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# DÁIL ÉIREANN

## DÍOSPÓIREACHTAÍ PARLAIMINTE PARLIAMENTARY DEBATES

### TUAIRISC OIFIGIÚIL OFFICIAL REPORT

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*Dé Céadaoin, 31 Márta 2004.*  
*Wednesday, 31 March 2004.*

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

*Paidir.*  
*Prayer.*

#### Leaders' Questions.

**Mr. Kenny:** Yesterday the Committee of Public Accounts published its report regarding Punchestown, to which an allocation of €15 million was made for an equestrian centre and other facilities. Four questions were examined by the committee: was the project properly evaluated; was the State's interest properly protected; to what extent have the facilities benefited the racecourse and racing in general; and did the project represent good value for money? The Tánaiste made it clear in her election literature on behalf of the Progressive Democrats that sound public finances were essential to good management of the country, and everyone would support that. Has the Tánaiste read the report or synopsis from the Committee of Public Accounts? Does she agree that, in this situation, it appears that the project came about because of discussions between the Minister for Agriculture and Food and the Minister for Finance?

The 1994 guidelines laid down by the Department of Finance were bypassed and, regarding the four questions asked and considered by the Committee of Public Accounts, it was critical in every case of the procedure followed in the allocation of almost €15 million

of public money. Is the Tánaiste embarrassed by this report? Does she now accept that this kind of standard has also become that of the Progressive Democrats? If the situation continued, would it require her to walk away from the Government? Does she consider that the project represents good value for money for the taxpayer?

**The Tánaiste:** We must certainly learn lessons from the report of the Comptroller and Auditor General regarding the evaluation procedure for capital projects and the processes that we have in place in Departments.

**Mr. Kenny:** What lessons can the Progressive Democrats learn from the report of the Committee of Public Accounts? Does it mean that the Tánaiste is now setting down a standard whereby such activity will no longer be allowed to continue within Government? Does she accept that political and collective responsibility is shared between the Minister for Agriculture and Food and the Minister for Finance in this instance and that the report of the Committee of Public Accounts is clear and highly critical of the procedure followed in this case? No evaluation was carried out on this project, which cost three times the saving made by the cutback in widows'

[Mr. Kenny.] contributory pensions. The benefits to the racecourse and racing in general have been slight, and Santa's Kingdom seems to have had a greater impact than indoor equestrian events.

Is the Tánaiste happy to sit at the Cabinet table in the knowledge that such a procedure has been followed by the Cabinet and that €15 million was expended on such a project without any evaluation? The Committee of Public Accounts, the watchdog of public expenditure, is critical of the carry-on in this case. Does the Tánaiste accept that it represents Progressive Democrats standards regarding sound management of the public finances?

**The Tánaiste:** When this matter came before the House, the facility was warmly welcomed — I have the quotations here — by Deputy Dukes on 13 June, Deputy Penrose on 17 May, and Deputy Wall on 23 November. However, as I said, we must ensure that our evaluation procedures in Departments for the expenditure of money on such capital projects——

**Mr. Kenny:** They have been in place since 1994.

**The Tánaiste:** ——are reviewed in the light of the Comptroller and Auditor General's report. We all expect that to happen now.

**Mr. Allen:** The watchdog has lost her bark.

**Mr. Rabbitte:** It appears that, after all her years in this House and in Government, the Tánaiste does not understand the difference between there being evaluation procedures and their not being applied. There is nothing wrong with the evaluation procedures. The point is that they were not applied in this case. The Minister for Agriculture and Food, Deputy Walsh, wrote to his racing friend, the Minister for Finance, Deputy McCreevy, and with a turnaround of less than seven days, the latter gave 100% approval for €6.9 million for a pony centre at Punchestown. Then, when the applicants got over the shock of a 100% grant, they decided that they would come back for the same again and bring the cost to €12.8 million in what Deputy Seán Ardagh, a member of the Committee of Public Accounts, described as the cowboys finding that they could come back to town to raid the bank a second time. That is what happened. There was no observance of existing financial or evaluation procedures. It was a ready-up between two Ministers, the Minister for Finance, Deputy McCreevy, and the Minister for Agriculture and Food, Deputy Walsh.

Are there any circumstances in which the Tánaiste might have more than a few lines to say about this matter? When she represented the same constituency as I, in June 1999, the health centre at Millbrook Lawns burned down with the loss of nine rooms. They have still not been rebuilt. The cost is €1 million. At the same time,

a 100% grant totalling €14.9 million can be given to a pony centre that the Committee of Public Accounts found had no events in year one and now, as Deputy Kenny says, seems to be reduced to housing Santa's Kingdom and ECOFIN Ministers who might easily have been taken somewhere else. Is that the way to do business? Is the Tánaiste herself not conscious of the marked contrast in her approach now and her high-minded attitude when she was in Opposition?

Is there any Deputy in this House that has not had an experience like I have instanced regarding the Millbrook Lawns health centre involving €1 million to provide pre-natal and essential social services for the people in that area? However, that cannot be done. According to the health board, the best use of the site would involve spending €8 million to build a new primary care centre, such as the Minister for the Health and Children goes on about all the time. That cannot be done but €15 million can be turned around in a deal between one Minister and another, while the evaluation procedures are avoided. It is a disgrace. It is also a disgrace that the Tánaiste should seem to stand over it.

**Mr. Gormley:** On a point of order——

**An Ceann Comhairle:** No point of order may be raised during Leaders' Questions, except from the leader who submitted the question or the Minister who is replying.

**Mr. Gormley:** I will speak to the Ceann Comhairle afterwards.

**Mr. B. O'Keeffe:** Oh my God.

**Mr. N. Dempsey:** That is something for the Ceann Comhairle to look forward to.

**The Tánaiste:** Deputy Gormley is in a threatening frame of mind this morning. As I said earlier, when this matter was before the House, which happened on eight occasions, it was warmly welcomed by two Deputies in Deputy Rabbitte's own party and indeed by——

**Mr. Allen:** That is rubbish.

**The Tánaiste:** It is a fact.

**Mr. Rabbitte:** They were not involved in evaluating the site.

**Mr. Allen:** That is a spineless response.

**The Tánaiste:** The provision of the facility was described as essential and important. I can cite the quotations. For Deputy Rabbitte to now say that this is opposed——

**An Ceann Comhairle:** The Tánaiste must be allowed to speak without interruption.

**Mr. English:** What was it meant to do?

**The Tánaiste:** Is the Deputy telling the House the concept was important? Nobody can stand over what is outlined in the Comptroller and Auditor General's report. We have to ensure that the findings of that report are implemented. That is a fact.

**Mr. Rabbitte:** What actions does the Tánaiste intend to cause the Government to take arising from that fact? In any other jurisdiction at least one Minister would go as a result of this. However, the Tánaiste has sat at the Cabinet table and not just on this. This is just symptomatic of the arrogant decisions taken by a remote Government. She has sat at the Cabinet table while the same Minister for Finance, Deputy McCreevy, spent €157 million of taxpayers' money in clearing the park at Abbotstown in order to relocate the research laboratories to his own constituency at Backweston. After all of that we still do not have a football stadium. This is the scandalous, profligate waste of public money that has gone on. Two Ministers can meet at the races and ready up a project for 100% grant of taxpayers' money for a pony centre where no worthwhile activity has taken place. If the facility is worthwhile, this is not the way to do it and yet, it is a matter for smirking, as between the two Ministers. It is simply not acceptable that the Tánaiste should treat the taxpayer, about which she professes to be so concerned, in this fashion. What action is she going to cause to happen as a result of the indictment in the Public Accounts Committee's report?

**The Tánaiste:** This Government and its predecessor have done more for the taxpayer than Deputy Rabbitte and his party ever did in Government.

**Mr. S. Ryan:** What about the pensioners and the widows?

**The Tánaiste:** He knows perfectly well that this is not a resignation issue, so let us have a few facts.

**Mr. Rabbitte:** Of course it is.

**The Tánaiste:** All Members of the House wanted the facility, some more enthusiastically than others. One should read what former Deputy Alan Dukes said and what Deputies Crawford and Wall said——

*(Interruptions).*

**An Ceann Comhairle:** The Tánaiste, without interruptions.

**Mr. Timmins:** She is finished. She has no more to say.

**Mr. Stagg:** A Cheann Comhairle, will you not let the Tánaiste answer the last question?

**The Tánaiste:** Members should stop playing games.

**Mr. Rabbitte:** Deputy Crawford did not know——

**Mr. Allen:** The Tánaiste is hiding behind Opposition backbenchers. It is a spineless report.

**An Ceann Comhairle:** The Chair will have to deal with Deputy Allen, if he continues.

**Mr. Timmins:** She is finished.

**Mr. Stagg:** Why did she not answer the question?

**An Ceann Comhairle:** The Chair did its utmost to allow the Tánaiste to answer the question, but could not control the interruptions.

**Mr. J. Higgins:** The Tánaiste is just back from Killarney. We do not know whether she took a jaunting car around the lakes, but she certainly took the whip to some of her favourite targets, especially public services and public service workers. She attacked again, by implication, workers in An Post who are under the cosh of a ruthless management with the Government on its side, as well as employees in Aer Rianta, Aer Lingus and Dublin Bus. Why is it that the people the Tánaiste invariably targets are always on or around the average industrial wage, or on the wrong side of it? Why do we never hear her attack at her conferences some of the biggest cartels in Irish society.

The *Irish Examiner* this morning again highlights the relentless rise in the price of an average home. In seven years the Tánaiste has not raised a finger to wag at the ruthless profiteering in housing. She has watched the speculators throttle the housing hopes of young working people. She has watched those who have got onto the ladder with great difficulty squeezed on the treadmill of exorbitant mortgages between the developers, speculators and the financial institutions, not to mention those at the mercy of the rack-renting section of the landlord class.

At the Public Accounts Committee yesterday the exorbitant fees paid to barristers were again highlighted, €42 million for the current tribunals up to some time ago. However, the Tánaiste sought to attack working people in the public service at her conference, and her Government sought to attack the widow's mite. A massive amount of €5 million was taken from widows and widowers but there was not a word about the real cartels in Irish society. The Taoiseach and the Tánaiste have been swanning around the EU for the last three months as if they were the king and queen of Europe, preaching competitiveness. However, this is obviously competitiveness for a few. The attack is against working people, their wages and pension rights, but the landed speculators and the privileged barristers flourish under their reign. It is not just the Progressive

[Mr. J. Higgins.]

Democrats. Fianna Fáil would like to hide behind the Tánaiste's right-wing philosophy. It shares it and puts it into effect, just as well.

**The Tánaiste:** I can confirm to Deputy Higgins that I was not on a jaunting car. I would not inflict that punishment on any poor horse. I am also not into the royals, whether the Freddie Mercury kind or any other. Since the Progressive Democrats and Fianna Fáil came back to Government in 1997, 1,000 new jobs a week have been created on average. That is a fact. My comments at the weekend were to encourage competition in order to grow employment, services, tourism and the regions in this country. Anywhere where competition has been introduced, as the Deputy might acknowledge, there has been more employment, better value for money and improved services for consumers. I know Deputy Higgins had his party conference at the weekend as well. I did not get an opportunity to observe it too closely, but I have a copy of his script which I intend to read later today. I look forward to reading it, because it is good for me to read what somebody on the extreme side has to say from time to time.

**Mr. J. Higgins:** The Tánaiste should not worry. I have no hope of converting her at this stage. Competition is, of course, the code word behind which lurks privatisation and the driving down of the wages, working conditions and security of tenure for ordinary working people. The Tánaiste did not answer as regards the privileged cartels, two of which I specified, namely, those in the housing and legal areas. Fingal County Council paid a senior counsel €7,500 for three hours on his feet in the High Court on 17 September 2003 to get an interlocutory injunction against decent taxpayers, a fairly run of the mill procedure. Two days later the same gentleman was on his feet for less than three hours, sending myself and my colleague, Claire Daly, to jail. He was paid €7,500 again. A few days later he was on his feet for less than an hour to enjoin Alan Lee as a defendant to proceedings, for €3,000. That is €18,000 for a senior counsel for less than seven hours work. If VAT is put on top of that it comes to €22,000. After seven years, does the Tánaiste stand over this type of profiteering by that profession? How can working people buy justice in this State? The Tánaiste's talk of competitiveness is hypocrisy when it comes to working people being squeezed in this way by cartels which the Tánaiste never attacks.

**The Tánaiste:** There are more people working in Ireland today than ever before.

**Mr. J. Higgins:** I ask the Tánaiste to address the issue.

**The Tánaiste:** Using Deputy Higgins's model, we would probably have the 20% unemployment

rate of many eastern European countries. I do not stand over legal fees. I agree with much of what the Deputy says regarding them.

**Mr. Allen:** What is the Tánaiste doing about them?

**The Tánaiste:** That is why, in our insurance programme, the establishment of the Personal Injuries Assessment Board will take barristers out of most personal injury cases. They are currently involved in 70% of such cases in Ireland compared to 4% in the UK. We are doing a lot to reduce legal costs.

**Mr. J. Higgins:** There is no insurance involved here.

**The Tánaiste:** The Deputy is talking of the fees. Barristers and other lawyers are earning a great deal of money in personal injury cases. The new Personal Injuries Assessment Board is being established with a view to removing lawyers as far as possible from personal injuries cases.

## Ceisteanna — Questions.

### Sustainable Development.

1. **Mr. J. Bruton** asked the Taoiseach his views on whether the Central Statistics Office should develop a parallel periodic measure of domestic progress, alongside GDP and GNP, to provide a more reliable, if less easily quantifiable measure of real progress, leaving out spending to offset social and environmental costs arising from GDP growth, subtracting damage to the environment, taking account of charges in the degree of income inequality and including unpaid household and voluntary labour not included in GNP and GDP. [9598/04]

**Minister of State at the Department of the Taoiseach (Ms Hanafin):** I am aware there have been a number of initiatives in various countries aimed at drawing up composite indices of sustainable development. These have generally been undertaken as special research projects conducted by universities and other research organisations, rather than as a regular feature of the work of national statistics offices. This work has generally been concerned with adjusting the traditional measure of GDP to take account of other features such as those listed by the Deputy.

While use of such an index would understandably be of considerable interest, there is little consensus about the merits of such an approach. There is no agreement on the progress indicators that should be included or excluded or on the weighting or level of importance that should be assigned to the different indicators. Because of these difficulties, these measures have been largely developed by research organisations rather than by official statistics offices.

**Mr. J. Bruton:** Would the Minister of State consider it worthwhile to seek to create a consensus on these points and act in a leadership role on this matter, rather than wash her hands of it? Does she agree that much of what is measured as progress in the GDP represents a disimprovement in the quality of people's lives, whether it be more time spent in traffic jams, for example, or greater costs for security, which appear as progress in the GDP but which are detrimental to quality of life? If we in this House are to measure how our work improves or disimproves the quality of people's lives, does she agree that we need an authoritative measure of the quality of life and should not rely, as we continue to do, on crude measures such as the GDP and GNP, which in many cases do not measure improvement in living conditions?

**Ms Hanafin:** GDP and GNP were never designed to measure quality of life or happiness, and are merely measures of production and national income. It would be very difficult to place a price on something like voluntary or unpaid work, or environmental impact. I know we do not take account of distribution of income as a sign of welfare, but GDP and GNP do not pretend to do so. Various research has been carried out by universities and others as to what measures could be included, but central statistics offices in most countries recognise that it would be very difficult to come up with a composite set of indices.

We are not washing our hands of the matter. The Deputy is aware that last December, the CSO launched a new annual publication, *Measuring Ireland's Progress*, which incorporates 108 different indicators of the country's progress. It analyses the economic, social and environmental situation, comparing it to the other EU states, largely because there was no general consensus about the merits of including the elements Deputy Bruton referred to. That type of range of indicators is very useful.

**Mr. J. Bruton:** Will the Minister of State agree that the fixation on GDP and the GNP leads to active distortions of policy choices, on the basis that because something is not counted, it does not count for policy makers? For example, the choice by a parent to stay at home to look after children is counted as a reduction in GNP, while if the parent goes out to work and pays someone to look after the children, that is seen as an increase in GNP, even though the first choice may contribute more to the welfare of those being looked after. When we draw up social policies, however, we count elements which impact on GDP or GNP and ignore elements which they ignore. This fixation in policy making with figures, and the excessive reliance on them, as part of the take-over of the Government by consultants is leading to a distortion of policy choices in a perverse way. As Minister of State responsible for statistics, Deputy Hanafin is

obliged to do something about this and not leave it to universities.

**Ms Hanafin:** GDP and GNP do not set out to measure a country's well-being. They are used throughout the world as an internationally-accepted accounting rule so they are valuable for comparative purposes. The development of social policy in any Department is not based solely on those indicators, on the production of goods and services. We also use the statistics available to us from the indicators I mentioned, those carried out by the CSO, and from various other surveys such as the household survey, and research carried out by the National Statistics Board. There is also a raft of EU regulations which must be adopted by the CSO and which it uses in compiling information.

We also have our census information. Next month we will have a pilot census which will deal with some of the issues referred to by Deputy John Bruton. One of the questions to be asked in that census relates to how many people are engaged in home duties, in caring either for the young or elderly in their own homes, and how many people are involved in voluntary activity, whether it be cultural, charitable or political. All that information is available to us and is used in policy making so it is not simply a matter of assigning value only to GDP and GNP. The latter provide crude figures, which is what they set out to do.

**Ms Burton:** Does the Minister of State agree that there are well established mechanisms for evaluating the sort of data referred to by Deputy John Bruton and that the Government has been very slow to use them except on a pilot basis? In the context of the economic prosperity enjoyed by this country for the past ten years, there has been a very weak definition of the income base and the quality of life, in the broadest sense, enjoyed for instance by families with children and by poorer people. In the type of consultancy works to which Deputy John Bruton referred, more value is often assigned by consultants to people who live in richer areas. For instance, a public transport project in south County Dublin is deemed to have far more value because more people are at work there than in an area such as Ballymun where perhaps fewer people are in paid employment. The same holds in rural areas.

These realities impact on the decisions made daily by the Government. At the heart of this is the failure to realise what families with children require from our economy and what is needed by people who in economic terms are less well off. These might be people with disabilities, with a social welfare income. I am disappointed the Minister of State has not brought more imagination to this issue because other countries have done so very successfully.

11 o'clock

**Ms Hanafin:** Other countries' central statistics offices do not collate this information. It is instead done by research groups and universities and the information gained is valuable. However, how can the Central Statistics Office measure life expectancy and predict that one can live one year longer when other factors, such as degradation of the environment, must be taken into account? It is how to measure and what the indices are——

**Ms Burton:** If one is poor, one dies younger.

**An Ceann Comhairle:** Allow the Minister of State to continue without interruption. She is replying to Deputy Burton.

**Ms Hanafin:** I am not questioning the value of having the information. I am questioning the ability to assess that value in the Central Statistics Office.

**Mr. J. Bruton:** Who better to do it?

**Ms Hanafin:** Some private research has been done by universities and other bodies. A recent *Financial Times* article spoke of trying to measure people's happiness. How can a statistics office measure it? If one is using statistics and figures, the obvious way of measuring it is with the amounts of goods and services produced in the country. However, it must be realised that such a measure is limited in its value and is not pretending to be anything else. It is simply an acknowledgement of the accounting rule and the value of the goods and services of the country.

However, that is not to say that other information on quality of life is available. The UN annual report on the human development index measures countries' achievements on a comparative basis, in which Ireland ranks 18 out of 173. There are a number of factors at play as to why it is difficult for the Central Statistics Office to assess this information. There is no agreement on the measures that could be used, therefore making it difficult to do it on a comparative basis. However, the Central Statistics Office has devised 108 indicators promised under Sustaining Progress.

