as South Africa. In line with other donors, we operate in partnership with the Governments of these countries and agree our strategies with them to ensure that our interventions respond effectively to their development needs. We help to build up the capacity of these Governments to manage their own affairs, which in turn strengthens their sense of ownership of the whole development process.

This more integrated and harmonised approach, focused on assisting poor countries to do things for themselves, is a major advance on the previous project-type engagement and has delivered positive and substantive results.

An agreed strategy also directs our engagement with the UN agencies. Our relationship with the larger Irish NGOs is underpinned by a multi-annual programme scheme, MAPS, while in the programme countries all of our country strategies outline the nature of our relationship with local non-government organisations.

A key issue, when one is operating in an environment of dire poverty and the corruption usually associated with it, is to have robust processes for oversight and accountability. The Development Co-operation Ireland programme provides this through a rigorous system of evaluation, monitoring and audit. All accounts and expenditure are audited. There is a strong, comprehensive monitoring process, which acts as a quality control on the programme. The evaluation approach allows for a forensic examination of interventions to measure effectiveness and identify lessons learned. These systems are reviewed regularly and updated as necessary.

Sub-Saharan Africa.

128. **Mr. Durkan** asked the Minister for Foreign Affairs the position in regard to combating starvation and ill health in the various African countries which are experiencing difficulties in this area; and if he will make a statement on the matter. [4476/04]

Minister of State at the Department of Foreign Affairs (Mr. Kitt): I am deeply conscious of the enormity of the challenges facing African nations as they seek to build the foundations of economic and social development, often in a climate of hunger, disease and endemic poverty. The reduction of poverty, food insecurity and disease, including HIV/AIDS, are some of the most important tasks to which the international community can dedicate itself in the 21st century.

In regions such as southern Africa, it has become apparent that the impact of HIV/AIDS, both as a cause and a feature of food insecurity crisis, has been underestimated. The far-reaching social impact of the pandemic has created a completely new spectrum of vulnerable groups such as AIDS-orphans and child-headed households that are lacking the most basic of coping strategies.

Ireland responds in two ways to the humanitarian and development needs of Africa. In the short term we focus on saving lives in the most effective way possible, through direct assistance via the UN system and international agencies as well as non-governmental organisations, NGOs. In the longer term Ireland's development programme tackles the structural reasons underlying endemic poverty.

Last year the Government's humanitarian assistance to African countries amounted to more than €20 million. Humanitarian interventions were designed to reduce the effects of famine, disease and conflict on some of the most vulnerable populations in Africa, with a particular emphasis on women and children.

Over the past three years, the volume of development co-operation Ireland funds committed to HIV/AIDS has increased ten-fold. In 2002 alone, over €40 million was spent on HIV/AIDS programmes. On a multilateral level, Ireland is a strong advocate and supporter of the

global fund for AIDS, TB and malaria and the international AIDS vaccine initiative.

Our direct humanitarian and development assistance is complemented by ongoing political action. In relation to food insecurity, we have been working closely with our partners in the EU and the UN to develop strategies on how immediate needs can best be met at national and regional level.

In November last, Ireland hosted the launch of the 2004 UN humanitarian appeal. The UN High Commissioner for Refugees, Mr. Ruud Lubbers, represented the UN at the event. The appeal is a key instrument for the humanitarian community and acts as the principal vehicle for strategic planning and resource mobilisation. It facilitates effective and efficient responses to famines and other emergencies by fostering collaboration among key humanitarian agencies including NGOs, donors and host Governments. In hosting the launch, I highlighted chronic humanitarian emergencies, particularly in Africa, which have faded from public consciousness or indeed have never been funded sufficiently.

At EU level, Ireland will host an informal meeting of the humanitarian aid committee in Dublin next March. This meeting will bring together senior representatives from the humanitarian offices in member states and the Commission to share information in relation to the management and implementation of humanitarian aid.

If we are to break the cyclical nature of food insecurity, disease and conflict in Africa, the underlying structural problems affecting poverty and stability must be addressed. Ireland has strong development partnerships with six countries in sub-Saharan Africa and delivered development assistance of approximately €150 million last year to these countries. Through these partnerships, Ireland fully engages with the Governments, donors, EU and UN agencies on the basis of poverty reduction strategy plans, PRSPs. The PRSPs outline how each country prioritises resources and policies with the objective of reducing poverty. These programmes contain a strong governance element throughout to assist in the building of democratic structures, the rule of law and a culture of respect for human rights.

This comprehensive and African-owned approach by donors, Governments and civil societies stands the best chance of reversing the downward spiral of economic and social indicators in sub-Saharan Africa, reducing conflict and facilitating real and positive change in the lives of millions of Africans.

Foreign Conflicts.

129. **Mr. Durkan** asked the Minister for Foreign Affairs the extent to which he and other EU colleagues are monitoring events in the Balkans with reference to ensuring that events in the relatively recent past do not reoccur and that

outstanding issues, when possible, are dealt with; and if he will make a statement on the matter.

Minister for Foreign Affairs (Mr. Cowen): The consolidation of peace and stability in the western Balkans remains an important political priority for the European Union. Events in the region are reviewed at each of the monthly meetings of General Affairs and External Relations Council. I have assured my colleagues on the Council, and the countries of the region, that Ireland will continue to accord the western Balkans high priority throughout our EU Presidency.

The institutional framework for the development of relations with the region was confirmed at the EU-western Balkans summit in Thessaloniki in June 2003, which agreed a shared agenda for progress. The objective of the eventual integration of the countries of the western Balkans into the EU will be met through progress in the strengthened stabilisation and association process and implementation of the series of agreements which brought an end to the tragic conflicts in the region over the past 12 years. For the first time ever, all the countries of the western Balkans now have democratically elected Governments. They face the challenge of adopting and implementing difficult and wide-ranging economic, political and administrative reforms. Economic development will only be assured through improvements in regional co-operation.

The rate of progress towards European integration is now largely in the hands of the Governments of the region. The EU will continue to support them fully. Both sides of the relationship made commitments at Thessaloniki, and these must be implemented. We hope that following their elaboration by the Commission and approval by the Council, the expected presentation of European partnerships to each of the countries of the western Balkans will serve to emphasise the reality of the commitment to European integration and of the challenging policy developments required to make further measurable progress.