**Mr. Sargent:** Does the Minister of State agree that Deputy John Bruton's proposal is a fundamental prerequisite to many policy decisions that are taken? Whether it is the Central Statistics Office, another Department or some expertise brought in, it is essential that the issue be addressed. FEASTA, the Foundation for the Economics of Sustainability, has produced considerable research, drawing on information from Scandinavian and American countries where measures of quality of life are presented with gross domestic produce, GDP, and gross national product, GNP. Will this work be examined further to see if such measures can be implemented in Ireland?

Recently, the New Economics Foundation, in advance of the UK budget, highlighted that the

measure of domestic progress can no longer show economic growth as giving rise to improvement in quality of life over a whole range of issues, since it peaked in 1976. Will the Minister of State accept that, since then, while economic growth has increased, quality of life, in terms of sustainability and individual happiness, has decreased?

I welcome recent census figures on matters such as women in the home that was collated by various changes to the census form. Given that knowledge of Irish was measured in the previous census, will the Minister now accept that it is not impossible to measure some of the matters that she regards as difficult? Measuring knowledge of Irish is by no means a black and white process as people assume levels of Irish in different degrees. Likewise, measures of fulfilment, happiness and quality of life should be on the census forms. They can be answered whatever way one wants, but at least they are recognised as being important.

**Ms Hanafin:** The importance and the value of this information is not disputed. The problem is how it is assessed. It is an entirely subjective matter to decide if one is happier than another or measure one's quality of life as opposed to another's.

**Mr. Sargent:** Other countries do it.

**Ms Hanafin:** The statisticians in the Central Statistics Office are a highly professional body of people.

**Mr. J. Bruton:** The Minister of State pays attention to opinion polls.

**Ms Hanafin:** The question is how they can measure this information from a statistical viewpoint. The information that Deputy Sargent referred to is available. Tá súil agam gur léigh an Teachta an tuarascáil a tháinig amach ar stádas na Gaeilge. This was encouraging information from the Central Statistics Office. The 108 indicators contained in that agency's annual report give not just the economic value but social and environmental measures too. However, it is not a matter to be dealt with in the context of GDP and GNP.

All Members appreciate the development and range of work of the Central Statistics Office in recent years which is now providing more information to enable evidence-based policies to be developed. Regarding economic welfare and social progress, the type of indices are not involved. The Central Statistics Office launched figures showing that GNP for 2003 grew by 3.3% while GDP grew by 1.4%. The last quarter of 2003 is particularly encouraging when GNP rose by 5.5%. Good economic progress has been made and can be easily assessed.

**Mr. J. Bruton:** The Minister of State has just proved our case.

**Mr. Sargent:** That is just what we were arguing. The Minister of State thinks that is all there is to this.

### **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 under Standing Order 31. I will call the Deputies in the order in which they submitted notices to my office.

**Mr. O'Dowd:** I seek the adjournment of the Dáil under Standing Order 31——

**Mr. Rabbitte:** A Cheann Comhairle, has the Government surrendered?

**An Ceann Comhairle:** It is a matter for the Chair to decide whether to accept the Standing Order or not.

**Mr. O'Dowd:** Or accept the Government's surrender? We will accept it now.

**Mr. Kenny:** The de Valeras are back in possession.

**Mr. Durkan:** There a few things that will come back then.

**Mr. J. Bruton:** Dev ran the country on his own.

**Mr. Sargent:** Bring back Dev.

**Mr. O'Dowd:** I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the findings of the European Commission to impose binding measures on the UK operator, British Nuclear Fuels plc, which has failed to comply with the provisions of the EURATOM Treaty and the rules concerning accounting for nuclear material at Sellafield which is held in an area of such high level radiation and poor visibility that the situation has now become untenable and calls into question the credibility of safeguards designed to ensure that nuclear material is not diverted from peaceful uses.

**Mr. Healy:** I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: to ask the Taoiseach to intervene in the situation at Newtown Upper national school, Carrick-on-Suir, County Tipperary where the teaching staff are being forced to take industrial action to highlight the need to replace the outdoor toilets which have been condemned by the Health and Safety Authority and the failure of the Minister for Education and Science to approve a grant of funding to replace these toilets, which are antiquated and dangerous and have more in common with the dark ages than the third millennium.

**Dr. Cowley:** I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the failure of the Minister for the Environment, Heritage and Local Government to make funding available for the erection of kinetic energy absorbing barriers to safeguard all properties, farms and lands from future landslides at Inver and Pollathomas, County Mayo, as promised, after the landslides on 19 September 2003, despite assurances that these funds would be made available and to debate whether these funds can be made available by the Minister as a matter of the greatest possible urgency.

**Mr. Eamon Ryan:** I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the clear division within the Government over the future of bus services in this country, the lack of any debate on the massive roads programme which is threatening our natural environment and our most important heritage sites, and the failure by the Government to deliver the promised Dublin metro by 2007, the three additional Luas sections promised by 2006, the fast and frequent commuter rail services from Dublin to Arklow, Carlow, Tullamore, Mullingar and Navan, the new commuter rail services for Cork, Limerick, Galway and Waterford, all of which were promised in the Progressive Democrats' 2002 election manifesto.

**Ms Harney:** Who got the overall majority in the previous general election?

**Mr. Eamon Ryan:** I cannot see any of these services being ready for 2006.

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

### **Order of Business.**

**The Tánaiste:** It is proposed to take No. 3, Electoral (Amendment) Bill 2004 — Order for Second Stage and Second Stage. It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 8.30 p.m. and business shall be interrupted not later than 10.30 p.m. Private Members' business shall be No. 33, motion re confidence in the Minister for the Environment, Heritage and Local Government.

**An Ceann Comhairle:** There is one proposal to be put to the House. Is the proposal for the late sitting agreed?

**Mr. Kenny:** I do not object to the late sitting. Can we take it that a guillotine will not be imposed on the Electoral (Amendment) Bill 2004? In view of the public disquiet in respect of certain elements of the Bill, will the Tánaiste outline what will happen to the report that will be produced by the independent panel being established by the Bill? What does the Government intend to do if the independent

[Mr. Kenny.]

panel's report is critical of the process, for example? Can I assume that a guillotine will not be imposed? What is the position in respect of the report of the independent panel?

**The Tánaiste:** It is certainly not proposed to impose a guillotine on the Bill this week.

**Mr. Kenny:** What about next week?

**The Tánaiste:** It is intended to give as much time as possible to the Bill next week. I assume the Government will take on board whatever the independent panel will say, that is why we have put the panel in place in the first instance.

**Mr. Durkan:** That is the question.

**Mr. Rabbitte:** The Tánaiste answered the first part of Deputy Kenny's question when she said that there will be no guillotine this week. With respect to the Tánaiste, we already knew that. Will the Government impose a guillotine on the Bill?

**The Tánaiste:** It is intended to pass the Bill, yes, with a view to using the electronic voting system in the elections on 11 June. The Bill will be given a considerable amount of time this week and next week. The Government will make a decision on the matter next week.

**Mr. Sargent:** Before I discuss the late sitting, can I take it from the Tánaiste's reply that there will be a guillotine?

**The Tánaiste:** There may be a guillotine, but——

**Mr. Sargent:** I thought I heard a "Yes" in the middle of the Tánaiste's response.

**The Tánaiste:** ——there may not be a need for one.

**Mr. Sargent:** The Tánaiste has said that there may not be a guillotine. We will take it that there will not be a guillotine, if that is all right. We cannot oppose the late sitting until 10.30 p.m. tonight as we are looking for additional time, but I understand that it was not discussed at the Whips' meeting.

**Mr. Stagg:** That is right.

**Mr. Sargent:** I think such matters should be clarified and rectified. It is obvious that if there is to be a late sitting, it should be based on consultation with the other parties, given that it means we are expected to be here later than we might have planned. I ask the Government to ensure that late sittings are not organised without consultation with the other parties.

**An Ceann Comhairle:** Is the proposal for the late sitting today agreed? Agreed.

**Mr. Kenny:** Given that the Taoiseach will address the European Parliament today, may I ask the Tánaiste about the diplomatic relations and immunities (amendment) Bill? I understand that the only diplomatic initiative taken to date by the Government during its Presidency is the establishment of diplomatic relations with the dictatorship in Burma. The European Parliament passed a resolution condemning Ireland for taking this action.

**An Ceann Comhairle:** Does the Deputy have a question that is appropriate to the Order of Business?

**Mr. Allen:** Let him finish.

**Mr. Kenny:** I have asked about the diplomatic relations and immunities (amendment) Bill.

**An Ceann Comhairle:** It is not appropriate to discuss now what might be discussed on Second Stage of the Bill.

**Mr. Kenny:** The Taoiseach will address the European Parliament today in his capacity as the President of the European Council. The European Parliament passed a motion stating that it "regrets that the Government of the Republic of Ireland——

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

**Mr. Kenny:** It does.

**An Ceann Comhairle:** On the legislation, Tánaiste——

**Mr. Kenny:** The Parliament regrets that we have "decided to establish diplomatic relations——

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

**Mr. Kenny:** Will the Tánaiste explain why the Government has decided——

**An Ceann Comhairle:** I call the Tánaiste to outline the position in respect of the legislation.

**Mr. Kenny:** ——to open diplomatic relations with an unreconstructed dictatorship in Burma?

**An Ceann Comhairle:** I suggest that the Deputy submit a question to the appropriate Minister, or raise the matter during Leaders' Questions.

**Mr. Kenny:** When I asked the Taoiseach about the matter yesterday, he said that relations were

established so that we could speak to the Burmese authorities.

**An Ceann Comhairle:** I call the Tánaiste to speak about the legislation.

**Mr. Durkan:** That is unfair.

**Mr. Kenny:** You are being very restrictive about an issue of human rights, a Cheann Comhairle.

**Mr. Durkan:** It is a very important question.

**An Ceann Comhairle:** The Deputy knows the Standing Orders just as well as the Chair.

**The Tánaiste:** It is not possible at this stage to indicate——

**An Ceann Comhairle:** I have a copy of Standing Order 26 in front of me.

**The Tánaiste:** ——when the legislation will be brought before the House.

**An Ceann Comhairle:** I call Deputy Rabbitte.

**Mr. Kenny:** I did not hear the Tánaiste, a Cheann Comhairle, because you were talking.

**Mr. Durkan:** We did not hear the Tánaiste.

**An Ceann Comhairle:** I call Deputy Rabbitte.

**Mr. Kenny:** I did not hear the Tánaiste's reply, Sir.

**An Ceann Comhairle:** If you were not interrupting when the Tánaiste was replying——

**Mr. Kenny:** You were speaking.

**Ms O. Mitchell:** You were speaking, a Cheann Comhairle.

**An Ceann Comhairle:** I call Deputy Rabbitte.

**Mr. Allen:** You were speaking.

**Mr. Kenny:** A Cheann Comhairle, on a point of order, it was impossible to hear the Tánaiste because you were speaking.

**Mr. Allen:** You seem to do most of the talking in here, a Cheann Comhairle.

**An Ceann Comhairle:** On the legislation, Tánaiste.

**The Tánaiste:** As I said, it is not possible to indicate at this stage when the legislation will be brought forward.

**Mr. Durkan:** What about the other part of the question?

**An Ceann Comhairle:** I call Deputy Rabbitte.

**Mr. Durkan:** The Tánaiste will not answer that.

**An Ceann Comhairle:** Sorry, allow Deputy Rabbitte to speak without interruption.

**Mr. Rabbitte:** Bearing in mind the principles espoused by the Tánaiste for her party at the weekend, does she intend to respond to the Irish Refugee Council's request to the Government not to hold a referendum on citizenship at the same time as the forthcoming European and local elections? Does she purport to collude with Fianna Fáil in the headlong rush to exploit this issue, to produce more Deputy Noel O'Flynn in this House, on local authorities and in the European Parliament?

**The Tánaiste:** As I said to the Deputy last week, the Government has not yet decided when to hold the referendum in question.

**Mr. Rabbitte:** Is the Tánaiste aware that the Government has instructed the Chief Whip to make provision for taking the Bill in this House in the week after Easter?

**Ms Hanafin:** It has not.

**Mr. Rabbitte:** Is the Tánaiste aware of that?

**The Tánaiste:** I do not believe that to be the case.

**Mr. Rabbitte:** Is the Tánaiste saying that we will not take the Bill in the week after Easter?

**The Tánaiste:** I have said that we have not decided when to hold the referendum.

**Mr. Rabbitte:** Is the Tánaiste saying that the Bill will not be taken in the week we resume?

**An Ceann Comhairle:** Deputy, the Tánaiste has answered your question.

**The Tánaiste:** The answer is that we have not made a decision on that matter. That is a fact.

**Mr. Quinn:** The Taoiseach announced it yesterday.

**The Tánaiste:** He did not.

**Mr. Quinn:** The cameras caught his nodding head.

**An Ceann Comhairle:** I ask the Deputy to allow Deputy Eamon Ryan to ask his question without interruption.

**Mr. Eamon Ryan:** Can the Tánaiste tell me which of the transport Bills on the legislative programme will provide for a public transport regulator to regulate the State's bus services? I believe that such a regulator is needed before we

[Mr. Eamon Ryan.]

can start to decide how and where privatised bus services will be franchised. Does the Tánaiste know which Bill will introduce such a regulator? When will it be brought to the House? The Government is commenting on the issue frequently, but we do not know what type of regulator will be in place.

**The Tánaiste:** The relevant Bill is the transport reform Bill.

**Mr. Eamon Ryan:** When is the Bill due?

**The Tánaiste:** It is intended that the Bill will be brought forward this year.

**Mr. Crawford:** I would like to ask about three Bills that I hope will be in place soon. When will the dormant accounts (amendment) Bill be brought before the House? I understand that a dormant financial assets Bill will be introduced to make dormant insurance funds available to party sources. In light of the difficulties faced by a children's hospital that has to be funded by charities, when will the charities regulation Bill be dealt with?

**The Tánaiste:** The dormant accounts (amendment) Bill is expected shortly after Easter. The charities regulation Bill is somewhat further away — we will probably have the heads of the Bill later in the year — and it is not possible to say when it will be before the House. What was the other Bill the Deputy mentioned?

**Mr. Crawford:** I referred to the dormant financial assets Bill.

**The Tánaiste:** It is expected that the Bill will be brought forward in 2005.

**Mr. Quinn:** Have the heads of the Bill to amend the Constitution to alter the base on which citizenship is given to or earned by people in this country been circulated?

**The Tánaiste:** Yes, I think they have been circulated.

**Mr. Quinn:** The Tánaiste thinks they have been circulated.

**The Tánaiste:** They have been circulated.

**Mr. Gilmore:** It is obvious that the Tánaiste has read them.

**Mr. Costello:** Will the Tánaiste clarify whether the Government took the decision to pull the plug on the plans that existed to stage a major public concert on O'Connell Street in Dublin?

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

**Mr. Costello:** No——

**An Ceann Comhairle:** I suggest that you submit a question to the appropriate Minister.

**Mr. Costello:** I asked that question as a means of introducing my pertinent question on legislation. Was the concert cancelled because of a lack of planning regulations?

**An Ceann Comhairle:** You cannot pursue that line at this stage. If you want to raise it with the appropriate Minister, I suggest that you submit a question.

**Mr. Costello:** Regarding the legislation——

**An Ceann Comhairle:** The Deputy should refer to specific legislation.

**Mr. Costello:** I wish to ask about health and safety legislation.

**An Ceann Comhairle:** Health and safety legislation, Tánaiste.

**Mr. Costello:** If it is not possible in the present circumstances to stage the concert in O'Connell Street——

**An Ceann Comhairle:** Deputy, you cannot raise that matter on the Order of Business.

**Mr. Costello:** ——could it be held in Croke Park in the same manner as the Special Olympics ceremonies?

**An Ceann Comhairle:** The Deputy is familiar with the ways of raising the matter.

**Mr. Costello:** It seems that we will not have any public function on May Day to welcome the accession countries.

**The Tánaiste:** The safety, health and welfare at work Bill will be introduced in this session.

**Mr. Timmins:** What is the status of the dormant accounts (amendment) Bill? I notice there is much dissatisfaction about this in some quarters. Will the Tánaiste use her influence to have inserted in this Bill a new section dealing with uncashed bank drafts? Many millions of pounds and euros belonging to deceased customers are lying in bank vaults. The financial institutions are aware of this and have not sought to track down the owners.

**An Ceann Comhairle:** The Deputy has made his point. It is not appropriate to discuss this on the Order of Business.

**Mr. Timmins:** This is a point I have been raising for some time. I am aware of several cases. There is no requirement for the banks to contact

the next of kin of the deceased person. Will the Minister consider this?

**Mr. Gogarty:** Given the scrutiny to which the records of the Minister for the Environment, Heritage and Local Government, Deputy Cullen, and to a lesser extent the Minister for Transport, Deputy Brennan, are currently subject, does the Government intend to reintroduce the proposed legislation for the greater Dublin area land use and transport authority Bill? If so, when will it come in?

**The Tánaiste:** I understand the policy on this matter is being reviewed.

**Ms O'Sullivan:** I request that Report Stage of the Education for Persons with Disabilities Bill 2003 be tabled for next week. It is more than six weeks since Committee Stage was taken. There is no reason for this delay. We have had a fanfare of promises from the Government about disability legislation, yet nothing has been done. There is no sense of urgency.

**The Tánaiste:** Report Stage may not be tabled for next week but it will take place immediately after Easter.

**Ms O'Sullivan:** Why did the Government include it in its plans for this session which were made available to the public?

**The Tánaiste:** Perhaps the Deputy could discuss that with the Whips this evening.

**Mr. Quinn:** I indicated that I wished to raise a matter on the Order of Business.

**An Ceann Comhairle:** Apart from party leaders, I call each Member only once during the Order of Business.

#### **Electoral (Amendment) Bill 2004: Order for Second Stage.**

Bill entitled an Act to amend and extend the Electoral Acts 1992 to 2002, the European Parliament Elections Acts 1992 to 2004, the Presidential Elections Acts 1992 to 2001, the Local Government Acts 1925 to 2003, the Local Elections Acts 1974 to 2002 and the Referendum Acts 1992 to 2001 and to provide for related matters.

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** I move: "That Second Stage be taken now."

**Mr. Gilmore:** The Labour Party considers this Bill unconstitutional. It is also premature in that the commission to examine the issue of electronic voting is required to report by 1 May. The Bill prejudices the commission, its work and its report because it proposes to enact in law matters on which the commission is expected to report. In any event, this House ought to be discussing more important things. It is odd that in a week in which one cannot post a letter or have one delivered, the Government is introducing legislation to provide for voting by electronic means. The Labour Party opposes the motion.

**Mr. Allen:** Has the Minister declared his conflict of interest in this matter?

**An Ceann Comhairle:** Is the Deputy opposing the motion?

**Mr. Allen:** Yes. The Minister is Fianna Fáil's director of elections, yet he intends to introduce a system of voting without consultation with the other parties in the House or with the public. Will he declare his conflict of interest before Second Stage is taken?

**Mr. Boyle:** The Green Party also opposes the taking of Second Stage of the Bill on the grounds that the consultative process that should have taken place before the introduction of a Bill of this nature — a Bill that deals with the very basis of our democratic system, the way in which our citizens vote — was not engaged in by the Government and that the Bill is going through the House prior to the publication of the report of the commission which was set up to decide whether the proposed system is feasible. Public faith in the electoral system, which must be inspired by the workings of this House, is being diminished by the way in which the Government intends to push through this legislation.

Question put.

The Dáil divided by electronic means.

**Mr. Stagg:** Given the importance of the issue at hand, I believe it is appropriate that there should be a vote other than by electronic means. As a teller, under Standing Order 69, I propose that the vote be taken by other than electronic means.

**An Ceann Comhairle:** As Deputy Stagg is a Whip, under Standing Order 69 he is entitled to call a vote through the lobby.

Question again put: "That Second Stage be taken now."

## The Dáil divided: Tá, 71; Níl, 56.

## Tá

Ahern, Dermot.  
 Andrews, Barry.  
 Ardagh, Seán.  
 Aylward, Liam.  
 Blaney, Niall.  
 Brady, Johnny.  
 Brady, Martin.  
 Brennan, Seamus.  
 Browne, John.  
 Callanan, Joe.  
 Callely, Ivor.  
 Carey, Pat.  
 Carty, John.  
 Cassidy, Donie.  
 Cooper-Flynn, Beverley.  
 Coughlan, Mary.  
 Cregan, John.  
 Cullen, Martin.  
 Curran, John.  
 Davern, Noel.  
 de Valera, Síle.  
 Dempsey, Noel.  
 Dempsey, Tony.  
 Dennehy, John.  
 Devins, Jimmy.  
 Ellis, John.  
 Fitzpatrick, Dermot.  
 Glennon, Jim.  
 Grealish, Noel.  
 Hanafin, Mary.  
 Harney, Mary.  
 Haughey, Seán.  
 Hctor, Máire.  
 Jacob, Joe.  
 Keaveney, Cecilia.  
 Kelleher, Billy.

Kelly, Peter.  
 Killeen, Tony.  
 Kirk, Seamus.  
 Kitt, Tom.  
 Lenihan, Brian.  
 Lenihan, Conor.  
 McCreevy, Charlie.  
 McDaid, James.  
 McEllistrim, Thomas.  
 McGuinness, John.  
 Martin, Micheál.  
 Moynihan, Donal.  
 Moynihan, Michael.  
 Mulcahy, Michael.  
 Ó Cuív, Éamon.  
 Ó Fearghaíl, Seán.  
 O'Connor, Charlie.  
 O'Donoghue, John.  
 O'Donovan, Denis.  
 O'Keeffe, Batt.  
 O'Keeffe, Ned.  
 O'Malley, Fiona.  
 Parlon, Tom.  
 Power, Peter.  
 Power, Seán.  
 Ryan, Eoin.  
 Sexton, Mae.  
 Smith, Brendan.  
 Smith, Michael.  
 Treacy, Noel.  
 Wallace, Dan.  
 Wallace, Mary.  
 Walsh, Joe.  
 Wilkinson, Ollie.  
 Wright, G. V.

## Níl

Allen, Bernard.  
 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.  
 Deenihan, Jimmy.  
 Durkan, Bernard J.  
 English, Damien.  
 Ferris, Martin.  
 Gilmore, Eamon.  
 Gogarty, Paul.  
 Gormley, John.  
 Harkin, Marian.  
 Hayes, Tom.  
 Healy, Seamus.  
 Higgins, Joe.  
 Hogan, Phil.  
 Howlin, Brendan.  
 Kehoe, Paul.

Kenny, Enda.  
 Lynch, Kathleen.  
 McCormack, Padraic.  
 McGinley, Dinny.  
 McGrath, Finian.  
 McGrath, Paul.  
 McHugh, Paddy.  
 Mitchell, Gay.  
 Mitchell, Olivia.  
 Morgan, Arthur.  
 Murphy, Gerard.  
 Naughten, Denis.  
 Neville, Dan.  
 Ó Caoláin, Caoimhghín.  
 O'Sullivan, Jan.  
 Pattison, Seamus.  
 Penrose, Willie.  
 Quinn, Ruairí.  
 Rabbitte, Pat.  
 Ring, Michael.  
 Ryan, Eamon.  
 Ryan, Seán.  
 Sargent, Trevor.  
 Sherlock, Joe.  
 Shortall, Róisín.  
 Stagg, Emmet.  
 Upton, Mary.  
 Wall, Jack.

Tellers: Tá, Deputies Hanafin and Kelleher; Níl, Deputies Boyle and Harkin.

Question declared carried.

### **Electoral (Amendment) Bill 2004: Second Stage.**

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** I move: "That the Bill be now read a Second Time."

This Bill fulfils the undertaking of the amended motion passed by Dáil Éireann on 18 February, to apply electronic voting to non-Dáil elections by primary legislation; establish an independent commission to report on the secrecy and accuracy of the arrangements proposed for electronic voting; provide for more explicit arrangements regarding abstention from voting; and set out conditions under which tally data may be made available from the electronic voting system to interested parties.

The Oireachtas has been dealing with arrangements to prepare for electronic voting from as far back as 1999. In the Local Elections (Disclosure of Donations and Expenditure) Act 1999, authority was given to my Department to obtain ballot papers used at the local elections for the purpose of research relating to the introduction of electronic voting and counting. In February 2000, my predecessor announced that the Government had agreed to the introduction of electronic voting and counting at statutory elections and to the drafting of the necessary legislation. Subject to satisfactory procurement of the system and to the thorough testing of its hardware and software components, it was also stated at that time that the Government would consider using the new voting equipment at the 2002 general election and nationwide at the European and local elections of 2004.

The fundamental purpose of electronic voting is to improve the efficiency, accuracy and user-friendliness of Irish election procedures. At the core of this is the objective of guaranteeing every voter that his or her vote will not be rejected because of inadvertent errors. The democratic wastage associated with spoilt votes numbered more than 20,000 at the 2002 general election, more than 24,000 at the 1999 local elections and some 46,500 at the previous European election. It is estimated, and this is a conservative figure and that at least 95% of those invalid ballot papers were inadvertently spoiled. I believe that every true democrat should view tackling this issue not as an option but as a priority. Every vote should be counted accurately and every mandate should reflect the exact intent of those who have taken the time to participate. This is what the new system will achieve.

During the first four years of debate on the topic, the Opposition took a different approach to the issue. Those were the days when the people now attacking me for going too far, too fast accused my predecessor of not going far enough and doing it too slowly. Those were the days when Opposition Deputies wanted to move on to Internet voting and they called us timid. Those were the days when the new system could be used

over 400,000 times by the Irish electorate and given very high marks by Opposition candidates. Today the Opposition is calling us reckless radicals.

**Mr. Allen:** That was before the Minister suppressed a report on the security of the system.

**Mr. Cullen:** During this debate it could very well be that the Opposition will take a constructive approach, eschew conspiracy theories and be reasoned and temperate. Unfortunately, we now live in an era of total opposition where no charge can be hyped enough and Deputies opposite feel no need to show any restraint or perspective. So be it, but I hope the Opposition will spare us the cynicism of its line that the Government is somehow damaging public faith in the electoral process.

**Mr. Allen:** Will the Minister consult and not lecture us?

**An Ceann Comhairle:** The Deputy will have an opportunity to contribute shortly.

**Mr. Cullen:** It is the Opposition itself which has used this issue to launch a political attack with no objective other than damaging public faith in the electoral process. Its behaviour has been like a person who throws rubbish on the ground and then complains that the place is getting very dirty these days. I also hope that we will be spared another outbreak of Rabbitte disease where Deputies make wild allegations and refuse to back them up. The master himself was at it when he said that Fianna Fáil would try to subvert results. Forgetting the fact that Ministers from their own parties have been in the same electoral position as I hold in my party, I have been accused of being at the epicentre of a wild conspiracy. Some Deputies have been more active than ever in hiding behind parliamentary privilege. The performance of one Fine Gael Deputy in casually slandering an eminent judge, while this was later withdrawn, showed just how far things have gone.

Before getting into technical details concerning the background to the Bill and its provisions, I emphasise one point. Following the introduction of the new system, exactly the same people who have always run our elections will continue to run our elections.

**Mr. Gilmore:** That is not so.

**Mr. Cullen:** I hope Deputies will have the good grace and honesty in this debate to acknowledge this and not to try to compare our chosen system with fundamentally different ones used in parts of the United States. The new system is also about more than just improving election procedures by the use of modern technology. By modernising and transforming elections in a visible way——

**Mr. Allen:** On a point of order, are Members who say Deputies who legitimately question issues are dishonest protected by parliamentary privilege? If I call the Minister a liar, I have to withdraw it, but he is accusing the Opposition of being dishonest.

**An Ceann Comhairle:** That is not a point of order, Deputy.

**Mr. Gilmore:** The Minister has no argument, this is purely——

**An Ceann Comhairle:** Allow the Minister to continue. Deputies will have an opportunity to contribute.

**Mr. Allen:** The Minister is waffling. I wish to call a quorum.

**Mr. Morgan:** The Minister has a difficult enough job.

**Mr. Cullen:** We can see the way the day will go, but I am not surprised.

**Mr. Allen:** I am not surprised at the Minister's arrogance.

*Notice taken that 20 Members were not present; House counted and 20 Members being present,*

**Mr. Cullen:** By modernising and transforming elections in a visible way, we seek to create an opportunity to tackle voter apathy and improve the image of elections, especially for an increasingly young electorate.

As well as permitting electronic voting at Dáil elections, the Electoral (Amendment) Act 2001 provided for the application of the new system to elections to the European Parliament, the Presidency and local authorities and to referendums. The method of applying the new system to non-Dáil elections was, however, indirect and derived from the primary provisions of the 2001 Act on Dáil elections.

Section 48 of the 2001 Act provides that the provisions of the Act for electronic voting at Dáil elections may be extended to other elections by way of ministerial orders to be laid before both Houses. Such orders could be used to make any necessary modifications or adaptations to the codes, subject to the application of the principles of the 2001 Act. Following the judgment in the recent Mulcreavy case, the Government decided to apply the provisions of the 2001 Act to other elections and referenda through primary legislation rather than ministerial orders as envisaged by section 48. This decision was taken out of respect for the significance of the electoral process and to avoid any doubt. Fulfilment of this aim is the essential purpose of Part 2 and Schedules 1 to 4 of the Bill.

Part 3 provides for the establishment on a statutory basis of the independent commission on electronic voting, the task of which is to prepare

a report on the secrecy and accuracy of the Powervote-Nedap system. In view of the urgency of its work, the commission has already been established and is operating on a non-statutory, *ad hoc* basis. Part 4 deals with miscellaneous provisions, including the conditions for authorising the release of tally information after the conclusion of an election.

As I have stated, the introduction of electronic voting has been in preparation for a considerable time. The project has been in the public domain since 1999 when it featured in the first of two separate Bills. Electronic voting has been the subject of Adjournment debates, detailed consideration by the Joint Committee on Environment, Heritage and Local Government and numerous parliamentary questions. The system has been debated on radio, television and in the print media. It has been demonstrated to the public, political parties, members of the media, election candidates and local authority associations. The successful use of the system in three constituencies during the 2002 general election was widely covered by the media.

Following an international open procurement process, the Powervote-Nedap system was chosen as the most suitable and cost effective solution for Irish electoral conditions. This robust and proven system has been used extensively in elections in the Netherlands for more than ten years and in some German cities since 1998. It is based on a bespoke electronic voting machine, developed solely for the purpose of running elections, which has been refined and improved over its years of use. The lay-out of the voting machine panel facilitates holding multiple polls simultaneously. This is a necessary feature given the nature of Irish elections. All ballot papers are visible to the voter who is not required to switch screens or scroll through pages to see all candidates as might be the case with personal computer based touch-screen systems.

The electronic system was favourably endorsed by 93% of voters surveyed after the last general election and preferred to the old manual system by 87%. Following this success, the Government in June 2002 approved the use of the system in seven constituencies for the referendum which took place in October 2002. This use of the system was also very successful. The Government confirmed in October 2002 its earlier stated intention to extend the use of the system countrywide on the occasion of the June 2004 European and local elections. This position was communicated transparently and received by political parties and the media without controversy.

I stress that the electronic voting system is secure, reliable and can be trusted by the people. It has been in use for more than ten years throughout the Netherlands, which has a population of more than 16 million, for some years in a number of German cities, in pilots in the UK and in two polls in this country. More recently, the system has received general

approval from the French Government for use in elections. It has been used successfully in Brest. The Governments, opposition parties and peoples of these countries do not operate insecure or unreliable electoral systems. Their democracies have not been damaged or diminished through the use of electronic voting and counting. No such risk exists in relation to the operation of electronic voting in Ireland.

The voting machine hardware and software have been rigorously tested on two separate occasions. First, before the pilot use of the system in 2002 and, again, last year following some modifications to the voting machine to make it easier for voters to use and the addition of further security features. The German institute for science and technology, PTB, specifically tested the voting machine to ensure that the votes cast on a ballot paper are stored correctly in the ballot module. The institute has certified that the system carries out the recording and storage of votes correctly.

We should acknowledge the considerable imperfections of the paper-based voting system. Anyone who has attended counts knows that errors are unavoidable under the old system. We should be clear that the flaws in our current system almost certainly impact on the results of elections. During the most recent local elections, 24,000 people had their votes disallowed. This was overwhelmingly due to inadvertent errors such as the occurrence of indistinct numerals or the failure to properly stamp ballots. At the same time, 40 councillors were returned with differences of less than 50 votes. In Borris-in-Ossory, where ballots had been ruled out due to simple human errors, there was a tie for the final seat. In Ferbane, more than 300 votes were ruled out because a presiding officer had failed to stamp the ballots. On the same day, more than 46,500 votes were ruled out in the European elections. Anyone who has been at a close recount has seen ballots held up to the light to check if the paper had been fully perforated. In the 21st century, there must be a better way of doing things. Every vote should be counted accurately and every mandate should reflect the exact intent of those who have taken the time to participate in an election. This is what the new system will achieve.

In the development of the electronic voting system for use in Ireland, the security and integrity of the electoral system have been of paramount importance. The system incorporates security and audit features at all stages from initial set-up of a poll to the production of the count result. The system has also been benchmarked with the five objectives of integrity, confidentiality, enfranchisement, availability and verifiability. The integrity test seeks to ensure that preferences and votes are recorded and counted as intended. It should not be possible to add, modify or delete votes during the poll and vote counting stages. The voting machine software has been tested by PTB, which is an

independent internationally accredited testing institute in Germany. Its report has confirmed that the voting machine software complies with the requirements and that any attempted interference with the ballot module in the voting machine will be detected.

The voting machine incorporates physical security features to prevent tampering during polling day and it will be rigorously supervised and securely maintained before polling day and throughout polling hours. The physical components of the voting machine and programming unit have also been successfully tested by a separate international testing institute, TNO Electronic Products and Services, in the Netherlands. The software for the election set-up and vote counting has been subject to an architectural and code review by an independent Irish software company which had access to the source code. The application of the count rules by the software has been further functionally tested by the Electoral Reform Society in the UK. The society confirmed recently that each of 2,807 cases tested was successful.

According to the confidentiality aim, it should not be possible to associate a vote with a voter, duplicate a vote or view the results before the close of poll. There is no link between the marked register of electors and voting on the voting machine. Votes recorded on the voting machine are stored randomly in the ballot module. This was tested by PTB, which stated in its report that each of the votes stored in a module in the voting machine could not be associated with particular voters. The system's software further randomises the votes at constituency level after all votes have been read into the system and before the counting of votes commences.

The enfranchisement objective means each eligible voter should be able to vote only once. Access to the voting machine will be strictly controlled by the polling station staff. The number of people accessing the voting machine can be audited at any time during the day by checking the number of voters marked off the register of electors, the number of permit tickets issued and the number of voters who have used the machine.

When a voter presses the "cast vote" button and the vote is stored, the voting machine automatically deactivates itself until the polling staff activate it for the next voter. These procedures functioned perfectly when the system was used on two occasions in 2002.

**Mr. Durkan:** Was there a recount?

**Mr. Cullen:** The fourth aspect — availability — requires that the system must be operational throughout the voting period. The voting machines will be available for use for the polling hours appointed for the poll or polls in question. There will be a voting machine to replace every ballot box, with spare voting machines on standby on the off chance that a machine develops a fault

[Mr. Cullen.]

or for use at the busy period in buildings with a large number of polling stations. Arrangements have been made to provide battery power back-up in the event of a power failure.

**Mr. Durkan:** Will that be a dry battery like in the old days? I hope the Minister has his batteries charged.

**An Ceann Comhairle:** Deputy Durkan should allow the Minister to continue without interruption.

**Mr. Durkan:** Do not forget that the small system we have here failed to work on three or four occasions.

**An Ceann Comhairle:** Deputy Durkan will have an opportunity to make a contribution.

**Mr. Durkan:** I will.

**Mr. Cullen:** There is no point in responding to the nonsense emanating from the other side of the House.

**Mr. Allen:** Is the Minister saying that everyone who disagrees with him is wrong?

**Mr. Cullen:** The verifiability objective provides that the key functions should be able to be verified. The various test reports on the voting machine and software confirm that the voting machine and associated software are fit for the purpose intended. If an independent internationally accredited testing institute certifies that a product or software is fit for the intended purpose, it is not unreasonable that such certification be accepted. This has occurred with the system to be used in this country and elsewhere.

Some opponents now argue that this system must be validated by a paper trail. They are flying in the face of international practice with electronic voting. In common with electoral authorities in a wide range of countries, my Department does not consider that the addition of a printed ballot paper to accompany the electronically stored vote would improve the administration of elections.

**Mr. Durkan:** Will the Minister give way?

**Mr. Cullen:** I will not.

**Mr. Durkan:** I am not surprised.

**Mr. Cullen:** Electoral authorities have the practical responsibility of ensuring that conditions are in place on national polling days to allow millions of voters to exercise their franchise quickly and without problem. The authorities must also ensure that the possibility of breakdowns and confusion are minimised.

The addition of a printed ballot paper to the electronic voting and counting system would greatly increase the risks to the smooth running of elections.

**Mr. Durkan:** The Minister might get found out.

**Mr. Cassidy:** The Deputy will no longer be able to claim that he knows who votes for him.

**Mr. Durkan:** The purpose of the exercise is to cloud the issue.

**Mr. Cullen:** I understand that similar considerations have dissuaded other administrations that use electronic voting machines from adding on a paper ballot. The limited adoption and subsequent abandonment of this approach in Brazil and Belgium are the exceptions that prove the rule. The add-on of a paper ballot would restrict the optimum deployment of an efficient electronic voting and counting system.

Members must consider the practical implementation of such a process running in tandem with an electronic voting system. The idea that a paper receipting process can validate an electronic voting system is highly questionable and creates many practical difficulties. Its introduction could lead to confusion and disruption in the practical conditions of an election in a number of ways. First, it would create a dual system of vote storage and counting. This could encourage candidates, on a more widespread basis than now, to seek a paper recount of a poll in the hope of improving their position. A dual system would also enable every voter to put in question the accuracy and validity of his or her electronically cast vote. The facility of re-checking a cast vote has never been provided to voters under the paper ballot system, even where a voter has second thoughts or realises an unintended mistake in his or her preferences.

**Mr. Durkan:** The ballot paper is always visible.

**Mr. Cullen:** Paper trail proponents offer no advice on how the proposed right for every voter to question the electronically cast vote can, in practical terms, be accommodated at busy polling stations, or how presiding officers should adjudicate on claimed discrepancies between the paper and electronically cast votes.

The paper trail notion is premised on the uninterrupted and proper functioning of a printer throughout the 14 or 15 hour continuous period of polling. The risk of printer interruption, including that of poor or unreadable print quality, is a real one and certainly higher than that of malfunction of an electronic storage system. In an arrangement that demands parallel paper and electronic storage systems, any failure or malfunction of the paper storage system puts into question the individual voting transaction. Difficulties with the printer function at a pilot

project in Waasghoot, Belgium, in May 2003 caused this approach to be abandoned. Furthermore, supporters of a paper trail in Ireland have provided no research evidence on the interface of this system with users or voters. This would be a reasonable expectation given the potential problems for users. By contrast, the Department's customer survey of the proposed electronic system shows that 87% of voters surveyed after the 2002 general election preferred the electronic system to the paper ballot.