During Ireland's EU Presidency, the Commission will present its opinion on Croatia's application for EU membership, and, if sufficient progress is made, the feasibility study on the opening of negotiations on a stabilisation and association agreement with Serbia and Montenegro. Macedonia will present its application for membership of the EU at the end of February. Negotiations will continue on an Agreement with Albania, and Bosnia and Herzegovina is now engaged in a process of implementation of wide-ranging reforms identified in the Commission feasibility study last November, with a view to a possible decision on the opening of negotiations with the EU later this year.

The situation in Kosovo will also receive close attention. At the request of the Council, High Representative Solana, in consultation with the Commission and the Special Representative of

[Mr. Cowen.]
the UN Secretary General, Mr. Harri Holkeri, is currently preparing a report on the enhancement of the EU role in support of the implementation of Security Council Resolution 1244 in Kosovo. The situation in Kosovo will be discussed at the next meeting of the General Affairs and External Relations Council on 23 February.

The General Affairs and External Relations Council last month reviewed the situation in Serbia and Montenegro, following the general elections in Serbia on 28 December 2003. The Council urged all the democratic parties to work together to ensure the early formation of a government committed to the reform agenda and to further progress. The Council emphasised that the EU will give its full support to the efforts of a new democratic government on this basis. It is a cause for concern, however, that the democratic parties have not yet reached agreement on the formation of a government.

Diplomatic Representation.

130. **Mr. Durkan** asked the Minister for Foreign Affairs if it is intended to open further embassies throughout the world; and if he will make a statement on the matter. [4478/04]

Minister for Foreign Affairs (Mr. Cowen): The spread of resident Irish missions abroad is reviewed by the Government on an ongoing basis, with decisions to open new missions being based on a thorough assessment of the costs and benefits involved.

In 2001, the Government decided to open new embassies in a number of EU candidate countries on a phased basis, subject to the availability of the necessary resources. New embassies have since been established in Estonia, Slovenia, Slovakia and Cyprus, and also in Brazil. In addition, in order to ensure the most effective management of the enlargement dossier during our Presidency, we have opened offices in Bulgaria and Romania for the period of our Presidency. The opening of additional missions will be kept under ongoing review, in the context of the availability of resources.

Question No. 131 answered with Question No. 34.

Questions Nos. 132 and 133 answered with Question No. 43.

Schools Building Projects.

134. **Ms M. Wallace** asked the Minister for Education and Science if there is progress with regards to a case (details supplied), in particular with regard to the application for funding for a set-down area outside the school; and if he will make a statement on the matter. [4391/04]

Minister for Education and Science (Mr. N. Dempsey): The management authority of the school referred to by the Deputy has applied for

funding for a set-down area under the summer works scheme 2004.

Applications under this scheme are currently being processed in my Department and details of successful applicants will be published on my Department's website no later than 27 February 2004.

School Closures.

135. **Mr. Gormley** asked the Minister for Education and Science if his attention has been drawn to the fact that the Sister of the Holy Faith have announced the closure of Haddington Road girls' school due to lack of funding; the steps he will take to ensure that the school remains open; and if he will make a statement on the matter. [4392/04]

Minister for Education and Science (Mr. N. Dempsey): My Department has been advised of the proposed closure on a phased basis of the school to which the Deputy refers. The Deputy will appreciate that a secondary school is a privately owned and managed institution and a decision to close such a school is a matter for the trustees.

My main concern in a school closure is to ensure that the best interests of the pupils are looked after in the period up to the closure and that there will be sufficient pupils places in existing schools in the general area for pupils who would have normally enrolled in the closing school. This process will involve consultation with all affected parties.

Schools Building Projects.

136. **Mr. Wall** asked the Minister for Education and Science if an early solution will be introduced for the major problems affecting a school (details supplied) in County Kildare in regard to safety and hygiene; and if he will make a statement on the matter. [4406/04]

Minister for Education and Science (Mr. N. Dempsey): The management authority of the school referred to by the Deputy has applied for funding for works under the summer works scheme 2004. Applications under this scheme are currently being processed in my Department and details of successful applicants will be published on my Department's website no later than 27 February 2004.

Pupil-Teacher Ratio.

137. **Mr. Wall** asked the Minister for Education and Science when a visit from the school inspectorate in regard to class sizes will take place as stated by him in regard to a school (details supplied) in County Kildare; and if he will make a statement on the matter. [4407/04]

Minister for Education and Science (Mr. N. Dempsey): I have asked officials from my Department to meet with the management of the school to which the Deputy refers.

Schools Building Projects.

138. **Ms O. Mitchell** asked the Minister for Education and Science if he will give priority to St. Colmcille's junior school for its application for €230,000 from the summer works scheme 2004, which represents only a portion of their actual need; and if the extension building for which it lodged an application in 2000 will be expedited. [4414/04]

Minister for Education and Science (Mr. N. Dempsey): Applications made to my Department under the summer works scheme will be assessed in strict accordance with the published criteria for the scheme.

Applications under the scheme are currently being processed in my Department and details of successful applicants will be published on my Department's website no later than 27 February 2004.

With regard to the provision of additional accommodation at St. Colmcille's junior school, this project is currently awaiting the appointment of a design team. As I announced when publishing the capital programme for 2004, my Department is holding consultations with the education partners on the prioritisation criteria used for large-scale building projects. The purpose of these consultations is to ensure that the criteria have optimum precision and are fully tuned to meeting the priority accommodation needs of the primary and post primary sectors. When the consultations have been completed, a review of all projects awaiting the appointment of a design team will be undertaken and a further list of priority projects will be brought forward to commence architectural planning. The proposed project at St. Colmcille's junior school will be included in this review.

In addition, a key strategy going forward will be grounded on the budget day announcement of multi-annual allocations for capital investment in education projects. All projects that are not going to construction as part of the 2004 school building programme will be re-evaluated with a view to including them as part of a multi-annual building programme from 2005 onwards.

School Staffing.

139. **Mr. B. O'Keeffe** asked the Minister for Education and Science the reason sports and society officers at Cork Institute of Technology have not been granted a grade 5 position in line with similar posts in other institutes of technology. [4450/04]

Minister for Education and Science (Mr. N. Dempsey): The persons in question are not employed as part of the authorised staffing allocation approved by my Department for Cork Institute of Technology. I understand Cork Institute of Technology is funding these posts from the student services charges paid to the

institute by students and that the persons in question are employed on a temporary contract basis. The terms and conditions of employment attaching to contract posts funded from the student services charge are generally determined by the employing institute.