It is worth noting that there is strong and serious opposition to the paper trail idea in the United States. The Help America Vote Act group, led by senior US lawmakers, has recently expressed concern about the movement towards the provision of a voter-verified paper record which it feels will undermine disability and language minority access requirements and could result in more, rather than less, voter disenfranchisement and error. According to the group, the mandating of a voter-verified paper record would: "take the most advanced generations of election technologies and systems available and reduce them to little more than ballot printers ... and would likely give rise to numerous adverse unintended consequences". Moreover, the group maintains that the proposal for a paper trail: "would do nothing to ensure greater trust in vote tabulations but would be guaranteed to impose steep costs on states and localities and introduce new complications into the voting process".

In any event, the Nedap-Powervote system incorporates an important form of audit trail. If there is an election petition, the High Court, or Circuit Court in the case of a local election, can require the system to print a ballot paper for each vote cast after the mixing of the ballot. This will enable a manual count to be conducted to confirm that the count rules have been properly applied.

In introducing electronic voting, the Government is conscious of need to make continuous service improvements to the operation of the system. For example, after the successful pilots, modifications were made to the voting machine to increase the visibility and legibility of the preference display.

I am including in the Bill for the provision of tally information by returning officers following the holding of a poll. While tally information has been provided in past elections, it was largely done on an unofficial basis. The introduction of the electronic voting and counting system means that if tally information is to be made available, this must be provided for in electoral law. The new system also has the capacity to furnish electoral patterns and more detailed information with 100% accuracy. Consequently, we must ensure that, in whatever manner such data are made available, it does not violate or infringe the secrecy of the ballot. This is a fundamental constitutional obligation that must be respected.

However, taking these considerations into account, it is envisaged that specified percentages of votes from an electoral unit, such as on an electoral area basis or part thereof, could provide valuable information without revealing the vote of any individual elector. My Department is working closely with the Office of the Attorney General to consider the options and to set out the requirements and conditions whereby such information could be made available, while protecting the privacy of individual voters. The precise arrangements for the tally information will be set out in appropriate regulations under section 29.

Just as with the old paper ballot system, the electronic voting process is designed to facilitate the voter to cast his or her vote in a secret and completely secure manner. Polling staff that operate the voting machine control unit are not permitted to approach the voting machine to activate or deactivate it. They can perform their functions remotely using the control unit. When the poll clerk activates the voting machine for a voter, the voter can record preferences for those polls on which he or she is eligible to vote. Once the voter has checked the preferences displayed on the panel of the voting machine, the voter can then press the "cast vote" button, whereupon the voting machine display and control unit will confirm that the vote has been stored properly and the machine will be deactivated by the polling staff. If the voter wishes to record preferences on one or more of the ballot papers while leaving another poll blank, the voting machine will enable that vote to be cast and will register the blank ballot as a null vote. This gives voters the option to not record preferences on one or more of the ballot papers but to register their vote on the others open to them.

Those who decide to go to a polling station but not to vote may have their names marked off the register of electors and be authorised to use the voting machine. Where the person leaves the voting machine without pressing the "Cast Vote" button, the polling station staff will de-activate the voting machine before the next prospective voter uses the machine. This is done by use of a key on the control unit with no need to communicate with the person who has left without voting or to approach the voting panel itself. The abstentionist voter is neither advised nor required to communicate in any manner with the poll clerk if he or she does not wish to press the "Cast Vote" button. The voting machine records the number of such failures to press the "Cast Vote" button and this will be published as part of the election statistics.

I intend that the provisions of the Bill, and of accompanying guidelines to be made under it, will make these arrangements clear and that reasonable provision will be made to ensure the privacy of all persons using electronic voting, including those who come to the voting machine but do not exercise their vote. Having said this, I believe, as I am sure do all members of this

[Mr. Cullen.]

House, that voting at free elections should ideally be seen as both a right and a duty of Irish citizens.

I now turn to some of the detailed provisions of the Bill. Part 1 contains a number of general provisions. Section 2 provides for offences concerning unlawful interference or damage to voting machines and other related equipment including software used for the voting system equipment, while section 3 provides for the repeal of section 48 of the Electoral (Amendment) Act 2001, which will be replaced by Part 2 of the Bill and Schedules 1 to 4.

Part 2 and Schedules 1 to 4 of the Bill enable the use of voting machines and electronic vote counting at statutory European Parliament, local and presidential elections as well as at referendums. The text is generally the same as that provided for in Part 3 of the 2001 Act which deals with Dáil elections but is adapted as necessary for the other three types of elections and referendums.

Under section 5(1) electronic voting may only be undertaken on voting system equipment approved for such purpose by ministerial order under Part 3 of the Electoral (Amendment) Act 2001. In addition, the Minister must decide whether to make a further ministerial order under section 5(3) of the Bill, based on considerations of public interest, so as to designate particular constituencies or all constituencies for electronic voting at an election or referendum.

Section 5 also provides that the Minister may issue instructions to ensure the smooth and efficient introduction of voting machines and vote counting and uniformity of procedures under this part. This is normal and has always been the position. Sections 6 and 7 provide for the modification of certain provisions of the Presidential Elections Act 1993, Referendum Act 1994, European Parliament Elections Act 1997 and Local Elections Regulations 1995 to enable voting on voting machines and electronic vote counting at the elections and referendums concerned.

Part 3 provides for the establishment on a statutory basis of the Commission on Electronic Voting to consider the secrecy and accuracy of use of the system for the elections in June 2004 and to make recommendations in that regard, including the application or not — as everybody wants and with which I have no difficulty — of the system.

Section 17 provides for the continuation of the independent Commission on Electronic Voting constituted by the Government prior to the Bill and for the continuation in office of its chairman and other members. Section 18 provides specifically that the commission is independent in the performance of its functions under the Bill. The terms of reference given to the commission are set out in Schedule 5. These envisage a first report from the commission to the Ceann

Comhairle by 1 May 2004 together with a subsequent report or reports.

Section 19 sets out the membership of the commission. The members comprise a judge of the High Court, who is chairperson, the Clerk of the Dáil, the Clerk of the Seanad and two other persons with knowledge or experience in the field of information technology. Sections 20 to 28 provide for the usual different functional aspects of the commission relating to such matters as expenses, staffing, submissions, vacancies etc. as outlined in the explanatory memorandum. Under section 22 the commission will present its reports to the Ceann Comhairle who will have them laid before both Houses.

Part 4 has four sections providing for some miscellaneous matters. Section 29 provides that the Minister may by regulations provide for the provision by the presiding officer of election and referendum information after the conclusion of a count, provided such information shall not endanger the secrecy of the ballot. This is the provision designed to authorise release of data analogous to the former tallyman system.

Section 30 provides for consequential amendments dealing with the form of ballot paper at a Dáil election for use on the voting machine. Section 31 makes textual amendments to the personation section of the Electoral Act 1992 when voting machines are used. Arising from concerns, I will also be introducing an amendment on Committee Stage to provide that it will be an offence to make improper use of polling information cards.

Section 32 provides for the repeal consequent to the Supreme Court decision in the Kelly case of part of paragraph 2(a) of the Schedule to the Electoral Act 1997, which deals with the use of property, services or facilities paid for out of public funds at a presidential election, which were exempt election expenses.

Section 33 provides for an amendment to section 61 of the Local Government Act 2001 to enable an order to be made continuing in force arrangements whereby certain local authority staff may become councillors and are not rendered ineligible for local elections in June next.

Nobody can doubt that the Opposition has a responsibility in seeking to illuminate aspects of public policy according to its own judgment. Some of the debate on this matter has been useful — much has been inaccurate, sometimes wilfully so. I have no doubt that at certain times in recent debates, Fine Gael spokespeople genuinely have not known what they were talking about.

**Mr. Durkan:** That is something with which the Minister is familiar.

**Mr. Cullen:** This will not have been the first time Fine Gael have looked through the wrong end of the telescope, nor I suspect will it be the last. The public, and indeed Fine Gael's own

supporters, deserve a lot better — I suspect they know that already.

The move to electronic voting and counting demonstrates a progressive and modern Ireland.

**Mr. Durkan:** Sneering becomes the Minister.

**Mr. Cullen:** Increasingly, people use electronic means for conducting their lives and electronic interfaces between Government and citizen are becoming more commonplace. In this regard I am delighted that the on-line system for payment of motor tax is working so well. Change is part of the human condition and change in the way we vote is an inevitable part of our ever-changing world. The majority of Irish people understand and react well to change. In a different context, the smooth introduction of the euro was a recent positive experience. The electronic voting experience in Ireland to date has been a good one and I am confident that voters in the European and local elections will perceive it so on 11 June next.

I commend the Bill to the House.

**Mr. Allen:** I again call on the Minister to formally declare his conflict of interest in the Bill. While he is promoting the Bill, he is also doubling up as director of elections for Fianna Fáil.

**Mr. Cassidy:** The older the Deputy gets the more confused he becomes.

**Mr. Allen:** The Deputy should keep his hair on.

**Mr. Durkan:** The Deputy should not encourage comment.

**Mr. Allen:** The Fine Gael Party knows where I stand on this issue. However, the Progressive Democrats Members did not know where the Minister stood when he did a “Judas” on its members. The Minister should not lecture me about Fine Gael members — at least they know where their representatives stand.

I have witnessed numerous elections in the democratic world, including those in Central American countries such as Nicaragua and El Salvador. Despite reservations from many sources about the legitimacy of those elections, with colleagues from other parties, I was able to certify that their elections, particularly the one in Nicaragua, were legitimate and valid in the 1980s. Unfortunately, if the proposed electronic voting system is introduced in Ireland next June for the local and European elections and I am asked how legitimate and above board the elections were, I will be unable to give the same response which I gave about the Nicaraguan elections. There will be no proof, whatsoever. The Minister can sneer in his arrogant way.

**Mr. Ring:** He is laughing at the people.

**Mr. Kehoe:** That is why they threw the Minister out of the Progressive Democrats Party.

**Mr. Cullen:** Nicaragua — is that the best the Deputy can do?

**Acting Chairman (Dr. Cowley):** Deputy Allen has the floor and the Minister should allow him to continue.

**Mr. Ring:** The Minister wants to be dictator Cullen and for nobody apart from him to have a say.

**Acting Chairman:** Deputy Ring does not have the floor, Deputy Allen does.

**Mr. Allen:** I will be unable to give the same response I gave in respect of the Nicaraguan elections because there will be no proof that the intentions have been correctly registered by the voting machines. I will not be able to say for definite that the wishes of the electorate have been registered as votes by the technology within the system because of the absence of a verifiable paper audit trail and the lack of information on the source code.

This proposed system, which was arrogantly presented by the Minister and which has been jack-booted through the House, is offensive to our democracy. It does not have the trust of the people and does not have the transparency to begin to earn that trust. The Minister is like a child with a new toy that he does not want to give up. He behaved like a child this morning by engaging in name calling. Ireland is one of the most advanced countries in the world and, therefore, we should have the best available technology, not a system without proper backup.

Irish experts have disagreed with the Bill's introduction without a verifiable paper audit trail.

**Mr. Cullen:** Not one of whom is accredited.

**Mr. Allen:** The Minister was unable to answer the major questions under 41 headings.

**Mr. Durkan:** The Minister protests too much. What is wrong with him? Why does he not listen?

**Mr. Cullen:** I know a ready-up when I see one.

**Mr. Durkan:** The Minister knows everything. That is his problem.

**Mr. Allen:** The Progressive Democrats could not trust the Minister and we do not trust him.

**Mr. McGinley:** The committee could not trust him.

**Mr. Allen:** The Minister is introducing the legislation without listening to independent experts. My primary concern is that the Bill is offensive to Irish democracy and to the democratic principles of trust and transparency.

I wish to make the following key points: the extension of electronic voting to the local and European elections should be suspended until a

[Mr. Allen.]

statutory independent electoral commission has been established and has addressed all the legitimate concerns of political parties and the public on this issue; there must be widespread trust in any electoral system applied because it is clear the current controversy has led to a situation where such public trust does not exist; there is serious concern about the lack of a voter verifiable paper audit trail as part of the electronic voting process in order to be able to confirm the accuracy required of a counting system; there is serious concern that the source code of the Powervote-Nedap system is in private commercial hands; and many technical concerns raised by independent experts have not been adequately dealt with.

The supervision of elections, and in particular the introduction of electronic voting on a nationwide basis, should be the responsibility of a statutory independent electoral commission and it should not rest with those appointed by the Minister. At present, a number of bodies have an input into elections and referenda. I refer here to the Referendum Commission, the Constituency Commission, the Standards in Public Office Commission and the Department of the Environment, Heritage and Local Government. My party believes that the time has come to unify these functions into a single electoral commission which can act in a way that is clearly independent of any political influence.

I wish to deal with the matter of trust, on which the Minister is not strong. Trust in the electoral process is vital. It is clear from a number of opinion surveys carried out in recent months that there is a serious lack of trust in the proposed electronic voting system. The Minister may state in simplistic terms that there is 80% approval but that is utter and total rubbish. There is approval for the mechanical process of the voting but there is no trust in what is happening with the mechanism and the technology involved. The Minister should not give us those falsified figures.

**Mr. Cassidy:** The electronic voting system was not lucky for the Deputy's party in Dublin North.

**Mr. Allen:** The root of the mistrust to which I refer relates directly to concerns about the secrecy and accuracy of the electronic voting system and, therefore, trust must be central to the commission's work.

The key concern about the system, which is shared by many people, is the lack of a verifiable paper audit trail. The Minister, again in a simplistic manner, dealt with that in his speech. This is an issue which many independent technical experts have highlighted and no doubt the commission will receive submissions from those experts on the technical feasibility of providing such a trail. It is Fine Gael's view that the absence of a verifiable audit trail is central to public mistrust of the proposed system. Trust in electronic transactions is rooted in the user

having access to a mechanism of checking that the transaction was carried out in accordance with his or her wishes. This means that when voters cast their votes on voting machines, a permanent paper record of their votes should be made. This could then be checked by voters before the electronic record is made of the vote.

In addition to giving confidence to voters, this paper record could also be retained and used in a number of randomly-selected constituencies at each election to audit the accuracy of the electronically-prepared result, as well as any cases where a result is in dispute. It is, however, disturbing that the issue of an adequate audit trail process was raised as early as March 2002 in paragraph 4.1 of the Zerflow report, which the Minister suppressed until the Opposition demanded its publication and which was carried out on behalf of the Department of the Environment, Heritage and Local Government.

I am concerned that there should be public ownership of the rules for conducting the electoral process. Currently the source code for the voting system is in private commercial ownership. This is an unacceptable position and should be resolved before any election using the system is held.

I have in my possession the unedited transcripts of meetings of the Joint Committee on the Environment and Local Government that were held on 10 and 18 December. These shameful documents make for difficult reading because what went on was similar to what the Nazis did in Germany. Jack-boot tactics were used to vote through a system against the express wishes of those who had questions about it. The committee heard from a number of external experts who raised serious concerns about the Powervote-Nedap system. It is clear from the transcripts that these debates did not reach a satisfactory conclusion and that a premature end was put to them. In my opinion, the commission might well review the transcripts of these debates and explore many of the technical issues which were raised therein. I do not understand how the commission, particularly in view of its narrow terms of reference, will be able to examine all these issues and make credible responses in respect of them by 1 May.

Since this issue has become controversial, Fine Gael has received numerous representations from individuals in the technology sector expressing their concerns. We have requested each of these individuals to make a submission directly to the commission and we know that a number have already done so.

Many of the technical issues which will come before the commission are beyond the understanding and knowledge of members of the public, politicians and, possibly, members of the commission itself. It is, however, essential that these concerns be addressed and that sufficient time and deliberation be given to this process. Fine Gael believes that the commission, if it has serious concerns about the public perception of

the accuracy and secrecy of the proposed system, should be in a position to recommend that the extension of the system to the local and European elections in June should be suspended pending further consideration. The request to the commission to provide a report by 1 May should not preclude it from seeking further time for its deliberations if that is considered necessary.

The Bill before us may appear to be just technical in nature and of little significance. The truth is, however, that it is part of an effort by the Minister, Deputy Cullen, and the Government to push through his electronic voting system. I say "his" because he has point blank refused to countenance any alternative system being used. His only response to anyone with a valid question comes in the form of personalised abuse. This from a Minister who failed to attend before committees and answer questions and who sent his Ministers of State to do his dirty work. The Minister took the easy option of giving soft interviews on television and radio and would not partake in the democratic system in the Houses. That is arrogance of the worst type. I have been a Member of this House since 1981. I regret to say I have not witnessed such arrogance from a Minister, with one exception, and that man has since been discredited.

**Mr. Kehoe:** Hear, hear.

**Mr. Allen:** I say this because the Minister has refused to countenance the use of any alternative system. His directive to the Fianna Fáil members of the Committee on the Environment and Local Government meant a premature vote was called on the suitability of this electronic system. Many questions remain unanswered, yet the Minister for the Environment, Heritage and Local Government, Deputy Cullen, has his own timetable to work to. He wanted to commit the necessary money in December before any impediment could be put in his way. He jack-booted the decision through on 18 December and the contract was signed within 24 to 48 hours. That contract, committing taxpayers' money for many machines already in the country, was signed and the committee was forced to terminate its deliberations by weight of numbers.

We were once told by former Minister of State, Deputy Molloy, that a commitment on the introduction of electronic voting would have cross-party support. That commitment has been grossly dishonoured by a Minister of this Government. In a democracy, a person's vote is of paramount importance and one's ability to exercise one's vote freely and fairly is vital to the health of that democracy. What is at issue here is public trust in our election system. The Government has reneged on its commitment to cross-party consultation and support and has misled the people in terms of the new system saving money when it will cost a great deal more as further information on costings becomes available.

The uncontrolled spending of money in this manner is a scandal when one considers the cuts in widows' benefits, a matter recently discussed in this House. The cost is estimated at €45 million upwards. Storage of the machines in Waterford, the Minister's constituency, will cost €50,000. I obtained the contract under the Freedom of Information Act and noted that the figure €25,000 had been crossed out and replaced in handwriting with a figure of €50,000. Is there a story behind that?

**Mr. Kehoe:** They are probably in a garage somewhere.

**Mr. McGinley:** They will not be too safe there.

**Mr. Cullen:** The matter of storage has nothing to do with me. I do not know who is involved.

**Mr. Durkan:** Is the Minister saying he does not know about it?

**Mr. Allen:** The Minister should know about it.

**Mr. Gilmore:** The Minister is in charge.

**Mr. Ring:** The Minister should know about it. It is costing €50,000.

**Mr. Durkan:** The Minister is supposed to be in charge.

**Mr. McGinley:** Who owns the warehouse?

**Mr. Durkan:** The Minister should watch out. There are gremlins about trying to catch him. He should be careful.

**Acting Chairman:** Allow Deputy Allen continue without interruption, please.

**Mr. Allen:** The Minister does not know what is happening in his constituency. If he is trying to tell us he has trust in an electronic voting system, God help us.

**Mr. Cullen:** The people concerned are appointed by the Department.

**Mr. Allen:** Are there no regulations on the storage of the machines?

**Mr. Cullen:** No.

**Mr. Allen:** Is the Minister saying there are no regulations in that regard?

**Mr. Durkan:** The machines may already be contaminated.

**Mr. McGinley:** God knows what is going on down in Waterford.

**Acting Chairman:** Allow Deputy Allen speak without interruption, please.

**Mr. Allen:** The Government promised to deal with the issue of spoilt votes. The Minister stated that people can spoil their votes but only by breaking their anonymity. I have noted what the Minister said earlier but do not understand it. The presiding officer will know if a person spoils his or her vote. Votes spoiled during the trial of the system in the constituencies concerned were not announced so as to maintain the image of electronic voting as being perfect. Initially, we were told there had been no spoiled votes and, later, we were told only a small percentage had been spoiled. It is the issue of perfection on which we need to focus. The Government has implied the system of electronic voting is perfect; that it has been so well tested and developed it is beyond reproach and does not require a voter-verified paper audit trail because the software is perfect. There are few things in life that are perfect and this electronic voting system is not one of them.

The testing procedures have not been up to standard. Independent companies were asked to test very specific aspects of the components of the system but no one did extensive independent testing of the entire system from vote casting to vote counting. Testing of the system was done a number of years ago and, we were recently told in committee, it is still being worked on for the June elections. There will be no extensive independent testing of the completed system before the June elections. If such testing has taken place, it was not independent because we were not consulted on it.

Computers are programmed by people and people make mistakes and so, computers can also contain mistakes. Computers have back-up systems in regard to important transactions or business. Whether such transactions or business come in the form of receipts or balance statements, there are ways of verifying they have been carried out in accordance with the person's wishes. Aircraft contain back-up systems so that, if things go wrong with one system, it can switch to another. We are expected to believe that the hard learned lessons in other areas of computing are irrelevant in this case. I submit that they are very relevant. The Minister can bluster all he wants about modernising and international embarrassment but, when it comes to our democracy, a vindication of the voters' intentions is infinitely more important than the Government's latest gimmick. This electronic voting system, which is second rate and fundamentally flawed, is probably unconstitutional.

Electronic voting is a good idea but this system has been badly thought through and public confidence has been badly shaken by a Government unwilling to listen to anyone but its own so-called experts. The Government has called the introduction of this system a step forward, a point reiterated by the Minister. I submit that it is a retrograde step based on insufficient knowledge on the use of technology.

The Minister has a new toy and thought everyone would like it. They do not. The Irish Computer Society said: "Any electronic voting system must include a paper-based voter-verified audit trail." The Minister in his arrogance recently said these people were cranks and Luddites

**Mr. Durkan:** Are they cranks?

**Mr. Cullen:** They are linked to the anti-globalisation movement. The Deputy should check them out. They are all the same.

**Mr. Allen:** It is all a——

**Mr. Cullen:** If Fine Gael bases its policies on such people, it is no wonder it is in decline.

**Mr. Durkan:** The people concerned are computer experts.

**Mr. Allen:** We do not know what the Minister's policies are and where he stands on any matter.

**Mr. Kehoe:** The Minister should know more about policy having been a member of more than one party.

**Mr. Allen:** Irish technology experts have told the Government its system must include a paper-based voter-verified audit trail.

**Mr. Cullen:** They are not experts in this field.

**Mr. Allen:** The Minister has made a serious allegation about genuine people——

**Mr. Cullen:** They are not accredited to anything. They have no expertise or international accreditation.

*(Interruptions).*

**Mr. Ring:** Fianna Fáil are experts on everything. They have filled every tribunal in the country.

**Mr. Allen:** The Minister has come to this House and——

**Acting Chairman:** Deputy Allen should direct his comments through the Chair.

**Mr. Allen:** The Chair should ask the Minister to cease interrupting.

**Mr. Cullen:** Such comments are pathetic. It is no wonder Fine Gael is in such a disorderly state.

**Mr. Ring:** Fianna Fáil are the experts.

**Acting Chairman:** I remind Members that this is not a Committee Stage debate. We are dealing with Second Stage and I ask Deputies to allow Deputy Allen to continue without interruption, please.

**Mr. Allen:** The Minister has vilified people who cannot protect themselves.

**Mr. Durkan:** Outside the House.

**Mr. Allen:** The Minister should withdraw the allegation against——

**Mr. Cullen:** I have not vilified them. I said they are not accredited——

**Mr. Allen:** The Minister said they are linked to the anti-globalisation movement and suggested we should check them out.

**Mr. Cullen:** Yes, they are.

**Acting Chairman:** Deputy Allen, please continue.

**Mr. Allen:** The Minister should withdraw that allegation against people who cannot protect themselves.

**Mr. Cullen:** I will not.

**Acting Chairman:** Deputy Allen, please continue.

**Mr. Durkan:** The Minister has cast aspersions on people outside this House. In accordance with Standing Orders——

**Mr. Cullen:** I think they are proud of their links.

**Mr. Durkan:** On a point of order, the making of such an allegation is not in accordance with the Standing Orders of this House. Perhaps the Minister would like to comment.

**Acting Chairman:** The Chair has ruled on that matter.

**Mr. Durkan:** With respect, the Chair has no authority to rule on this matter. Standing Orders apply.

**Acting Chairman:** That Chair has ruled on the matter.

**Mr. Durkan:** No, I am sorry, I do not agree. On a point of order, the Minister has cast aspersions——

**Mr. Cullen:** I paid them a compliment.

**Mr. Durkan:** The Minister has cast aspersions on people outside this House.

**Mr. Cullen:** They will regard my remarks as a compliment, a badge of honour.

**Mr. Durkan:** Perhaps the Minister will repeat the compliment.

**Acting Chairman:** Deputy Durkan, the Minister has not cast aspersions on an individual. Deputy Allen, please continue.

**Mr. Allen:** I will continue but I believe the Minister has sunk to a new low. Anybody who does not agree with his policies or party are cranks, anti-social and anti-everything. That is the Minister's standard.

Irish technology experts have told the Government its system must include a paper audit trail but the Government will not listen to them, nor will it listen to public opinion and certainly not to Opposition spokespersons. Surely, the Government knows by now that this system cannot proceed. It will have to be convinced that our democracy is worth more to us than this system.

A paper audit trail will solve many of the problems of trust and suitability inherent in the design of this system. A person will be able to press his-her buttons of preference, view a print-out of it behind a perspex window, verify it is the vote he-she wishes to cast and watch it mechanically dropped into a sealed ballot box.

The Minister said today that there had been a pilot project in Belgium that did not work out. That is the first that we have heard of that.

**Mr. Cullen:** The Brazilians abandoned it.

**Mr. Allen:** Why did they try?

**Acting Chairman:** Deputy Allen should address his remarks through the Chair.

**Mr. Allen:** I am doing so, but the Minister is interrupting.

**Acting Chairman:** The Minister should not interrupt. Deputy Allen should continue.

**Mr. Allen:** Such a system would solve issues of transparency and accuracy, as well as making it as secure from tampering as our present system, with all the bonuses of electronic voting in saving time and eliminating spoilt votes.

**Mr. Cullen:** That is what I proposed to the Deputy this morning.

**Acting Chairman:** Please allow the Deputy.

**Mr. Allen:** The Minister has his own system and does not want to hear suggestions.

**Mr. Cullen:** Which is the valid vote?

**Mr. Allen:** The Minister refused to give way to Deputy Durkan, yet he keeps interrupting me now.

**Acting Chairman:** The Minister should allow the Deputy.

**Mr. Cullen:** He asked me a question, but he does not want the answer.

**Mr. Durkan:** The Minister likes the sound of his own voice.

**Mr. Allen:** He has set up a Commission on Electronic Voting, but I regret that it is hamstrung with incredibly narrow terms of reference before June's elections. He ensured that Ms Emily O'Reilly, the Ombudsman, who had raised concerns, was not involved as would traditionally have been the case.

**Mr. Durkan:** I wonder why.

**Mr. Allen:** The Minister does not want to hear criticism or alternatives. He is trying to stage-manage the issue of electronic voting in the media, and it is no coincidence that he waited to introduce this Bill until this week, when the smoking ban is being implemented.

**Mr. Durkan:** Another smoke screen

**Mr. Allen:** There was a point in this debate when I genuinely thought the Progressive Democrats were listening with an open mind to concerns on electronic voting. The Tánaiste was on record as having such concerns. Alas, however, they have been brought to heel by Fianna Fáil and have embraced this flawed system. "Single Party Government — No Thanks" was the slogan which now rings so hollow. This country is not a Fianna Fáil fiefdom, and the Minister cannot dictate to the people or to experts in opposition parties with reservations about the system that we must accept it because Fianna Fáil and the Progressive Democrats have decided to push it through and the latter have been unwilling to keep certain standards. That is precisely what is happening. As we saw again this morning on the Order of Business, the Tánaiste does not want to be a watchdog in Government, and the result is a system that cannot be recommended as trustworthy.

At a time when this Government is being pilloried from all sides about broken promises and accusations of misleading the public, it should make an extra effort to reach out to people and be willing to close the trust gap. Instead we have a ministerial diktat and closed-down debate, whether at committee or in this Chamber. This is another case of the Government taking the people for granted. The government does not care about what the people of Ireland say about their concerns regarding this electronic voting system. The Government would sooner take us down a foolish and dangerous road than lose face. That is arrogance, pure and simple.

People listening to or reading about this debate cannot now make a submission to the commission until after they have decided on whether to use electronic voting on June 11. The commission is not there to allay people's fears. It exists expressly to pass judgment on just two narrow

issues regarding the proposed electronic voting system. The very highly esteemed members of the commission should not be hamstrung by the Minister's terms of reference. There will be no report before June on the suitability of this system, and that is the key question. Is this system suitable, is it the best available, and is the trust built up in the current system worth less than the benefits of the proposed system? With the right system, electronic voting will become the accepted norm here, but I demand that the Minister's system be thrown out. It represents €45 million wasted by a Government whose sole aim is to retain power. It is a pity that it did not use the money to pay for the widows' entitlements instead.

The money was wasted when the Committee on the Environment, Heritage and Local Government foolishly voted to endorse the proposed system in the face of fundamental expert criticism. It was a political decision not in the best interest of the people of Ireland but in that of Fianna Fáil saving face. Our losses should be cut, and the Government should stop digging a hole for itself. We must restore public confidence and set up a fully independent electoral commission, letting it start with a clean slate.

The Commission on Electronic voting should immediately be transformed into an electoral commission, its membership increased, and its terms of reference changed to examine methods for the casting, recording and counting of votes. Fine Gael also believes the source code of any electronic voting system should be in public ownership. Fine Gael opposes the roll-out of this system and is opposed also to the manner in which it has been railroaded through in recent months.

How much time do we have left?

**Acting Chairman:** The Deputy has two minutes and 22 seconds.

**Mr. Allen:** Such is the unsatisfactory nature of this debate. We are subject to time constraints, and I have not even dealt with the sections of the Bill yet.

This Bill effects two principal objects. It provides a statutory basis for the introduction of electronic voting and replaces the temporary electronic voting commission with a statutory one. It also allows for the provision of tally information and remedies, matters raised in the Des Kelly case regarding electoral expenses. In a briefing note to the Whips, the Government claimed that the need for the Bill arose from the recent Carrickmines case, which cast doubt on the use of orders to amend primary legislation, and that the new provisions were intended to avoid any doubt. That is a gross under statement. The Government is trying to play down the gravity of its error, first in enacting section 48 of the Electoral (Amendment) Act 2001, and second by proceeding to make other orders pursuant to that

section. Section 3 now repeals section 48 of the Electoral (Amendment) Act 2001 and, despite assurances from the Tánaiste and the Minister of State, Deputy Gallagher, that electronic voting would be introduced by order and that such orders were constitutionally sound, the Government is now acknowledging the position that Fine Gael has been arguing for some time, namely, that section 48 and any orders made under it are clearly unconstitutional.

The introduction of electronic voting is not conditional on the Commission on Electronic Voting being satisfied with the system. Nor is it conditional upon the Government implementing the reports of the commission. That begs the question of what real purpose the commission serves. Most importantly, from our point of view, the introduction of electronic voting is not conditional on the agreement of all parties in the Houses. The Minister for Justice, Equality and Law Reform recently feigned all-party consultation on the proposed referendum on citizenship, yet the proposal to change the way that we vote fundamentally does not appear to merit all-party consultation or agreement. As an aside, it is interesting to note that the penalty provided for in subsection 2(2) is €3,500. That is the first time I have seen a summary penalty of that level. It would be interesting to see if this marks the beginning of a departure from the old standard of €3,000. I question the €3,500 penalty. Is that the price we put on preserving the integrity of the system?

This Bill seeks to introduce a completely new regime and system into electoral events in the State. It is clear it does not sit comfortably in the existing legislative framework, which consists of frequent references to ballot boxes, voting papers and so on. What a conflict, and what shoddy draftsmanship, that represents. This Bill's inconsistency with the present regime is such that, in subsections 5(1) and 5(2), the Government has effectively had to override large portions of existing electoral legislation to allow electronic voting to be used in presidential, European and local elections as well as referenda. The same may be said of sections 6 and 31. That point serves to highlight the fact that, if the Government is going to introduce a reform as radical as electronic voting, the electoral laws must be revised and restated.

Subsection 5(3) allows the Minister to designate constituencies and electoral areas in which electronic voting may be used. I know the Labour Party has expressed reservations at that provision. It seems that, from June, electronic voting will be used in every election and referendum in every constituency. In practice, that section means that, before the European elections, the Minister will make an order designating the constituencies in which electronic voting will be used — presumably every constituency. If, as seems to be the case, electronic voting is to be used throughout the

country from June, it raises the question of why the discretion to use it remains with the Minister. In other words, if electronic voting is to become a continuous feature, why is its use on a permanent basis not set down in the Bill? What significance lies in the Minister holding this power? Assuming the power will be exercised in good faith, there does not appear to be anything particularly sinister about it.

Whether it is appropriate for a Minister to be charged with the running of elections is something I touched on earlier. If the issue was approached in a proper manner as in any open democracy, these issues would have been suitably addressed in consultations with experts and all parties. However, the Minister has made an unbelievable mess of it. I regret that I have to conclude on an issue that affects the fundamental principles of this democracy. There are issues that still need to be raised, which would take me another half an hour.

**Acting Chairman:** I do not make the rules of the House. The Deputy got three minutes extra.

**Mr. Allen:** I thank the Acting Chairman for that. I appreciate he is working under imposed rules.

**Mr. Gilmore:** I have spoken on a number of occasions about the issue of electronic voting and contributed to the discussions at the Joint Committee on the Environment and Local Government in this regard. I have one fundamental question about the introduction of electronic voting in this country. Why is Fianna Fáil so determined to bring in electronic voting? Why is the Minister for the Environment, Heritage and Local Government, Deputy Cullen, almost obsessed with implementing electronic voting at the local and European elections on 11 June? Why has electronic voting become such a top priority for this Government? Why is this week's entire Dáil business given over to this Bill on electronic voting, ahead of issues, for example, such as the disability Bill, the Bill to reform and modernise the Garda Síochána, overdue legislation on criminal justice, employment permits, motor insurance, health and safety at work, etc. A total of 150 Bills have been promised at some stage or other to deal with the real concerns of the people who sent us here and they have all taken a back seat to this Bill on electronic voting.

Why is electronic voting the top priority for the Minister for the Environment, Heritage and Local Government, claiming two successive days this week of scarce Dáil time and jumping ahead of Report Stage of the Residential Tenancies Bill for which 150,000 tenants in this country have been waiting for nearly four years? It may, of course, be that giving legal rights to tenants is no longer a priority for this landlords' Government, which is more interested in supporting property investors than in meeting the housing needs of

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the poor. Why has the electronic voting Bill assumed such urgency that it has upstaged the promised legislation to allow for the completion of the M50 at Carrickmines, the delay on which is reputedly costing the taxpayer €250,000 per week and for which the Minister promised emergency legislation? Why is legislation to change the way people vote — the Government's top legislative priority today — being brought forward before the strategic infrastructure Bill which the Taoiseach told Fianna Fáil last September was urgently needed to fast-track the national infrastructure needed to underpin the country's economic well-being?

Why is the Minister giving so much of his time and effort to changing what happens in the polling stations when he could be tackling the way we deal with illegal dumping, poor water quality and the housing crisis? What has happened, for example, to the Water Services Bill we need to comply with EU law on the environment, which was published last December but has not yet got an airing in this House? Why has that legislation, which will affect every household in the country, been moved out of the way for the electronic voting Bill? Why, of all the reforms need to our electoral law, is priority being given to electronic voting? What has happened to the promised legislation on the full implications of the Kelly judgment? Would we not be better off considering how to improve the dilapidated state of the electoral register?

Why, at a time when most people cannot even post a letter or get it delivered, is this Government insisting that the most pressing business for the national Parliament is to change the way elections are conducted so that electronic voting may be put in place on 11 June? Why is the Government unilaterally forcing the implementation of electronic voting when it had initially promised to implement it by agreement? The Labour Party opposed the Electoral Act 2001 which permits the introduction of electronic voting. I am on record as criticising that Bill on Second Stage, proposing amendments to it on Committee Stage and urging a cautious approach to any switch to electronic voting. The then Minister of State at the Department of the Environment and Local Government, former Deputy Bobby Molloy, assured both Houses when the Bill was being debated that electronic voting would only be implemented by agreement with the political parties. I was surprised, therefore, that the Government decided, following the trials at the 2002 general election and the second Nice referendum, to switch over totally to electronic voting for all elections and in all constituencies. That decision was made by the Government without discussion or consultation with Opposition parties. I was even more surprised that when last autumn, the Labour Party, Fine Gael and the Green Party expressed serious concerns about the plans for electronic voting, they were ignored. Was I naive in

believing that in our democracy the sitting Government would not use its parliamentary majority to force changes in the way elections are conducted, in the face of unanimous opposition from all the other parties?

When electronic voting was being considered by the Joint Committee on the Environment and Local Government, last November and December, I genuinely expected the Government to step back from its implementation in June and allow time for a consensus to develop on the introduction of electronic voting, for technical issues to be addressed and for the confidence of the public to be assured. I was astonished when on 18 December last, the Government parties used their numerical majority on the committee to force a vote to approve electronic voting before it had completed its consideration of the issue. I was alarmed to discover that on the day after that vote, the contractual arrangements were completed with the private companies supplying the hardware and software.

When the Government responded to the Opposition motion in February by announcing the appointment of a commission and by conceding that new primary legislation would be necessary, I again believed that the opportunity would be taken to slow down the introduction of electronic voting. By then it had become clear there was no public demand for electronic voting and that indeed there was considerable opposition to its introduction. A growing body of expert opinion warns of its dangers. The Opposition parties are distinctly uneasy at the Government's approach and at the very least this fundamental change in our voting system should not be undertaken within such a short timeframe. I have again been surprised that contrary to all administrative and political logic, the Government intends to determinedly switch this country over to electronic voting on 11 June whether the Opposition likes it or not.

What is all this about? What is behind the Government's single-minded drive to introduce electronic voting? I do not accept it is all down to the Minister's ego. It is tempting to imagine the Minister, as my party leader put it, as a Napoleonic figure throwing a tantrum on his return from the Far East and insisting that he gets his own way. However, the Minister is not like that and he is hardly so desperate as to stake his political reputation on a project which was not his own idea in the first place. In any event, such delusions would hardly be indulged by the Government as a whole to the extent of handing over valuable Dáil time for it if the Government itself were not fully committed to it. It could be down to arrogance. This Fianna Fáil-Progressive Democrats Government has been in office for so long that it thinks it owns the country.

**Mr. Allen:** Exactly.

**Mr. Gilmore:** The Government thinks that it alone can change the way in which people cast

their votes, no matter what the Opposition thinks. If this Bill is indeed the product of Government arrogance, then it is the Government, not the electoral process, which needs to be changed. The question remains, why is Fianna Fáil so desperate to change the way in which people cast their votes?

There is one other country where the ruling party has become obsessed with the same objective of introducing electronic voting universally, and that is the United States of America, where President Bush's Republican Party shares Fianna Fáil's passion for electronic voting. The experience of the United States is illuminating. I accept that the systems being introduced in various states differ from the system being introduced in Ireland, but there are distinct parallels in the systems and the means of introduction.