Schools Building Projects.

140. **Mr. Perry** asked the Minister for Education and Science if his attention has been drawn to the situation regarding schools (details supplied) in the schools building programme 2004; if his attention has further been drawn to the fact that the teachers and children are in totally inadequate sub-standard accommodation and that the local contribution of €25,000 has been raised since 2001; if he will give a firm guarantee that the amalgamation of accommodation will proceed immediately; and if he will make a statement on the matter. [4508/04]

Minister for Education and Science (Mr. N. Dempsey): The proposed large-scale building project for the school referred to by the Deputy is listed in section 8 of the 2004 school building programme which is published on my Department's website at www.education.ie. This proposed project is at stage 3, detailed plans/costs, of architectural planning. It has been assigned a 'band 1' rating by my Department in accordance with the published criteria for prioritising large-scale projects.

The proposed project will be authorised to progress to advanced architectural planning during 2004. Indicative timescales have been included for large-scale projects proceeding to tender in 2004. The budget announcement regarding multi-annual capital envelopes will enable me to adopt a multi-annual framework for the school building programme which in turn will give greater clarity regarding projects that are not progressing in this year's programme. I will make a further announcement in that regard during the year.

Sports Funding.

141. **Mr. Perry** asked the Minister for Arts, Sport and Tourism, further to Parliamentary Question No. 200 of 25 June 2003 on an application for funding of a sports field in County Leitrim, the progress made on this application and the amount of money allocated; and if he will make a statement on the matter. [4509/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I refer the Deputy to Question No. 304 on this matter to which I replied on Tuesday last, 10 February.

Hospital Services.

142. **Mr. Boyle** asked the Minister for Health

[Mr. Boyle.]
and Children if he intends to allow for regional offices of the national poisons centre to be established. [4505/04]

Minister for Health and Children (Mr. Martin):
The National Poisons Information Centre, which is based at Beaumont Hospital, provides a national telephone information service, primarily to health care professionals. It provides information on the toxicity, features and management of poisoning from a wide range of agents including pharmaceuticals, household products, cosmetics, industrial chemicals, pesticides and plants.

The Eastern Regional Health Authority is responsible for the funding of services at Beaumont Hospital. My Department has, therefore, asked the regional chief executive of the authority to have the matter raised by the Deputy examined in consultation with Beaumont Hospital and to reply to him directly.

143. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will be called for a prostate operation in Galway. [4384/04]

Minister for Health and Children (Mr. Martin):
The provision of services to residents of County Mayo is the responsibility of the Western Health Board. My Department has asked the chief executive officer of the board to investigate the position in relation to this case and to reply directly to the Deputy.

144. **Mr. P. Breen** asked the Minister for Health and Children if the 24 hour accident and emergency services at Ennis General Hospital will be maintained despite the recommendations of the Hanly report; and if funding will be allocated to upgrade and refurbish accident and emergency services at Ennis General Hospital in view of the fact that a design team has now been put in place to prepare the outline development control plan. [4385/04]

Minister for Health and Children (Mr. Martin):
The report of the national task force on medical staffing, the Hanly report, proposes that Ennis General Hospital should form part of an integrated network, alongside Limerick Regional Hospital, St. Joseph's Hospital, Nenagh, and St. John's Hospital, Limerick to meet the acute hospital needs of the mid-west region. The report recommends that Ennis General Hospital, St. Joseph's Hospital, Nenagh, and St. John's Hospital, Limerick should be local hospitals within the network.

The Hanly report recommends that local hospitals should provide a wide range of services as close as possible to the local community, meeting most of the local population's need for acute hospital care. This would include a greatly

expanded proportion of elective day surgery and elective medical procedures, appropriate diagnostic and treatment facilities and improved access for general practitioners to services and diagnostic facilities.

I will shortly announce details of a local implementation group, which will develop a detailed action plan for the implementation of the Hanly report's recommendations in the mid-western region. The group will examine how best to provide accident and emergency services in each local hospital in the context of the Hanly proposals. The report envisages that a very high proportion of cases presenting to accident and emergency units would continue to be treated in local hospitals such as Ennis. The exact opening hours of each unit would be influenced by the volume of cases presenting at different times over the 24 hour period.

The next step in the process of developing the physical infrastructure at Ennis General Hospital will be the preparation of an outline development control plan and I have recently approved the appointment of the design team to prepare this. The plan will be prepared having regard to the development brief prepared by the project team which sets out the broad scope of the proposed future development at Ennis General Hospital and identified the priority areas for development.

Health Professionals.

145. **Mr. R. Bruton** asked the Minister for Health and Children the credentials which are required for a person to operate as a chiropractor; the circumstances in which such a practitioner can administer x-rays; and the supervision of professional practise or investigation of alleged mistreatment which applied in relation to such practitioners. [4408/04]

Minister for Health and Children (Mr. Martin):
Chiropractors are not currently authorised to administer x-rays. The European Communities (Medical Ionising Radiation) Regulations, 2002 give effect to Council Directive 97/43/EURATOM on health protection of individuals against the dangers of ionising radiation in respect of medical exposures. Under the regulations persons who are entitled to take clinical responsibility for an individual medical exposure are those whose names are entered on (a) the register established under section 26 of the Medical Practitioners Act 1978; (b) the register established under section 26 of the Dentists Act 1985; and (c) such other register or registers as the Minister for Health and Children may from time to time establish.

I have not yet established any register under (c). However, my Department has established a medical exposure directive advisory group, MEDAG, to draw up the requirements for

inclusion in such a register. MEDAG is currently examining the training requirements as outlined in the directive including theoretical knowledge and practical experience in radiological practice and radiation protection. When finalised, persons who meet the requirements, including chiropractors, would be entitled to registration under the European Communities (Medical Ionising Radiation) Regulations, 2002.

There are currently no statutory regulation requirements for chiropractors in Ireland. Moreover, chiropractors are not employed in the public health service and therefore their qualifications are not subject to the requirements of the Health Act 1970. It is the responsibility of every individual practitioner providing health care services to the public to ensure that they are trained and qualified to the level required to work safely within their area of competence.

Nursing Home Subventions.