Following the Florida debacle of hanging chads and so on, the United States Congress enacted the Help America Vote Act in October 2002, with the objective of introducing fully electronic voting all over the country. Different states may use different systems, and electronic voting systems have already been used in US elections. The Republican Party is particularly keen on electronic voting, and with good reason. Journalist Bev Harris, who now specialises in electronic voting, points out that the state of Georgia was the first to introduce DREs — direct recording electronic voting systems, similar to, though not the same as, the new system being introduced in Ireland. In the 2002 elections, a poll in the *Atlanta Journal*, two days before the election, put the Democratic incumbent Senator Mack Cleland, five points ahead. On election day, however, the Republican challenger, a Mr. Chambliss, won by seven points, a 12-point shift in 48 hours. For the first time in 134 years, a Republican became Governor of Georgia, even though his Democratic opponent was 11 points ahead in opinion polls just two days before the election.

Election results can be surprising, no matter what system is used, but in researching the electronic voting used in Georgia, journalist Bev Harris came across an FTP link which led her to a trove of programme files used by Diebold, the makers of the system, the purpose of which was to make the machines do what they do. One folder was entitled Rob Georgia, and contained material designed to replace the files on the new Georgia voting system with other files unknown. She also discovered that key people in Diebold and in companies hired to test the system were significant financial contributors to the Republican Party — Diebold chairman and CEO Mr. Walden O'Dell was a Bush pioneer, having contributed at least \$100,000 to President Bush's re-election campaign, and on June 30 2003 helped organise a fundraiser for vice-president Cheney, which raised \$600,000.

Faced with this, the people involved claimed that this was impugning their integrity. It may

indeed be, but some of the people associated with the company are no strangers to computer fraud. One director of an associated company had been convicted of money laundering and tax fraud, while another was convicted on 23 counts of embezzlement, including what a court document described as "a high degree of sophistication and planning in the use of alteration of records in the computerised accounting system that the defendant maintained for his victim."

**Mr. Allen:** That sounds familiar.

**Mr. Gilmore:** It is important to keep a sense of proportion about all this and to eschew conspiracy theories, as the Minister promises to do. Just because some people associated with the company were convicted computer crooks, because senior people in the company are contributors to the Republican Party and because the company's computer files for the voting system describe how it can be fiddled, it does not follow that the company which built the electronic voting system fiddled the election in favour of the Republicans, no matter how surprising the result. The problem is that we have no way of knowing, or of checking.

**Mr. Cullen:** Was it tested internationally?

**Mr. Gilmore:** Yes.

**Mr. Cullen:** By which institute?

**Mr. Gilmore:** I forget. Two companies which tested it were named. One was also contributing to the Republican Party.

**Mr. Durkan:** That is a bit like Fianna Fáil.

**Mr. Cullen:** It is not because there is no connection between that German institute and the Fianna Fáil Party, or anyone here.

**Mr. Gilmore:** In one case, the company was contributing to a successful candidate in the election. The problem is not whether we believe that the election was fiddled, but that we have no way of knowing or checking. Just like the Nedap-Powervote system being proposed in Ireland, there was no paper record in Georgia which could be audited.

Stories of election fiddling, or just plain error, may be exaggerated or wide of the mark, but every time a plausible one is raised, which cannot be rebutted because there is no paper audit, public confidence in the election process will be dealt another blow. That is why the debate in the United States is now centring on the need for a voter verifiable paper audit trail of the votes cast on electronic voting machines. Congressman Rush Holt of New Jersey and Senator Hillary Clinton of New York have brought forward Bills in their respective Houses of Congress to add a paper trail to all touch-screen machines. The State of California has decided that from 2006 all

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electronic voting machines must have an auditable, voter verifiable paper trail. Such a paper trail was a key reform recommended by the Labour Party in the document on electronic voting, *Electronic Voting in Ireland: a Threat to Democracy?* published last autumn and rubbished by the Minister. Without such a paper trail, whereby the voter can see a paper record of the vote which he or she is casting electronically, where that paper is stored and can be cross-checked against the results produced electronically, the electronic voting system will always be open to doubt.

The concerns about electronic voting are no longer confined to the computer experts who first raised them and to political participants alarmed by them. They now feature regularly in the popular media. For example, the current issue of *Vanity Fair* contains a nine-page article by Michael Shnayerson, entitled *Hack the Vote*, which reports the work of Bev Harris to which I have referred. It summarises the situation as follows: "This is a story of good intentions gone awry, of Congress bamboozled into thinking the machines were ready when they were not." It goes on to say that "like most American stories, it is about money."

**Mr. Cullen:** Were the machines PC-based possibly connected to phone lines?

**Mr. Gilmore:** No, they were stand-alone machines. Big money was involved, with \$3.9 billion showered on the states to buy the machines and buy them fast. The money in Ireland may not be in the same league, but the contracts for the system are worth about €40 million and the contract for the publicity campaign is worth about €4.5 million. It is a coincidence of course that one of these contracts was given to a company, one of whose principals is a recent senior official of the Fianna Fáil Party.

I have been curious for some time about some aspects of the contractual arrangements for the electronic voting system. The Government committed itself to Nedap-Powervote as far back as November 2000, a month before the original electoral Bill, which became the Electoral Act 2001, was published. I remember that we were told this during Committee Stage of the debate on that Bill, and the record of the debate shows that I expressed alarm at that. The Government has never explained this. How could it have already decided to proceed with electronic voting and have already selected the system to be used, as well as the companies to deliver it, before the legislation enabling electronic voting was even published, much less passed. What was going on?

**Mr. Cullen:** No Government had an involvement in the system or decided what the system was to be — neither this Government nor the last one.

**Mr. Gilmore:** The system was selected.

**Mr. Cullen:** It was not.

**Mr. Gilmore:** In more recent times, the Government was in an extraordinary rush to sign off on the contracts. During the Oireachtas Joint Committee on the Environment and Local Government consideration of the issue, it emerged that the contracts for the system had not been finalised. Members of the committee argued that no final contracts were to be entered into until the committee had concluded its considerations. However, Government members of the committee voted through approval of the system and, the following day, the contracts were signed off.

**Mr. Durkan:** Another indication of the Government's arrogance.

**Mr. Gilmore:** Why was the Government in such a rush to sign the contracts? Why was the public money used to purchase this system put through the Central Fund which cannot be audited by the Comptroller and Auditor General and cannot be subject to examination by the Committee of Public Accounts? It appears that nothing about this electronic voting system — the votes and the money used to purchase it — can be audited. All this is odd and has resulted in the privatisation of the system, both the machinery and the software, by which people will vote.

The source code for the system, which is essential for anyone wishing to make a submission to the commission, is the property of a private company and will not be released. I have been told by persons wishing to make an informed submission to the commission that, when they asked for the source code, the commission informed them they could not have it. After further inquiries, it emerged that not even the commission had it.

**Mr. Durkan:** I wonder why.

**Mr. Gilmore:** The control of our electoral system has been handed over to a private company. As this issue has now become the subject of a partisan political debate, this company has a vested interest in the re-election of the Government committed to giving it the contract. We are asked to take all this on trust. We are asked to trust the Government on spending public money which cannot be audited, to trust the companies that are delivering the system but will not release the source code, and to trust the machines and the software when no one is in a position to check these systems.

The Bill is unconstitutional and makes a mockery of both the electronic voting commission and electoral law. The Bill purports to solve the constitutional problem identified by the Government's initial bungled attempt to introduce e-voting for the local and European elections without primary legislation. However, it

does nothing of the kind. The Bill gives general discretionary power to the Minister for the Environment, Heritage and Local Government to make regulations dealing with crucial matters which should have been properly set out in primary legislation. The Minister, who is also Fianna Fáil director of elections, has introduced legislation to give himself critical powers to decide how to conduct elections. This should not be tolerated in any democracy and, if enacted, will undermine the independence of our electoral system.

To determine by regulation whether electronic voting should be used and, if so, to what extent is the most fundamental power contained in the Bill. It leaves this entirely in the hands of the Minister without any adequate parliamentary control. Under section 5(3) the Minister is entitled to exercise this where “the public interest so requires”. What is in the public interest is left to the Minister’s discretion.

**Mr. Allen:** I can well imagine.

**Mr. Gilmore:** The Minister will also have the power to amend the form of the ballot paper by regulations under section 30. When read in conjunction with the existing Electoral Acts, this is a matter for concern and, for constitutional reasons, it should be spelled out in the Bill. The Bill leaves intact the existing discretionary power of the Minister to make regulations amending electoral law, a power which is constitutionally infirm, as has been demonstrated in the recent Supreme Court decision on Carrickmines. The meaningless nature of the safeguards in the Bill is highlighted by what may well be an unconstitutional attempt to oust the jurisdiction of the courts by provisions which state that no action can be taken to question an electronic vote in the event that some of the safeguards are disregarded. Sections 9(2), 11(5) and 12(10) state that no action may be taken to the court where the records produced by the machines cannot be produced.

Even though comparable provisions exist in current law, the Bill was to solve all constitutional problems. It clearly does not. Section 29(4) is also unconstitutional in that it allows a detailed breakdown of votes to be published for areas where there are so few votes that the privacy of voters would thereby be infringed. The section says is that in such a case, a returning officer “may” refuse to publish the data. However, it also indicates that a returning officer may decide to publish in any event. The Labour Party believes it is constitutionally improper to leave the matter up to a returning officer’s discretion.

The Bill fails to eliminate the random element in counts, a basic requirement advocated by supporters of electronic voting. Section 16(4) and (5) provide that a recount cannot disturb the original mix of votes. The Bill is designed to ensure that both voting and vote counting at local, Dáil, European, presidential elections and

at referenda can be conducted on any voting system equipment once it is approved by the Minister under the 2001 Act. Under the legislation, voting system equipment means any kind of mechanical, electro-mechanical or electronic apparatus for use in a voting system.

The term “voting system” can also mean a method of casting and counting votes that is designed to function wholly, or partly, by use of mechanical, electro-mechanical or electronic apparatus. It can include the procedures for casting and counting votes and the programmes, operating manuals, print-outs and other software necessary for the system’s operation. There is, however, no provision in the existing or proposed legislation for the Minister’s approval of a particular voting system equipment to be subject to the approval of the Houses, or for details of that voting system equipment to be published to the Houses or the public at large. This includes the programmes and operating manuals, which remain the property of the company that supplied them. Once approved by the Minister and without parliamentary approval, any voting system, not just the Nedap-Powervote one but any future system involving electrical, digital, magnetic, optical, electro-magnetic, biometric or photogenic measures, can take over both voting and vote counting at forthcoming elections and referenda.

**Mr. Durkan:** We might as well abolish elections altogether.

**Mr. Gilmore:** The electronic voting commission’s terms of reference are, however, confined to the Nedap-Powervote system. It is designed to stand down once it has delivered its report on the secrecy and accuracy of the chosen electronic voting and counting system by 1 May. In other words, it can neither opine as to the merits of that choice, given that it has already been taken, nor speculate as to what choice of alternative system might be made in the future. The programmes, operating manuals, print-outs and other necessary software will remain private intellectual property, governed by a private commercial agreement between the Minister and the present, or any future, chosen private commercial consortium.

Historically, the integrity of the electoral system has largely relied on a system of giving candidates and their agents a monitoring role at the voting and vote counting process. They have, after all, a major interest in securing the integrity of the outcome. If all of them get to watch the process as it unfolds and to intervene as they think necessary, then most will be reasonably satisfied with the accuracy of the result. So far, it has worked reasonably well. However, if any one of them is dissatisfied, he or she can petition the High Court. However, under the new system, no candidate or agent will be able to say that they have personally monitored either the vote casting or vote counting arrangements. Neither, for the

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reasons already stated, will the High Court be adequately able to review the result or the process by which the result was arrived.

The principal question on the constitutionality of this legislation revolves around whether it is permissible to privatise the conduct of a quintessential public phenomenon, that is, the election of public representatives, so that the rules by which the election is held become the subject of commercial confidentiality and the High Court is debarred from lines of inquiry that would otherwise be available to it. Under Article 6.1 of the Constitution, it is the right of the people to designate the rulers of the State. Presumably, concomitant with that, is the right to ensure that the process of designation of those rulers is accurately carried out. In 1972, the Chief Justice, Mr. Justice Ó Dálaigh, speaking for the majority in the Supreme Court in *McMahon v. Attorney General*, a case about the electoral system, said:

Constitutional rights are declared not alone because of bitter memories of the past, but not least because of the improbable, but not-to-be-overlooked, perils of the future.

The Labour Party is opposed to the Second Stage reading of the Bill.

Debate adjourned.

*Sitting suspended at 1.30 p.m. and resumed at 2.30 p.m.*

## Ceisteanna — Questions (Resumed).

### Priority Questions.

#### EU-US Summit.

2. **Mr. G. Mitchell** asked the Minister for Foreign Affairs the agenda for the upcoming EU-US summit meeting in June 2004; the matters of concerns that the Government will be raising with President Bush; and if he will make a statement on the matter. [10192/04]

4. **Mr. Gormley** asked the Minister for Foreign Affairs if he will report on his meeting in early March 2004 with the Bush administration on plans for the EU-US summit; and if he will make a statement on the matter. [10189/04]

6. **Mr. M. Higgins** asked the Minister for Foreign Affairs if details have been confirmed for the planned EU-US summit to be attended by President Bush at the end of June 2004; if a location has been agreed; the likely agenda; and if he will make a statement on the matter. [10191/04]

**Minister of State at the Department of Foreign Affairs (Mr. Kitt):** I propose to take Questions Nos. 2, 4 and 6 together.

The Government attaches considerable importance to the European Union's relationship with the United States. As the holder of the EU Presidency, it looks forward to continuing its work to enhance that close transatlantic partnership. It fully acknowledges that the relationship has been through a difficult period, not least as a result of differences in policy on Iraq. However, it is significant that there has been a noticeable improvement in the relationship in recent months. As the holder of the EU Presidency, the Government is building on that improvement. It aims to hold a summit in June that restores stability and vitality to the EU-US relationship and reconfirms the importance of the partnership.

The EU-US partnership is central to addressing many of the issues on the international agenda. As the holder of the EU Presidency, the Government believes that the best way to restore confidence in the relationship is to focus on pragmatic co-operation on specific issues and to consult regularly and honestly on an ongoing basis. In this context, the Minister, Deputy Cowen, led an EU troika to Washington on 1 March last to meet the US Secretary of State, Mr. Colin Powell, and the US national security adviser, Dr. Condoleezza Rice. The outcome of the meeting was positive. A large number of foreign policy issues were covered during frank and constructive discussions. The meeting provided a strong foundation on which to build when the EU-US summit takes place in Ireland in June.

The Taoiseach took advantage of his St. Patrick's Day visit to the White House to exchange views on a number of international issues on the EU and US agenda, such as the need for counter-terrorism following the terrorist attacks in Madrid, as well as Middle East and Iraq matters. It is not possible to have full agreement on all issues, of course, but it is important that both sides consult and explain their approaches to the various issues on the shared agenda and manage any differences in a way that avoids damaging the overall relationship.

The summit will take place in Ireland on 26 June next. As the holder of the EU Presidency, the Government is working closely with its EU partners and the US authorities on the preparations for the important meeting. While it is too early to indicate in detail the topics for discussion during the summit, we expect that issues relating to foreign policy, economic and trade relations and other areas of shared interest will arise for consideration. Following the recent appalling act of terrorism perpetrated against innocent people in Madrid, we anticipate that counter-terrorism will be a key area of co-operation to be discussed with the US at the June summit. We anticipate that the Arab-Israeli peace process, wider relations with the Middle East, Afghanistan, Iraq, North Korea and non-proliferation are some of the international issues that might feature in our discussions.

The media's focus on economic and trade issues too often tends to be on disputes rather than on areas of co-operation. It is important, therefore, that such differences are put into perspective. During its Presidency, Ireland is concentrating on the positive EU-US economic agenda, while seeking to manage effectively the limited number of outstanding disputes, which account for less than 3% of overall trade. It is expected that the EU-US summit will recognise the need to strengthen and widen the transatlantic economic relationship to include many aspects which affect our investment relationship and trade in goods and services. The summit is also likely to highlight the continued commitment and leadership of the EU and the US in the global fight against HIV-AIDS.

A close EU-US partnership is essential for prosperity and growth on both sides of the Atlantic, as well as in the broader international community. As the holder of the EU Presidency, the Government is working to reaffirm the strength, depth and significance of such relationships in a spirit of partnership, with the aim of delivering a successful summit in June.

**Mr. G. Mitchell:** I thank the Minister of State for his reply. I am pleased to hear that the global HIV-AIDS issue is on the agenda. I urge the Minister to do everything he can to put the issue, which is of great concern to people in Ireland, elsewhere in Europe and the US, as high on the agenda as possible.

Who will be in charge of security for the visit of President Bush? Has the Government received a request for immunity from prosecution of US secret service agents in the event of somebody being injured or killed as a result of the discharge of their weapons here? Will the Minister of State confirm that Iraq will be on the agenda as part of the discussion on the general Middle East region? Regarding EU-US transatlantic relationships, will the Minister, Deputy Cowen, raise the possibility of an EU-US transatlantic foundation in Ireland, preferably in Shannon, which I have mentioned in the House on a number of occasions? Is the Minister prepared to mention this important issue, given that I have set out a policy document and I have raised the matter in the House on many occasions?

**Mr. Kitt:** I agree with Deputy Gay Mitchell that HIV-AIDS is an important issue. As the Deputy is aware, I chaired a recent conference on HIV-AIDS in the central Europe and central Asia regions. I consider the conference, which led to a Dublin declaration and a Dublin action plan, to have been very successful. The Minister, Deputy Cowen, and I are anxious that the issue of HIV-AIDS should be on the agenda following the conference, so that we can tackle this global pandemic. I am as anxious as Deputy Mitchell to see that the issue is given priority.

As the host of the June summit, Ireland will provide security for all visitors. The Deputy will

appreciate that many heads of state and ministers have been arriving in this country on a regular basis during our Presidency. The Garda has been organising the security arrangements in all such cases. We have done it before and we will do it on this occasion. The Deputy mentioned specific arrangements, such as immunity from prosecution. As such issues have not been dealt with to date, I presume that they will be dealt with in due course.

**Mr. G. Mitchell:** Has the question been asked? Did they ask for immunity?

**Mr. Kitt:** As I understand it, no, not at this stage. Such issues may arise before 26 June. We envisage that Iraq will definitely be on the agenda. I am aware that the Deputy has raised the possibility of an EU-US foundation in the past. The Minister, Deputy Cowen, has not ruled out the possibility of such a foundation, as far as I recall. He has referred to the fact that the Institute of European Affairs and other organisations are examining such a concept. I certainly think we should consider it.

**Mr. Gormley:** Was the Irish Government thanked by the Bush Administration for allowing US forces to use Shannon Airport — in breach of Irish neutrality — for its illegal, stupid and counterproductive war in Iraq? Did the Minister tell his American counterparts that he was, to use the Taoiseach's phrase, "dead against" the war, or was it the usual fawning, forelock-tugging display?

I listened carefully to what the Minister said to Deputy Gay Mitchell about security arrangements. As someone who was a participant in the demonstrations during the visit of Ronald Reagan, I can tell the House that the American secret service ruled the roost on that occasion. We experienced it firsthand. What permission, if any, has been granted to the US Air Force to patrol above Ireland in fighter aircraft and helicopters?

**An Leas-Cheann Comhairle:** That is a security matter and should be addressed to a different Minister.

**Mr. Gormley:** Perhaps the Minister of State can enlighten us. The Czech Government was obliged to pass special legislation on this issue. We will probably not be required to do that, given that the US Administration seems to have free access to this country in any case.

**An Leas-Cheann Comhairle:** A question to the appropriate Minister would be more correct.

**Mr. Gormley:** I am discussing the matter of security arrangements on which the Leas-Cheann Comhairle allowed Deputy Mitchell to ask a question.

**An Leas-Cheann Comhairle:** I allowed him to ask a general question in the area. I do not want this to develop into a discussion of security matters.

**Mr. Gormley:** Has a sterile zone been specifically requested by the US Administration? Was this matter raised at the meeting?

**Mr. Kitt:** I also recall the security provisions surrounding the visit of Mr. Reagan, so I am conscious of the Deputy's concerns. To follow up on what I said to Deputy Mitchell, the provision of security for visiting Heads of State is decided on a case by case basis. It is customary that certain Heads of State are permitted to have available, on an exceptional basis and by arrangement with Irish authorities, supplementary measures for their security. The arrangements for the visit of Mr. Bush have yet to be finalised and I would not consider it productive to speculate on the details. We are at an early stage in the preparations.

No requests for overflights by US military aircraft have been received. I do not consider it prudent to speculate on matters of security. However, the Government is taking a responsible and realistic attitude to the question of providing security for the visit of Mr. Bush. Members will have heard the comments of the Garda Commissioner in this regard. It is Deputy Gormley's prerogative to speculate in an academic way on what might happen. He referred to visits of previous Presidents. We have a good police force with a good Commissioner who is conscious of the need to provide security. I have outlined the special circumstances for visiting Heads of State. We will be vigilant in managing this.

**Mr. Gormley:** What about Iraq?

**Mr. M. Higgins:** The Minister's replies sounded like an introductory chapter from a marriage guidance book. He talked about restoring relationships that have been through a rocky period. We all join in wishing him stability and vitality in these relationships in the future. In the meantime, he might answer my question about whether a location has been agreed for the visit. To take up the point raised by Deputy Gormley, I too was part of the protests against Mr. Reagan, as the Minister of State might remember. At that time US security services sought permission to put snipers in the attics of houses in Galway and were refused. The Minister of State suggested this was an academic matter; it is far from that. Either the Government has already been asked about security arrangements or it is waiting to have them imposed upon us, as happened the last time. Will the same thing happen again?

What message will the Government convey to its US counterpart about the war on Iraq? Which of the Taoiseach's versions will it offer — the one in which he was really against the war all along,

or the one in which he decided it would be a breach of our friendship with the USA if we did not allow planes to land in Shannon carrying armaments and soldiers which were going on to kill civilians in Iraq?

**Mr. Kitt:** We are working closely with our EU partners and the USA on the arrangements for the summit. For security reasons, it is not appropriate to be specific about the location until arrangements have been finalised. Deputies will hear about this in due course.

My position on the war in Iraq, as somebody who has been involved on the humanitarian side as Minister of State with responsibility for development, is well known. I am conscious of the debates that have taken place in the House in which my colleague, the Minister, Deputy Cowen, has clearly spelled out the position of the Government—

**Mr. M. Higgins:** No, he did not. The questions remain the same. We are all interested in the future, but I would like an answer to the questions asked.

**Mr. Kitt:** I heard the debate and I have the copies of the transcript.

**Mr. M. Higgins:** So do I.

**Mr. Kitt:** The United States is obviously an important ally for Europe. The summit is the continuation of a dialogue that was established some time ago. Its location alternates between the US and the country that holds the EU Presidency. People have suggested that it should be happening in Brussels, but that has never been the case. Under the Greek Presidency it took place in Washington and now it is the turn of the Irish Presidency.

It is important for Ireland, as the country which holds the Presidency of the EU, to consider the war in Iraq. The UN special representative, Mr. Brahimi, recently said that Iraq is at a crossroads. He did not underestimate the scale of the challenges ahead but he clearly believes the UN can play a useful role. There will be a new UN resolution on Iraq in May. Transfer of sovereignty will take place in June and there will be a more central role for the UN. There will also be elections next year. I recently witnessed the reconstruction that is taking place after the horrific conflict in Liberia. Elections are being held and they are rebuilding democracy. That is the challenge facing us.

**Mr. M. Higgins:** When will there be elections in Iraq?

**Mr. Kitt:** Politics is about moving forward.

**Mr. Gormley:** What is the Minister of State's position? What did the Government representatives say in Washington?

**Mr. Kitt:** We have heard very good academic debates about what has happened.

**Mr. M. Higgins:** They are not academic.

**Mr. Kitt:** That was then and this is now.

**Mr. G. Mitchell:** Is it the case that during the visit of Mr. Reagan, members of the Army guard of honour were obliged to remove the firing pins from their weapons?

**Mr. M. Higgins:** That is true.

**Mr. G. Mitchell:** Will the Minister of State confirm to the House — he should be upfront about this — that security will be taken over by the American secret service? Does he expect that the Minister for Foreign Affairs or any member of the Government will receive a request from the US Administration for immunity from prosecution for secret service officers who discharge their weapons and injure or kill somebody?

**Mr. Kitt:** No official request has been received from the US authorities for the carrying of weapons by security staff accompanying the President on his forthcoming visit. It is likely that any such request will be received closer to the visit. The final decision on these issues rests with the Minister for Justice, Equality and Law Reform. There are specific procedures involved and Deputies may be sure they will be followed as they have been in the past. The Garda Commissioner has made it clear that the Garda Síochána will be in charge. There will be consultation closer to the event.

**Mr. Gormley:** This is all very clandestine. Clearly, the request will go in when the Dáil is in recess and we will know very little about it. This is most unsatisfactory.

The original question I asked, to which I received no reply, was about the Irish position in Washington. Did the Government representatives tell the US Administration we were against the war? When the Minister of State and I were on the radio together, he said that the 100,000 people who marched against the war in Iraq were marching in support of the Government's position and that the Government supported them. What was the position of the Government in Washington?

**Mr. Kitt:** If the Deputy listened carefully to what I said, I outlined the various issues that were raised, first by the Minister for Foreign Affairs, Deputy Cowen, who led a meeting with the US Secretary of State, Colin Powell, and the US National Security Adviser, Condoleezza Rice, and by the Taoiseach in his meeting with President Bush. I would not be privy to the specific comments that were made but——

**Mr. Gormley:** For or against the war?

**Mr. Kitt:** The US Administration is very much aware of our view and of the debates in this Chamber through the US Embassy here.

**Mr. Gormley:** The Minister of State says one thing here and another thing over there.

**Mr. Kitt:** No. As current holders of the EU Presidency, we have a important responsibility to try to move the debate on Iraq forward. This is a unique opportunity and Ireland is well positioned to do that. We have seen how the Taoiseach has given leadership on the EU constitution, which the Deputy has acknowledged, and leadership can also be provided on this issue. I am not privy to the specific details of the Taoiseach's conversations with President Bush but the Deputy knows precisely what the Taoiseach and the Minister, Deputy Cowen, have said about the war in Iraq. My main concern now is how we can move forward together and make some progress in a very difficult conflict situation.

**Mr. M. Higgins:** Clarity would be useful before leadership is offered. The question is a reasonable one: will the Taoiseach be encouraging the United States to move back within the ambit of international law? Will he be asking the US to accept multilateralism? In their deepened and vital relationship, will Ireland and the USA be reflecting upon the absence of weapons of mass destruction in Iraq? Does the Minister of State have any assessment of the number of civilian deaths in Iraq? He was not in a position to provide such information on the last two occasions on which the House dealt with foreign affairs questions.

**Mr. Kitt:** We will be supporting greater UN involvement. The policy position, as articulated by the Taoiseach and the Minister, Deputy Cowen, on many occasions, is that we will be supporting a greater multilateral approach to that particular conflict. It is a very difficult situation and, as we speak, people are being killed in Iraq. There is a process, however, as I have outlined. We strongly support the UN Secretary General, Kofi Annan, but we want to see developments moving towards a proper government and a proper election system in Iraq, just as we have seen in other parts of the world. We will support that clearly defined, multilateral approach that entails a more central involvement of the United Nations.

### **Co-Operation Against Terrorism.**

3. **Mr. M. Higgins** asked the Minister for Foreign Affairs his views on whether the implementation of Resolution 1373 of the UN Security Council which called for international co-operation against global terrorism has been damaged by the pre-emptive strike, invasion and occupation of Iraq. [10190/04]

**Mr. Kitt:** The Security Council's counter-terrorism committee, which was established

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pursuant to Resolution 1373, is the body responsible for monitoring the implementation of the resolution. Since its establishment, the committee has noted remarkable progress among UN member states in the implementation of the measures contained in that resolution. The committee has co-operated closely with the member states in reviewing and facilitating the improvement of existing national counter-terrorism legislation.

The committee receives and analyses regular reports from United Nations member states outlining their progress in discharging their responsibilities under the resolution. Last week, the Security Council unanimously adopted Resolution 1535. This will revitalise the work of the committee and give renewed momentum to its efforts in promoting and monitoring the implementation of all aspects of Resolution 1373. I am not aware of any concern by the counter-terrorism committee that the war in Iraq has impacted negatively on the efforts of member states in this regard.

There remains a strong multilateral support for the fight against international terrorism. On 11 and 12 March, the counter-terrorism committee held a special meeting in Vienna involving international, regional and sub-regional organisations, which stressed the importance of international co-operation in effectively countering global terrorism, and identified areas where such co-operation could be enhanced in the future.

**Mr. M. Higgins:** I do not wish to be personal, but that is one of the most evasive answers I have heard in a long time. I asked a specific and important question as to whether the invasion and occupation of Iraq, without any UN mandate, had in the view of the Department and the Government, weakened international support for Resolution 1373. The question is there in black and white, so the Minister of State must have an opinion on it. I certainly have. Is it not the case that many of the countries that were willing and eager to respond to the threat of international terrorism, deplored the unilateral action taken against Iraq? That is a fact with which the Minister of State either agrees or disagrees.

The Minister of State referred to the work of the UN Security Council's counter-terrorism committee, but that is a different question. Is the Minister of State in a position to deny that the Government has not ratified all that was required by Resolution 1373? I believe there are some outstanding conventions that have not been ratified, and the same is true for a number of other EU countries.

I want the Minister of State to answer my question as to whether international co-operation has been damaged by the pre-emptive strike, invasion and occupation of Iraq. If a large family of nations within the United Nations supports

Resolution 1373, yet a separate coalition of the willing is operating outside the UN Charter, how can the Minister of State tell me that I should be satisfied with an answer about the workings of the counter-terrorism committee? I know about that committee but that is not what I asked. The Minister of State should answer the question I posed.

**Mr. Kitt:** Ireland has ratified six of the 12 conventions.

**Mr. M. Higgins:** So six have not been ratified?

**Mr. Kitt:** Yes. The Criminal Justice (Terrorist Offences) Bill is currently before the House. It will provide for the ratification of four of the remaining six conventions: the International Convention for the Suppression of the Financing of Terrorism, the International Convention Against the Taking of Hostages, the International Convention for the Suppression of Terrorist Bombing, and the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents. In addition, the Maritime Security Bill 2004, which will allow for the ratification of the two remaining instruments — the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, and the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms on the Continental Shelf — is being brought forward by the Minister for Communications, Marine and Natural Resources.

If the Deputy listened, I made the point carefully in my reply——

**Mr. M. Higgins:** I listened carefully.

**Mr. Kitt:** ——that I am not aware of any concerns of the counter-terrorism committee that the war in Iraq has impacted negatively on the efforts of the member states in this regard. I would remind the Deputy that there is much work ongoing——

**Mr. M. Higgins:** That is not the question I asked the Minister of State.

**Mr. Kitt:** The Deputy should let me finish. Currently, there is much work ongoing as regards security. The Government initiated a similar response by the EU where tough, efficient procedures were introduced to deal with the terrorist threat. We have sharpened our focus in that regard. It is also important to pursue the many other issues, such as development, poverty eradication and conflict prevention, side by side with these security measures. They go hand in hand, as do the various issues with which I have to deal, including debt, infectious diseases and providing stable government.

**Mr. M. Higgins:** Does the Minister of State deplore the attempt to suggest that those who

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opposed the illegal invasion and occupation of Iraq, without a UN mandate, are somehow soft on terrorism? It is an outrageous suggestion. Does he also deplore attempts in the media to suggest that those who wanted the UN Charter to be respected are soft on terrorism? Having almost obtained unanimity from the family of UN states, does the Minister of State not agree that that goodwill was squandered by acting outside the UN Charter?

**Mr. Kitt:** I agree with the Deputy that people holding views such as he has expressed should not be criticised for being soft on terrorism. I support people's right to express differing views on this matter. Many people have different views. The European security strategy sets out the concept of preventative action, which is different from pre-emptive action. Many issues will be debated at the summit and this issue also needs to be debated.

### Visit of UNESCO Director General.

**An Leas-Cheann Comhairle:** I wish, on my own behalf and on behalf of the Members of Dáil Éireann, to offer a special and sincere welcome to Mr. Matsuura, the director general of UNESCO, who is with us in the Distinguished Visitors' Gallery. I express the hope that your visit will be enjoyable, fruitful and to our mutual benefit.

### Priority Questions (Resumed).

#### EU Presidency.

5. **Mr. G. Mitchell** asked the Minister for Foreign Affairs the position with regard to the possible achievement of an agreement on the new constitution for the EU during Ireland's Presidency of the European Union; and if he will make a statement on the matter. [10193/04]

**Mr. Kitt:** In fulfilment of our mandate from December, the Irish Presidency submitted a report to colleagues on prospects for progress in the IGC ahead of last week's meeting of the European Council. This provided a basis for the discussion among Heads of State and Government over dinner on Thursday evening.

We set out in the report our assessment following the intensive process of consultation that has been under way since the start of the year. We said there continues to be consensus on the importance and value of the proposed constitutional treaty and there is a strong shared sense of the desirability of concluding negotiations as soon as possible. There is a widespread view that delay would make agreement more difficult to achieve. We also said we expected an overall solution covering all remaining points of difficulty could be found if there was sufficient political will and flexibility.

The Taoiseach outlined further our general approach to a number of the key outstanding issues in presenting the report at the meeting on Thursday. On the Commission, he expressed our view that the mutually valid requirements for effectiveness and legitimacy can be met through maintaining, for an extended period, a Commission comprising one national of each member state, moving thereafter to a reduced size.

On voting in the Council of Ministers, the Taoiseach set out our assessment that only a system based on double majority can command consensus and that it should be possible to reach an outcome that meets the concerns of all through some adjustment of the population and member state thresholds and through arrangements for confirmation of the transition from the current system. On the European Parliament, he said it should be possible to reach consensus on a modest increase in the minimum threshold of seats per member state. He did not ask colleagues to discuss these matters in detail. However, he asked partners to commit themselves to a firm timescale for agreement.

The Presidency report was warmly welcomed by partners. Following a positive and constructive discussion, the European Council reaffirmed its commitment to reach agreement and, on the basis of the Presidency's report, requested the Presidency to continue its consultations and as soon as appropriate to arrange for the resumption of formal negotiations in the IGC. It decided that agreement should be reached no later than the June European Council.

This is welcome and positive progress but we are far from complacent. Considerable work remains to be done if agreement on the constitutional treaty is to be reached under the Irish Presidency. If we are to resolve all outstanding issues, everyone will need to approach the task with a shared spirit of compromise and flexibility. It is not yet possible to say with certainty that agreement will be achieved by June. However, I assure the House that the Government will continue to do everything it can to facilitate and encourage a successful outcome.

**Mr. G. Mitchell:** When will the IGC reconvene? Does the Minister of State have a date in mind? If the deadline of the European Parliament elections in early June is to be met, the IGC will have to reconvene soon.

With regard to the content of the draft treaty, when will we have sight of the protocol on defence? The current draft proposes a common defence entity for member states that wish to sign the declaration and join but a protocol is to be published setting out the obligations of membership. The protocol could accommodate both NATO members and the non-aligned member states of the Union but it is important that we have sight of the protocol. When is it likely we will see the protocol?

**Mr. Kitt:** On the question of timing and reaching agreement before the June summit, the Government will move to secure agreement as quickly as possible. However, we need to be realistic. Political circumstances in several member states must be factored in and we also need to give ourselves sufficient time to work through all the issues involved. We will continue to do our best to bring the IGC to a successful conclusion at the earliest opportunity, as agreed last week. It will be no later than June. If we can manage to reach agreement before then, that will be done.

A text on defence was published in December. Nothing in the IGC is agreed until everything is agreed. In our extensive bilateral conversations, nobody has sought to open the substance of the package tabled prior to the December summit. Other Members had concerns in this regard, recognising Ireland's tradition in this area. However, nobody has expressed problems or raised issues regarding the text. On the basis that nothing is agreed until everything is agreed, it is expected the package will remain in place.

**Mr. G. Mitchell:** Can I take it we will not see the protocol until the IGC concludes? The protocol will be before the IGC and, therefore, its contents will be known and Ireland will know what it is signing up to and the question that will be put to the people. Has the Government made suggestions regarding what the protocol should contain? Have suggestions been made by other sources, such as the Commission or other member states? Will the Minister of State confirm that for the foreseeable future, it is likely each member state will continue to nominate a Commissioner?

**Mr. Kitt:** The Taoiseach has played an important role in the Commissioner issue. He set out his belief at the European Council that the equally valid requirement for effectiveness and legitimacy in the Commission can be met through maintaining, for an extended period, a Commission comprising our national nominee and a nominee from each member state moving thereafter to a reduced size. If this is the outcome, there must be absolute and strict equality among member states in rotating the right to nominate a Commissioner. It was agreed under the Nice treaty that a reduced Commission would come into being after the Union reached 27 members and this was endorsed by the people in the treaty referendum. The Taoiseach has taken an interest in this issue.

The Minister for Foreign Affairs and the Minister of State at the Department of Foreign Affairs, Deputy Roche, are more involved in the protocol issue. My understanding is that when we are ready to proceed with the IGC, all the issues involved will be openly discussed. Like the Deputy, I have spent time as Minister of State with responsibility for European affairs under a previous Government and it is important that

should be the case. However, I will revert to the Deputy on this issue if necessary.

## Other Questions.

### Human Rights Issues.

**7. Mr. McGinley** asked the Minister for Foreign Affairs if he has had recent contact with the Government of China on behalf of Falun Dafa practitioners (details supplied); and if he will make a statement on the matter. [9992/04]

**Mr. Kitt:** The Government takes seriously concerns about human rights in China, including those of Falun Dafa members. The issue of the treatment in China of followers of Falun Dafa has been raised both bilaterally and through the formal framework of the EU-China human rights dialogue, which was established in 1996. Through the dialogue, the EU shares with China its experience in the field of human rights protection and promotion, and urges China to take clear steps to improve the human rights situation generally, and more specifically with respect to the freedoms of expression, religion and belief, which have a particular impact on individual practitioners of Falun Dafa.

The last session of the EU-China human rights dialogue took place in Dublin on 26-27 February. Ireland, as President of the EU, discussed with China a wide range of human rights issues of concern, including individual cases of alleged human rights abuses. Among the cases raised were those of the individuals of concern to the Deputy. A response was subsequently received from the Chinese authorities. This stated that one of the individuals had been sentenced to re-education through labour for two years but had been relatively quickly released on bail so he could seek medical attention. We understand that he is in hospital receiving treatment. The response on the second individual was vague, stating the authorities had no record of the person being admitted to a labour institute.

The cases to which the Deputy refers involve Chinese citizens. They are subject to Chinese law while in their own country and, as they are not Irish citizens, we have no consular function in this matter. However, because of our concerns about the human rights situation in China, we were prepared to raise the cases.

**Mr. G. Mitchell:** What an appalling abuse of language in a response from the Chinese Government to the Irish Government or to the European Union when it was stated that people are being admitted to a labour institute or that one may be sentenced to two years labour for re-education. For a government to think such language is normal in communicating with the European Union or the Irish Government, on behalf of the European Union, is an indictment in itself. During the February meeting of the EU-

China human rights dialogue, did the Minister of State specifically raise with the Chinese authority the Falun Dafa case, and what was its response to the Falun Dafa movement in particular? I know the Minister of State has raised individual cases and I urge him to continue to do so.