146. **Mr. Wall** asked the Minister for Health and Children the number of applications for the nursing home subvention submitted in County Kildare in each of the past three years; the number accepted for payment; and if he will make a statement on the matter. [4409/04]

147. **Mr. Wall** asked the Minister for Health and Children the number of applications for the enhanced nursing subvention submitted in County Kildare for each of the past three years; the number of successful applications; his plans to increase the subvention payment; and if he will make a statement on the matter. [4410/04]

Minister of State at the Department of Health and Children (Mr. Callely): I propose to take Questions Nos. 146 and 147 together.

As the Deputy will be aware, the provision of health services in the Kildare area is, in the first instance, the responsibility of the South Western Area Health Board, under the aegis of the Eastern Regional Health Authority. My Department has, therefore, asked the chief executive of the board to investigate the matter raised by the Deputy and reply direct to him as a matter of urgency.

Hospital Waiting Lists.

148. **Mr. Wall** asked the Minister for Health and Children the number on the waiting list for beds in Naas General Hospital; the actions his Department is taking to alleviate the overcrowding; and if he will make a statement on the matter. [4411/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of services at Naas General Hospital rests with the Eastern Regional Health Authority. My Department has, therefore, asked the regional chief executive of

the authority to examine the matters raised by the Deputy and to reply to him directly.

Health Board Services.

149. **Dr. Upton** asked the Minister for Health and Children if a person (details supplied) in Dublin 8 receives assistance from the South Western Area Health Board. [4419/04]

Minister of State at the Department of Health and Children (Mr. Callely): The provision of health services in the Dublin 8 area is, in the first instance, the responsibility of the South Western Area Health Board. It acts under the aegis of the Eastern Regional Health Authority. My Department has asked the authority's chief executive to investigate the matter and to reply directly to the Deputy, as a matter of urgency.

150. **Dr. Upton** asked the Minister for Health and Children the position on applications for persons (details supplied) under the scheme for community support for older people. [4420/04]

Minister of State at the Department of Health and Children (Mr. Callely): The provision of health services in the Dublin 12 and 6W areas is, in the first instance, the responsibility of the SWAHB which acts under the aegis of the ERHA. My Department has asked the authority's chief executive to investigate the matter and to reply directly to the Deputy, as a matter of urgency.

National Lottery Funding.

151. **Mr. P. McGrath** asked the Minister for Health and Children when a decision will be made on an application by a group (details supplied) for a grant towards the purchase of a minibus for the disabled. [4435/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I expect that a decision on the national lottery funding application from the Mallow Area Wheelchair Support Group will issue shortly.

Health Board Services.

152. **Ms O. Mitchell** asked the Minister for Health and Children the number of elderly people approved for subvention but awaiting confirmation that the health boards in the ERHA area are in a position to release funds; and if he will provide this information and in respect of each health board area. [4436/04]

Minister of State at the Department of Health and Children (Mr. Callely): The provision of health services is, in the first instance, the responsibility of the ERHA. My Department has asked its CEO to investigate the matter and to reply directly to the Deputy, as a matter of urgency.

Medical Cards.

153. **Mr. McGuinness** asked the Minister for Health and Children if a medical card will be granted on appeal to a person (details supplied) in County Kilkenny; and if a decision in this case will be expedited. [4461/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of a medical card is, by legislation, a matter for the CEO of the relevant health board or authority. My Department has asked the CEO of the South Eastern Health Board to investigate the matter and to reply directly to the Deputy.

Hospital Waiting Lists.

154. **Mr. McGuinness** asked the Minister for Health and Children if an early appointment can be arranged for a person (details supplied) in County Kilkenny who is waiting for a hip operation; and if the matter will be expedited. [4462/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of services for people resident in County Kilkenny is, in the first instance, a matter for the SEHB. My Department has asked its CEO to investigate the matter and to reply directly to the Deputy.

Foreign Adoptions.

155. **Mr. J. O'Keeffe** asked the Minister for Health and Children the position of child adoption from Vietnam; if a bilateral agreement between our countries has been completed; and if such adoptions can proceed. [4497/04]

Minister for Health and Children (Mr. Martin): During 2002 the Vietnamese authorities decided that from the end of 2002 adoptions would only be allowed to countries with a bilateral agreement. Last March I contacted the Irish ambassador and a delegation headed by the Ambassador to Malaysia and Vietnam negotiated a bilateral agreement on inter-country adoption. Ireland and Vietnam signed the agreement and Vietnam ratified it on 7 January.

The Adoption Board has worked with its counterparts in Vietnam to set up the practical arrangements and procedures for Vietnamese adoptions. My Department and the Department of Foreign Affairs have been examining options to enable ratification of the agreement by the State as soon as possible. As this is a State agreement the terms must be examined very closely to ensure that the State can meet its international obligations. The work has been completed and the matter will be brought before the Government shortly with a view to ratifying it within the next fortnight. Under the terms of the agreement adoptions can recommence 30 days after Ireland has ratified the agreement.

Orthodontic Service.

156. **Mr. J. O'Keeffe** asked the Minister for Health and Children the number of children who are awaiting orthodontic treatment and assessment in each of the health board areas; and the waiting time for assessment and treatment in respect of each health board area. [4498/04]

157. **Mr. J. O'Keeffe** asked the Minister for Health and Children if his attention has been drawn to the enormous concerns on the part of thousands of parents and their children who are unable to access urgently required orthodontic treatment; and his proposals at this stage to improve the availability of the service. [4499/04]

Minister for Health and Children (Mr. Martin): I propose to take Questions Nos. 156 and 157 together.

The provision of orthodontic services is a matter for the health boards. I have taken a number of measures to improve services on a national basis.

The grade of specialist in orthodontics has been created in the health board orthodontic service. In 2003 my Department and the health boards funded 13 dentists from various health boards for the grade at training programmes in Ireland and three separate universities in the United Kingdom. The 13 trainees for the public orthodontic service are additional to the six dentists that commenced their training in 2001. There is an aggregate of 19 dentists in specialist training for orthodontics. These measures will compliment the structural changes being introduced in the orthodontic service, including the creation of an auxiliary grade of orthodontic therapist.

My Department's commitment to training development is manifested in the funding provided to the training of specialist clinical staff and the recruitment of a professor in orthodontics for the Cork Dental School. The appointment will facilitate the development of an approved training programme leading to specialist qualification in orthodontics. The Southern Health Board's CEO reported that the professor commenced duty on 1 December 2003. In recognition of the importance of the post at the Cork Dental School my Department approved, in principle, a proposal from the school to substantially improve its training facilities for orthodontics. The project should see the construction of a large orthodontic unit and support facilities. Ultimately, it will support an enhanced teaching and treatment service to the wider region under the leadership of the professor of orthodontics.

Under an orthodontic initiative a sum of €4.698 million was provided to the health boards and authority in 2001. It enabled health boards to recruit additional staff, engage the services of private specialist orthodontic practitioners to

treat patients and build additional orthodontic facilities.

In June 2002 my Department provided additional funding of €5 million from the treatment purchase fund to health boards specifically for the purchase of orthodontic treatment. It enabled boards to provide

additional sessions for existing staff and to purchase treatment from private specialist orthodontic practitioners.

The CEOs of the health boards and authority have informed me of the following information about their waiting lists for December 2003:

	Assessment Waiting List		Treatment Waiting List			
		Average Waiting Time (months)	Category A	Average Waiting Time (months)	Category B	Average Waiting Time (months)
SWAHB	291	3 — 6	644	10	474	12
ECAHB	100	1 — 3	52	6	148	24
NAHB	179	3 — 6	45	12	2,220	24
MHB	287	4	Nil	No waiting time	210	12
MWHB	2,432	24 — 36	Nil	No waiting time	642	24 — 36
NEHB	Nil	No waiting time	9	1.5 — 2	278	12 — 18
NWHB	990	5	156	7	638	28
SEHB	283	3 — 3.5	Nil	No waiting time	644	17
SHB	4,034 (12 years or older)	According to date of birth (currently 1990)	Nil	No waiting time	3,301	42
WHB	654	10	Nil	No waiting time	759	38

The CEOs have also informed me that at the end of the December quarter 2003 there were 21,295 children receiving orthodontic treatment from the public orthodontic service. This means that there are over twice as many children getting orthodontic treatment as there are children waiting to be treated. An extra 4,000 children have received treatment from the health boards since the end of 2001.

Hospitals Building Programme.

158. **Mr. B. Smith** asked the Minister for Health and Children the progress in the preparation of a design brief for the proposed outline development control plan for Cavan General Hospital; and if he will make a statement on the matter. [4500/04]

Minister for Health and Children (Mr. Martin):

Significant work has been undertaken on the preparation of a design brief for the proposed outline development control plan for Cavan General Hospital.

The work has been done as part of the process of agreeing future capital requirements for each of the five acute hospitals in the two hospital groups in the North Eastern Health Board area. Final agreement of the Cavan General Hospital ODCP brief will be subject to the definition of the board's priorities for development on this site in the context of the health capital programme. Funding resources available to progress capital projects nationally under the health capital framework 2004-2008 will also be taken into account.

A detailed submission from the NEHB is expected shortly and will be examined by my Department.

Hospital Services.

159. **Mr. B. Smith** asked the Minister for Health and Children if additional resources will be provided for the surgical department, Cavan General Hospital, as requested by the hospital's medical board; and if he will make a statement on the matter. [4501/04]

Minister for Health and Children (Mr. Martin):

Responsibility for the provision of services at Cavan General Hospital rests with the NEHB. On 3 February I met the board. On 5 February I met representatives of the hospital's medical board to discuss the provision of acute hospital services in the Cavan and Monaghan hospital group. The medical board representatives tabled a number of proposals that are being discussed with the NEHB.

Health Board Funding.

160. **Mr. B. Smith** asked the Minister for Health and Children the funding provided to the North Eastern Health Board in the initial allocation for 2003; if additional funding was provided during the year and the total spend by the board during 2003; and if he will make a statement on the matter. [4502/04]

Minister for Health and Children (Mr. Martin):

The 2003 original allocation for the NEHB is €483.079 million. Additional funding of €43.195 million was provided during the year giving a 2003 revised allocation of €526.274 million. The additional funding covered items such as parallel benchmarking, an intellectual disability award, miscellaneous service adjustments, including a nursing degree programme and non-pay technical adjustments.

[Mr. Martin.]

The board's 2003 provisional outturn is €520.333 million. The final figures for 2003 will not be available until the annual financial statements have been prepared and submitted for audit by 1 April.

Driving Tests.

161. **Mr. P. Breen** asked the Minister for

Transport the number of applications waiting for driving tests in the centres at Shannon, Kilrush and Ennis; the average length of time applicants are waiting for their driving tests in each of these centres; the success rate in 2002 and 2003; and if he will make a statement on the matter. [4386/04]

Minister for Transport (Mr. Brennan): The information is as follows:

Test Centre	Applicants awaiting a driving test at 2/2/04	Average weeks waiting at 2/2/04	Pass Rate %	
			2002	2003*
Kilrush	483	30	59.6	64
Shannon	1,027	42	65	67
Ennis	762	15	59.6	67

*Estimated

Note: The average waiting time is derived having regard to waiting times experienced by individual applicants who have undergone a driving test over the previous four week period in the test centre.

Dublin Port Tunnel.

162. **Mr. F. McGrath** asked the Minister for Transport if he plans to meet residents groups in the Marino, Fairview and Santry areas regarding super-cube trucks and the Dublin Port tunnel; and if he will make a statement on the matter. [4393/04]

Minister for Transport (Mr. Brennan): My Department engaged Atkins to review the feasibility, safety implications and cost of raising the height of the Dublin Port tunnel. Its final report was received 8 December 2003. At present I am reviewing its findings and I have sought further information from the National Roads Authority pertaining to its conclusions.

I have not received a request to meet the groups to discuss the issue nor do I intend to. Dublin City Council manages the project and has responsibility for traffic management in the area. It consulted, and will continue to do so, the local residents on all aspects of the project.

Rail Network.

163. **Mr. J. Bruton** asked the Minister for Transport his plans for the provision of a rail tunnel between Heuston station and Dublin city centre; and the length of time it would take to complete it. [4437/04]

Minister for Transport (Mr. Brennan): Consistent with the Dublin Transportation Office document, entitled Platform for Change, Irish Rail recently completed a study on the feasibility of providing an interconnector tunnel from Heuston Station to the docklands. My Department received the completed study and discussed it with Irish Rail.

I am awaiting a business plan from Irish Rail that will include cost benefit analysis, funding proposals and a proposed timescale. The

construction of an interconnector is not part of the company's short-term plans.

Driving Tests.

164. **Mr. Naughten** asked the Minister for Transport the location of driver theory tests in County Roscommon; the frequency; when the next test will be held; and if he will make a statement on the matter. [4439/04]

Minister for Transport (Mr. Brennan): People in County Roscommon can avail of theory tests in Castlerea, County Roscommon and in the adjacent test centres of Carrick-on-Shannon, Longford and Athlone.

Theory tests are arranged by the driver theory testing service. A key performance standard contained in the customer charter for the driver service is that tests are offered at centres, that undertake more than 250 tests per annum, within two weeks of a candidate's preferred date.

165. **Mr. Naughten** asked the Minister for Transport the process for reissuing a full licence when it has been lost and the local authority has no record of issuing it; and if he will make a statement on the matter. [4467/04]

Minister for Transport (Mr. Brennan): The holder of a driving licence that is lost, destroyed or mutilated may apply to the licensing authority that granted it for a duplicate. An application should be made on scheduled form D800. An applicant may obtain a copy of the relevant form from the licensing authority.

Under the Road Traffic Act 1961 and the Road Traffic (Licensing of Drivers) Regulations 1999 to 2001, it is a matter for the appropriate licensing authority to determine the eligibility of a person for a duplicate driving licence and to issue licences.

Light Rail Project.

166. **Dr. Upton** asked the Minister for Transport if he will consult the Railway Procurement Agency on the need to redesign one part of the works associated with the Luas project as it is causing widespread local concern (details supplied). [4491/04]

Minister for Transport (Mr. Brennan): The RPA is responsible for the management of the Luas project. I contacted it about the design of the Rialto bridge and I was informed that the bridge was upgraded to resist the impact of road traffic with a view to preventing vehicles ending up on the alignment below. It prepared five alternative designs for consideration by Dublin City Council and the railway inspection officer before the current design was agreed and constructed.

167. **Dr. Upton** asked the Minister for Transport if he will report on the proposed fare structure on the Luas; and his views on a competitive pricing structure necessary to reward passengers for using public transport. [4492/04]

Minister for Transport (Mr. Brennan): Over the coming month the RPA will make by-laws under section 66 of the Transport (Railway Infrastructure) Act 2001 fixing, *inter alia*, fares for travelling on the Luas project. Account will be taken of the following criteria: revenue should at least cover operating costs; fares should be reasonable and competitive relative to other modes; patronage should be maximised and a modal shift to public transport be promoted; and fares should be consistent with concurrent passenger services on adjacent and nearby public transport.

Registration of Title.

168. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform the position regarding a section 49 application by a person (details supplied) in County Mayo. [4381/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that a section 49 application refers to the acquisition of title by virtue of long possession under the Registration of Titles Act 1964. It was lodged on 27 January, dealing No. D2004SM000824D.

These are complicated applications that require detailed examination for registration as owners and can take some time to process. Queries issued to the lodging solicitors on 9 February. The application cannot proceed until they have been satisfactorily resolved. On receipt of a satisfactory reply, the matter will receive further attention in the Land Registry.

Community Policing.

169. **Mr. S. Ryan** asked the Minister for Justice, Equality and Law Reform the number of gardaí of all ranks involved in community policing in Balbriggan Garda station, County Dublin, in respect of the years 1997 to 2003, inclusive; and if he will make a statement on the matter. [4382/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda authorities are responsible for the detailed allocation of resources, including personnel. They have informed me that there are 52 personnel, all ranks, serving in the Balbriggan district as at 11 February.

One member of Garda rank has been permanently involved in community policing in Balbriggan from 1997 to 2003, inclusive. All gardaí allocated to the Balbriggan district have a role, *inter alia*, to deal with community policing issues as they arise.

Asylum Applications.

170. **Ms Shortall** asked the Minister for Justice, Equality and Law Reform the policy of his Department in relation to the treatment of asylum seekers who have a verifiable threat to their lives should they return to their country of origin; if, on foot of the case of a person (details supplied), all Nigerian women seeking asylum here will be refused asylum regardless of whether a death penalty may be awaiting them on their return; if so, the basis upon which this policy was decided; if not, the reason this particular person was refused; if he is considering granting humanitarian leave to remain; and if he will make a statement on the matter. [4383/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): It is not the practice to comment in detail on individual applications for asylum. However, all applications for asylum in the State are processed in accordance with the provisions of the Refugee Act 1996, as amended and in particular having due regard to the definition of a “refugee” in section 2 of that Act which states that a “refugee” is a person who, owing to a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his or her nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of his or her former habitual residence, is unable or, owing to such fear, is unwilling to return to it.

The Deputy will be aware that under the Refugee Act 1996, as amended, two independent statutory offices consider applications/appeals for refugee status. These two offices are the Office of

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the Refugee Applications Commissioner, which considers applications for refugee status at first instance and the Refugee Appeals Tribunal which considers appeals from negative recommendations of the Commissioner.

Decisions on asylum applications are made by the Minister for Justice, Equality and Law Reform upon receipt of the recommendation or decision of the Refugee Applications Commissioner or the Refugee Appeals Tribunal.

In considering an asylum claim consideration is given to the subjective and objective elements of the application. The subjective element of an asylum application concerns the applicant's individual circumstances as they are perceived and described by him or her. The objective element of the application concerns the relevant country of origin information which comes from a wide variety of sources including information from organisations such as the UNHCR, Amnesty International, the US State Department, Canadian Boards of Immigration and other EU member states as well as media and Internet sources. In addition to these periodically updated sources, the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal have access to up to date news reports regarding events and developments in the countries concerned.

In relation to this particular case, the person in question entered the State on 15 September 2002 and claimed asylum. The Refugee Applications Commissioner recommended that her claim be refused and the applicant was informed of this recommendation on 14 April 2003 and appealed this recommendation on 8 May 2003. The Refugee Appeals Tribunal affirmed the recommendation and the person concerned was informed of this decision on 28 August 2003.

I am further informed that in accordance with section 3 of the Immigration Act 1999 the person in question was informed on 26 November 2003 that it was proposed to make a deportation order and was given the following options: to make written representations within 15 working days to the Minister for Justice, Equality and Law Reform setting out reasons why she should be allowed to remain in the State, to voluntarily leave the State or to consent to deportation. An application for leave to remain was received from the person's legal representatives on 18 December 2003. I expect the case file to be submitted to me for consideration in the near future.

Juvenile Offenders.

171. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform the reason an application for a justice programme in Kilrush

was refused; and if he will make a statement on the matter. [4427/04]

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(Mr. McDowell): Garda youth diversion projects are a community-based, multi-agency crime prevention initiative which seek to divert young persons from becoming involved — or further involved — in anti-social and/or criminal behaviour by providing suitable activities to facilitate personal development, promote civic responsibility and improve long-term employability prospects. By doing so, the projects also contribute to improving the quality of life within communities and enhancing Garda/community relations. I am committed to their continuing development and, as resources permit, their expansion.

The number of projects has grown from 12 in 1997 to 64 at present, a process made possible in part by funding under the National Development Plan 2000-2006. The locations of the new projects were decided upon by the Garda authorities in conjunction with my Department. As the Deputy may be aware, there is a Garda youth diversion project currently operating in Ennis, County Clare, namely, the Ennis Youth Project. Funding of €103,961 was allocated to the project in the year 2003 and €30,000 has been issued to the project in the year 2004 to date. Further payments will be considered on receipt of audited accounts for the year ended December 2003 and projected expenditure figures for the current year.

I am informed by the Garda authorities that a proposal in respect of a project catering for young people between 10-18 years in the disadvantaged area of the John Paul Estate in Kilrush was received by the Garda community relations section on 6 November 2002. Further proposals for new diversion projects will be examined within the context of available resources. The application for Kilrush will be kept under review.

EU Presidency.

172. **Mr. J. Bruton** asked the Minister for Justice, Equality and Law Reform the steps he proposes to take as president of the Council of Justice and Home Affairs Ministers, to encourage France, Germany, Austria, Italy, Greece, the Netherlands and Luxembourg to fulfil their obligation to transpose into their domestic law the provisions of the European arrest warrant; and if he will make a statement on the matter. [4429/04]

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(Mr. McDowell): I refer the Deputy to my reply to Parliamentary Question No. 275 of Wednesday, 11 February 2004.

Irish Prison Service.

173. **Mr. Fleming** asked the Minister for Justice, Equality and Law Reform the earnings of each of the 10 prison officers with the lowest earnings including overtime in 2001, 2002 and 2003; and the average weekly earnings in each case. [4442/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Irish Prison Service that the information requested by the Deputy can be obtained but will take some further time to compile. I will write to the Deputy as soon as the information becomes available.

Visa Applications.

174. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform if a decision will be made in the case of a person (details supplied) in County Kilkenny who has lodged an application for residency on the basis of their marriage to an Irish national and was informed that a decision would be made in early 2004. [4463/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The application to which the Deputy refers is currently coming under consideration. The immigration division of my Department will be in communication with the person concerned in the very near future with a view to bringing the application to a conclusion.

Henry VIII Provisions.

175. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform his views on whether the use of Henry VIII provisions in legislation is constitutionally sound; and if he will make a statement on the matter. [4480/04]

176. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform if he will give details regarding the use of Henry VIII provisions in legislation; and if he will make a statement on the matter. [4481/04]

177. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform the efforts he has made in the past to examine and stem the use of Henry VIII provisions in legislation; and if he will make a statement on the matter. [4482/04]

178. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform his views on whether the making of regulations which amend primary legislation in a substantive way pursuant to a Henry VIII provision in legislation is itself constitutionally sound; and if he will make a statement on the matter. [4483/04]

179. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform his views on the statement by persons (details supplied) that any

regulation which repeals or amends primary legislation is *ipso facto* unconstitutional even if this has been explicitly authorised in the parent section; and if he will make a statement on the matter. [4484/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The interpretation of the law and the provision of legal advice is a matter for the Attorney General in so far as the functions relate to those of Government.

Grant Payments.

180. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government when a person (details supplied) in County Mayo will receive a partial cull ewe payment for 2003, as promised in a previous reply. [4394/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Farmers who joined the rural environment protection scheme, or REPS, during the course of the sheep production year 2003, including the person named, will receive a *pro rata* payment from my Department to cover the loss sustained by them for the months prior to the commencement of their REPS plan. It is expected that these payments will issue shortly.

Departmental Advertising.

181. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government his views on the fact that it is inappropriate for his Department to use models in promotions for public information campaigns; when he will cease this practise; and if he will make a statement on the matter. [4421/04]

182. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government the amount of money spent by his Department for models who have appeared in promotions for public information campaigns run by his Department in the past three years; and if he will make a statement on the matter. [4422/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I propose to take Questions Nos. 181 and 182 together.

My Department utilises a number of consultancy firms from time to time to promote awareness of important issues relating to my Department's functions. Invitations to tender would require the successful firms to implement high-impact awareness campaigns including a national campaign launch, information leaflets, design, printing and dissemination of posters, instructional videos, local and national advertising or general media briefing. Subject only to general guidance from my Department the format of public information campaigns and

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the attached manner in which they are conducted are matters for the selected firms.

Consequently, a detailed breakdown of information as sought in Question No. 182 would not be available in my Department.

Greenhouse Gas Emissions.

183. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government his views on where the revenue will be raised for the payment of funds that will result from the State's failure to comply with Kyoto protocol targets; and if he will make a statement on the matter. [4423/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I am satisfied that full implementation of the national climate change strategy over the remainder of the decade, together with any additional measures to be identified in the current review of its implementation, will ensure Ireland's compliance with the Kyoto protocol. In this regard, I refer to the Government's decision, which I announced on 5 February 2004. Among other matters, this makes an indicative allocation of 110.1 million emission allowances available to Irish participants in the EU emissions trading scheme in the period 2008-2012 (the Kyoto phase) inclusive, an average of 22 million per year; it also indicates the Government's intent to purchase allowances on the international market to ensure that Ireland is in possession of sufficient allowances to comply with Kyoto commitments for those sectors of the economy not directly engaged in emissions trading, with the possibility for the purchases to be funded from the CO₂ tax to be explored in the consideration of this tax. A total quantity of 18.5 million allowances or 3.7 million per annum is estimated to be sufficient for this purpose, i.e. in respect of emissions reductions in non-trading sectors where the cost of reductions is expected to be significantly above the price of CO₂ on the emissions trading markets.

I also indicated that further decisions to be taken by Government in relation to the Kyoto phase will be subject to an evaluation of the operation of EU emissions trading, and its impacts, prior to the finalisation, in June 2006, of the national allocation plan for the Kyoto commitment period.

Planning Issues.

184. **Mr. J. Bruton** asked the Minister for the Environment, Heritage and Local Government his views on the imposition of development levies in the use of their powers by local authorities under the Planning and Development Act 2000 on pollution statement measures (details supplied) and works on listed buildings which are

necessary for the upkeep and preservation of those buildings. [4444/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): While the Minister for the Environment, Heritage and Local Government may comment on a draft development contribution scheme during its consultation period, it is ultimately for the elected members of the planning authorities to determine the classes of development to which the contributions will apply, having regard to the actual cost of providing infrastructure in that area.

Circular Letter PD 4/2003 of 27 June 2003 advised planning authorities that a scheme can allow for a lower, or no, contribution in certain circumstances in order to promote planning objectives in their own functional area.

Water and Sewerage Schemes.

185. **Mr. J. Bruton** asked the Minister for the Environment, Heritage and Local Government if he has received proposals for an upgrade to the sewerage scheme serving the town of Ashbourne, County Meath, which is regarded by the regional authority as essential to its spatial strategy; and if he will make a statement on the matter. [4445/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The Ashbourne sewerage upgrade scheme has been included in my Department's water services investment programme 2003-2005 as a scheme to advance through planning.

I understand that Meath County Council is currently preparing a preliminary report for the scheme for submission to my Department for approval.

Planning Issues.

186. **Mr. J. Bruton** asked the Minister for the Environment, Heritage and Local Government his plans to minimise non-agricultural development on best quality soils here in order to retain the nation's capacity to feed itself in an emergency which inhibits supplies from abroad. [4446/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Section 10 of the Planning and Development Act 2000 provides that the development plans of planning authorities shall set out an overall strategy for the proper planning and sustainable development of the area to which the plan relates. The development plan must include objectives for the zoning of land for the use solely or primarily of particular areas for particular purposes, whether residential, commercial, industrial, agricultural, recreational, as open space or otherwise, or a mixture of those uses.

The Act further provides that the development plan may include objectives for, *inter alia*, reserving or allocating any particular land, or all land in any particular area, for development of a specified class or classes, or prohibiting or restricting, either permanently or temporarily, development on any specified land. It would be a matter for each planning authority to determine in the context of making its development plan whether these provisions should be applied to restrict non-agricultural development on land within its functional area if this was considered necessary for the proper planning and sustainable development of the area of the development plan.

It should be noted that information from the Central Statistics Office indicates that Ireland is self-sufficient in most of the major commodities it produces. The individual commodity ratios are as follows:

	%
Butter	1,016
Milk Powder	901
Beef	820
Cheese	551
Lamb	303
Pigmeat	163
Poultry	103
Cereals	88

Guidelines for planning authorities on residential density under section 28 of the Planning and Development Act seek to encourage more sustainable urban development and avoid excessive suburbanisation. The guidelines indicate that increasing residential densities will help to reduce urban sprawl and lessen the need to use additional land resources for housing development. Planning authorities and An Bord Pleanála, where applicable, are required to have regard to these guidelines in the performance of their functions.

It is not proposed at this time to introduce any additional measures in relation to the restriction of non-agricultural development in order to guarantee food supply.

Electronic Voting.

187. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government the projected annual cost for storage of the electronic voting machines. [4466/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Returning officers have for many years been responsible for storage locally of ballot boxes, polling booths and other election materials utilising local authority, court and private sector storage arrangements, as appropriate. The same arrangements will

continue to apply to the storage of voting machines.

The limited experience of electronic voting in the pilot constituencies at the 2002 general election and the Nice treaty referendum suggests that storage referendum arrangements for voting machines should not add significantly to election administration costs. Documented claims for final payment are made periodically, by returning officers, to the Department of Finance for recoupment from the Central Fund. The additional impact, if any, of storage costs for electronic voting machines will only be reflected after the roll-out of these machines to all constituencies has been completed.

Housing Aid for the Elderly.

188. **Ms Shortall** asked the Minister for the Environment, Heritage and Local Government further to his recent announcement of funding under the special housing aid for the elderly scheme, the reasons the Eastern Regional Health Authority was allocated only 14.5% of the available funding when it covers over 33% of the State's population; the criteria used to allocate such funding; and if he will make a statement on the matter. [4495/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The special aid for the elderly scheme, is administered by a task force, under the aegis of my Department. Allocations to the health boards are determined by the task force from the funding available and are based, not on the geographical spread of the population, but on the statistical returns received from the health boards showing the level of activity within the area, the actual number of applications on hands and the estimated cost of these applications.

Social Welfare Benefits.

189. **Mr. F. McGrath** asked the Minister for Social and Family Affairs if lone parents in receipt of lone parent allowance will not be awarded maternity benefit under the Finance Bill; and if she will make a statement on the matter. [4417/04]

Minister for Social and Family Affairs (Mary Coughlan): The social welfare system is primarily a contingency-based system, with entitlement based on a, pre-defined contingencies, such as sickness or unemployment. While it can happen that a person may experience more than one contingency at the same time, for example, an unemployed person may become sick, a general principle usually applies whereby even if a person experiences more than one of the pre-defined contingencies at any one time, they can still only receive one of those payments. This principle is common to social security systems across the world.

Under the Irish social welfare system there have been a limited number of exceptions to this

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general principle. In the past these included the situation whereby a recipient of one parent family payment could, at the same time, receive short-term social insurance benefits such as maternity benefit, unemployment benefit and so forth at half rate if the contingency arose.

As part of the publication of the spending estimates for 2004, a measure was introduced whereby this entitlement to concurrent half-rate payment of a number of benefits is discontinued for new claimants with effect from 19 January 2004. Existing recipients are not affected by this measure for the duration of their claims.

Decentralisation Programme.

190. **Mr. O'Dowd** asked the Minister for Social and Family Affairs the progress on proposals for decentralisation for Drogheda; and if she will make a statement on the matter. [4496/04]

Minister for Social and Family Affairs (Mary Coughlan): Under the Government's decentralisation programme all sections of my

Department currently headquartered in Dublin will move to provincial locations. This includes the move of 300 posts in the Department's headquarters to Drogheda.

There are five locations involved in my Department's decentralisation programme and management of the programme overall will be a challenging task. The programme involves the development of an overall strategy in relation to the business areas to be moved to each of the five locations and the timing of those moves and, subsequently, the development of implementation plans for each location. An overall project plan is currently being prepared.

In line with a request to all Departments a preliminary response has been sent to the decentralisation implementation committee established by Government to oversee the programme. The committee will be considering the responses from all Departments involved, and is due to submit an initial report by end March on the implementation of the overall programme. It is not possible at this stage to give a precise timescale for any of the locations involved.