**Mr. Kitt:** All these issues, including individual cases, were raised during that meeting. The Deputy will be aware that the Chinese Government continues to regard the Falun Dafa as an evil cult. The Irish Government is concerned about human rights in China, including those of Falun Dafa members and I will continue to raise such issues during my meetings with Chinese Ministers, as I regularly have done so. The issues were raised both bilaterally and through the European Union channels, notably through the formal EU-China human rights dialogue, which was established some years ago. Through the dialogue, the EU shares with China its experience in the field of human rights. The purpose of the dialogue is to make progress and to put our case in a very clear cut way. I accompanied the Taoiseach on a very important trade mission to China some years ago, during which he raised human rights issues with the highest leadership.

I note the recent amendment of China's constitution to include an express reference to human rights and I hope it will be fully implemented in law and will lead to practical improvements for the people of China. Progress is being made in certain areas but we will continue to raise these issues.

**Mr. M. Higgins:** Is the Minister of State aware that people are of the impression that on visits to China we are strong on trade opportunities and weak on human rights? During the recent visit of a large delegation to China, was the opportunity taken to discuss these issues? Did the accompanying Minister raise these issues? Why were these issues excluded from the conversations during the high-level visit to China? Is the WTO concerned with China's compliance with international human rights, which has nothing to do with the relationship of Chinese law to the Chinese constitution, but with international standards? When is it intended to raise these issues again? When will the issue of Tibet be raised? How will the Minister convince people from concluding that the Government is eager to trade with a very large population but is not so eager to advance the case for respect for international human rights?

**Mr. Kitt:** As I said I accompanied the Taoiseach on state visits to China and was present when the then President Robinson raised human rights issues. President McAleese has raised these issues also. I know that at presidential, prime minister and foreign affairs ministerial level these issues are raised in a very open way. With regard to the activities of trade Ministers——

**Mr. M. Higgins:** It was reported on the news that these issues were avoided.

**Mr. Kitt:** I agree with the Deputy. As a Minister of State with responsibility for human rights, I would prefer if these issues were raised on every occasion but these issues were raised in a very open way on any occasion that I accompanied the then Taoiseach and the then President. That is the way we conduct our affairs and equally the issues were responded to in an open way.

Let me remind the Deputy that the Dalai Lama issued a statement on 10 March 2004 which expressed the hope of a significant breakthrough in relations with the Chinese Government and that he has instructed his envoys to continue the process of dialogue with Beijing at an early date. Effectively the Dalai Lama is saying that dialogue can pay off. We will continue to engage in the EU-China human rights dialogue, which is an ongoing process and I was personally involved in that process during the past week. It is wrong to suggest that we shy away from raising these issues. If, as the Deputy suggests, a trade Minister did not raise these issues, I accept his point. However, I agree with the Deputy that it is important that these issues are raised in an open way.

8. **Mr. Kenny** asked the Minister for Foreign Affairs his views on the treatment of the Kurdish peoples in Turkey, Iraq and Iran; his further views on the representations being made by the EU to Turkey with a view to enhancing the human rights of the Kurdish peoples; and if he will make a statement on the matter. [9999/04]

**Mr. Kitt:** There are significant Kurdish minority populations in Turkey, Iraq, Iran and parts of Syria. There are some 14 million people of Kurdish ethnic origin living in Turkey. The Government's concerns about human rights in Turkey, including the situation of the Kurdish population, are raised regularly in official contacts with the Turkish Government and its representatives, and in co-operation with our partners in the European Union. We continue to monitor the human rights situation through the embassy in Ankara and through our membership of international organisations, including the Council of Europe.

I welcome the very significant progress which Turkey has made in legislating for human rights reform during the past two years. Legislation has been enacted which is aimed at strengthening the enforcement of human rights and enhancing the cultural rights of all citizens, including those of Kurdish origin. Nevertheless, the European Union considers that further progress is required. The revised accession partnership with Turkey, which was adopted by the Council in May 2003, provides the framework for an intensive dialogue between the European Union and Turkey on its preparations for accession, including its legislative reform programme. Since the

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beginning of 2003, progress on the introduction and implementation of political and human rights reforms has also been monitored closely in regular political monitoring meetings between the EU and Turkey.

Representing the Irish Presidency, the Minister for Foreign Affairs, Deputy Cowen, headed an EU ministerial troika delegation which visited Ankara on 8 March for meetings with the Prime Minister and the Foreign Minister. The discussions covered the full range of issues in EU-Turkey relations including progress on political and human rights reforms. The EU emphasised the importance of ensuring implementation of these reforms at all levels of the administration. On the issue of cultural rights, Deputy Cowen pointed to the restrictive nature of the current regulations for broadcasting in languages other than Turkish and the relatively slow progress on moves to permit Kurdish language teaching. The EU delegation was briefed on plans by the Turkish Government to promote the economic development of the south-east region of Turkey where Kurds form the majority of the population.

I recognise that the Turkish Government is committed to ensuring the full implementation of the reforms, including those directly relating to the rights of people of Kurdish ethnic origin. The progress made will be a significant element of the decision to be taken by the European Council in December on Turkey's fulfilment of the Copenhagen political criteria for EU membership. If that decision is positive, the EU will open accession negotiations with Turkey without delay.

In Iraq, it is clear that the situation for the Kurdish people has improved since the end of the regime of Saddam Hussein. There are five Kurdish representatives in the Iraqi Governing Council and the level of autonomy the Kurdish people enjoyed previously has been retained in the transitional arrangements now in place. These arrangements are set out in the Transitional Administrative Law, signed by the Iraqi Governing Council on 8 March. This will, we hope, open the way for the transfer of power to a sovereign Iraq in which the rights of the Kurdish population will be respected fully.

*Additional information not given on the floor of the House.*

The Government is not aware of any current discrimination against Kurdish people in Iran specifically related to their ethnic origin. However, the overall human rights situation in Iran continues to be a matter of concern. Ireland co-sponsored a resolution adopted by the UN General Assembly last December, which expressed serious concern at the continuing violations of human rights in Iran. Among a number of recommendations, the resolution called upon the Government of Iran to eliminate all forms of discrimination based on religious

grounds or against persons belonging to minorities.

Speaking on behalf of the EU at the UN Commission on Human Rights in Geneva last week, Ireland, as holders of the Presidency, regretted that there has been little improvement in the human rights situation in Iran. As holders of the Presidency, we are working with the Iranian Government to agree dates for the next round of the EU's human rights dialogue with Iran. We will continue to monitor the human rights situation in Iran, including the situation of the Kurdish minority, through our embassy in Tehran and in co-operation with our EU partners.

**Mr. G. Mitchell:** I thank the Minister of State for his reply. The Minister of State will be aware that there are some 20 million to 25 million Kurds in south-eastern Turkey, northern Iran, northern Iraq and parts of Syria. The original plan after the end of the First World War was that it would become a nation state. Clearly with such a concentration in three bordering states, but in four states in total, there is an issue, yet the issue of secession is one which international law and norm creates major difficulties and borders will not change.

Has the European Union made special efforts to work with Turkey, Iran, Iraq and Syria on the manner in which they would address issues of concern to the Kurdish people? Is the Minister of State aware of the Commission's report on the EU-Turkey relationship for 2003 which concluded that by accelerating the pace of reform over the years, Turkey has made determined efforts and significant progress toward achieving compliance with the Copenhagen criteria, to which he referred? The report referred to the guaranteeing of political, civil, economic, social and cultural rights. Did the report look specifically at Kurdish rights in Turkey? If so, what was said on the matter?

**Mr. Kitt:** The Helsinki European Council of December 1999 decided that Turkey was a candidate country for membership of the European Union. The Council laid down certain criteria according to which a candidate country must achieve stability of institutions guaranteeing democracy, the rule of law, human rights and respect for the protection of minorities. The EU has adopted specific measures. At the Copenhagen Council of December 2002 a clear commitment was given that if the European Council meeting of December 2004 decided Turkey had fulfilled the Copenhagen political criteria, the EU would open accession negotiations without delay. Clearly, the European Union's approach has focused very much on accession. An opinion on the matter will be delivered in the near future.

To answer the Deputy's question, the issue of the Kurdish minority has been an EU priority in its discussions on Turkish accession.

**Mr. J. Bruton:** Is the Minister of State satisfied that this matter will be decided at the December summit on the basis of the Copenhagen criteria alone rather than on other factors? Has the attention of the Minister of State been drawn to an article in today's issue of *Le Monde*? In it, a leading Deputy in President Chirac's UMP party says one of the best ways for it to recover in the European elections ground lost in the regional elections would be to come out clearly against Turkish membership, regardless? Does the Minister of State agree that this is probably a widespread opinion among people seeking to exploit opposition, regardless of the Copenhagen criteria, to Turkish membership to curry favour with domestic electorates?

**Mr. Kitt:** I agree this is a crucial issue in the context of accession discussions. Progress made will be a very significant element in the decision to be taken at the European Council in December on Turkish fulfilment of the Copenhagen political criteria for EU membership. I have referred to the details of the criteria. If the decision is positive, the EU will open accession negotiations without delay. I agree it is unfortunate that people are exploiting the issue. While Turkey is an important country in the context of the development and growth of Europe, there are important issues to consider. Ireland takes very seriously its commitment on human rights and, in particular, the treatment of minorities. The Government will raise these issues continuously during the Presidency and beyond.

**Mr. G. Mitchell:** The accession of Turkey to the European Union would bring the borders of the Union to Syria, Iran, Iraq, Armenia and Georgia. We have heard recently the suggestion that Israel should apply for membership of the EU. There were reports on the matter today. Will the Minister of State confirm that the application by Turkey is being considered seriously and that the Council of Ministers is not leading the country down a cul-de-sac?

**Mr. J. Bruton:** Hear, hear.

**Mr. G. Mitchell:** Will he further confirm that Turkish accession is genuinely on the agenda and being dealt with transparently?

**Mr. M. Higgins:** I ask a question which has been asked already. I put it bluntly to the Minister of State that the view that Turkey is not a European state is being widely canvassed. Its basis is an anti-Islamic prejudice against the present Turkish Government.

On what basis does the Minister of State conclude that the position of the Kurds in Iraq is better? In how many of the five countries across

which the Kurdish population is distributed is the Kurdish language recognised? I understand that even under the current reforms, the Kurdish language is not recognised nor is the right to educate through it. I stress that it has nothing to do with Turkey's application to join the European Union.

**Mr. Kitt:** There are five Kurdish representatives on the Iraqi governing council and the level of autonomy previously enjoyed by the Kurdish people has been maintained in the transitional arrangements now in place. The arrangements are set out in the transitional administrative law signed by the Iraqi governing council on 8 March. We hope this will open the way to the transfer of power to a sovereign Iraq in which the rights of the Kurdish population will be respected fully.

It is important to ensure that the European Union plays a significant role in the development of a proper democratic representative system.

**Mr. M. Higgins:** Does the Minister of State favour their right to secede?

**Mr. Kitt:** Deputy Gay Mitchell asked how serious the European Union is about Turkish membership. The reforms which have been put in place by Turkey include legislation providing for the abolition of the death penalty, the abolition of torture and ill-treatment of people in custody, the lifting of restrictions on broadcasting in minority languages, judicial reform, civilian control of the military and prison reform. That constitutes a raft of reforms.

**Mr. G. Mitchell:** That is not the question I asked.

**Mr. Kitt:** As far as the Irish Presidency is concerned, the European Union is serious about Turkish membership.

### EU Membership.

9. **Mr. J. Bruton** asked the Minister for Foreign Affairs if Croatia fulfils the Copenhagen criteria for membership of the European Union; and if not, the respect in which it is deficient. [9559/04]

**Mr. Kitt:** The Government welcomed Croatia's application for membership of the European Union when it was presented in February 2003. At the request of the Council, the Commission is preparing a formal opinion on the application as required under Article 49 of the Treaty on European Union. This opinion is expected in the near future. If it is positive, Ireland, as EU Presidency, will facilitate its consideration by member states with a view to a possible decision on candidate status by the June European Council.

The Commission's opinion will be based on an assessment of Croatia's progress toward fulfilment of the Copenhagen political criteria for candidate states. These criteria, which were

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agreed by the Copenhagen European Council in 1993, stipulate that membership requires a candidate country to achieve stability of institutions guaranteeing democracy, the rule of law, human rights and respect for, and protection of, minorities. Issues of particular importance in Croatia's case will include progress in the wide-ranging institutional reform process, minority rights and the implementation of measures to enable the return of refugees forced to leave their homes during the conflicts of the 1990s. The assessment of Croatia's co-operation with the International Criminal Tribunal for the former Yugoslavia will be crucial.

Croatia has made considerable progress in its reform process and in the development of a functioning market economy in recent years. It signed a stabilisation and association agreement with the European Union in October 2001. In its report last year on progress under the agreement, the Commission noted that Croatia had continued to make progress in the transition process. It concluded that to meet EU political and economic standards further efforts were required to implement the reform agenda and to tackle remaining shortcomings.

The new Government of Prime Minister Ivo Sanader, which was formed following a general election last December, has made the application for EU membership its top priority. The Taoiseach had discussions with the Prime Minister in Berlin on 9 January. The Croatian Foreign Minister, Dr. Miomir Zuzul, visited Dublin for a meeting with the Minister for Foreign Affairs, Deputy Cowen, on 10 February. Deputy Cowen headed the EU troika which met Dr. Zuzul in Brussels on 23 February. At each meeting, the Croatian Government emphasised its determination to do everything possible to achieve a positive Commission opinion. Prime Minister Sanader and Dr. Zuzul underlined their commitment to strengthening the reform process, improving minority rights and developing regional co-operation. They stated also that they would make every effort to ensure that Croatia fulfilled all its obligations to the tribunal in the Hague.

The EU-western Balkans summit in Thessaloniki in June last year agreed that the future of the countries of the region lies in their eventual integration into EU structures. Progress will be made through the European Union's stabilisation and association process for the region which involves the implementation of detailed and wide-ranging reforms. It is accepted that the pace of reform will be different for each of the five countries of the western Balkans and that their eventual membership of the EU will require the development of closer regional co-operation. The progress made by Croatia in its relations with the European Union should, therefore, encourage its neighbours in their own reform processes. It should also contribute to peace and stability in the western Balkans.

**Mr. J. Bruton:** While I thank the Minister of State for his lengthy reply, will he answer the question he was asked? Does Croatia fulfil the Copenhagen criteria? If not, in what respect is it deficient?

**Mr. Kitt:** The Commission will make the decision and the opinion is expected later in the spring.

**Mr. J. Bruton:** I am trying to establish the Government's opinion.

**Mr. Kitt:** Arising from our contacts with Croatia, we accept its bona fides and that it is determined to put in place reform processes, deal with minority rights and develop regional co-operation. There is also the issue of the war crimes tribunal at the Hague and this is an important aspect. I think of a Croatian general, whose name now escapes me. Deputy Bruton has his name.

**Mr. J. Bruton:** I do not need his name. If the Minister of State would only answer the question I asked. Where is Croatia deficient in meeting the criteria? It is a simple question.

**Mr. Kitt:** It is General Gotovina. The reaction of the Croatian Government to this case is crucial. There is an opinion that General Gotovina's case will be a hindrance to the progress made. There are a number of areas in which the Croats must improve. While the commission will make the decision, the Government will be anxious to support it in every way possible.

**Mr. J. Bruton:** Is the Minister of State aware that the *per capita* GDP of Croatia is approximately four times that of Bulgaria and Romania, and higher than that in Hungary? Croatia has a well-developed economy and would clearly be a useful contributor to the EU. Will the Minister of State re-read his notes and find out which of the four criteria Croatia is failing to fulfil? The general is not mentioned in criteria, nor is the court. Will the Minister of State take the trouble to establish what criterion Croatia is breaching and let us know?

**Mr. Kitt:** I will.

**Mr. J. Bruton:** This House should know what is the breach, if there is one.

**Mr. M. Higgins:** Following a meeting with the foreign affairs committee of the Croatian parliament a month ago, I noted a concern among members that the decision on Croatia would not be made on the basis of its case or compliance. Members of the committee were concerned that the position of Croatia's neighbours would be taken into account and would serve as an effective block and may delay the decision. I also understood that all the parties contesting the last

election were committed to co-operation with the Hague tribunal.

**Mr. G. Mitchell:** Deputy Bruton has raised an interesting question. As I understand it, the difficulty lies with the army officer, Ante Gotovina, and co-operation with the International Criminal Tribunal on the Former Yugoslavia. The EU is open to every democratic European state. Presumably the difficulty for Croatia lies in meeting democratic standards. Does the Minister of State anticipate that these problems will be overcome so that Croatia will join the EU, presumably with Bulgaria and Romania in 2007?

**Mr. Kitt:** Deputy Higgins is correct; the major issue is the achievement of a positive commission decision and it requires co-operation with the war crimes tribunal in The Hague. Britain and the Netherlands have suspended their ratification of the stabilisation and association agreement with Croatia in order to underline their concern on this issue. The Croatian Government has made a good start in co-operating with the tribunal and has improved in a relatively short time. Full co-operation is an obligation on all states in the region.

Deputy Bruton is correct to point to Croatia's economic progress. Reforms have been impressively implemented across a wide range of areas. As far as I am aware, Croatia would be in line for accession along with Bulgaria.

### **Nuclear Weapons Proliferation.**

10. **Mr. Perry** asked the Minister for Foreign Affairs if he has had contact with the Government in Pakistan with regard to the reported leaking from that country of information relating to the development of nuclear weaponry to Iran; and if he will make a statement on the matter. [10040/04]

**Mr. Kitt:** The recent revelations about a secret network illicitly trading in highly sensitive nuclear equipment and technology, organised by the former Pakistani chief scientific advisor A.Q. Khan, are of serious concern. This issue was on the agenda of the recent EU Troika meeting with Pakistan, held at foreign minister level, in Islamabad on 18 February 2004. The EU side, which was led by the Minister for Foreign Affairs, expressed our serious concern at recent developments in Pakistan regarding proliferation activities. We also urged 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 regarding its ongoing verification activities in Iran and Libya. The EU Troika was assured by Pakistan, at both foreign minister and presidential level, that there was no government knowledge or sanction for Dr. Khan's activities and that new controls have been put in place to prevent proliferation. Pakistan also indicated that

it was willing to share information with the IAEA.

The issue of a black market in nuclear technology was addressed by the director general of the International Atomic Energy Agency, Dr. Mohammed El Baradei, in his statement to this month's IAEA board of governors meeting. Dr. El Baradei underlined the necessity of full co-operation on the part of those countries from which nuclear technology and equipment originated. The IAEA board of governors adopted, by consensus, a resolution concerning Iran on 13 March. This resolution notes with appreciation that the agency is investigating the supply routes and sources of technology and related equipment, and nuclear and non-nuclear materials, found in Iran. It also reiterates that the urgent, full and close co-operation with the agency by all third countries is essential in the clarification of outstanding questions concerning Iran's nuclear programme, including the acquisition of nuclear technology from foreign sources.

Ireland and our EU partners supported the terms of this resolution, the adoption of which was welcomed by the March meeting of the General Affairs and External Relations Council. We urge all third countries to co-operate with the agency in accordance with the resolution. EU Ministers have agreed to continue their discussions on all aspects of the Iranian nuclear programme in light of IAEA director general El Baradei's next report, due in May. This report is scheduled for consideration at the meeting of the IAEA board of governors in June. Ireland, together with our EU partners, will continue to closely monitor developments.

**Mr. G. Mitchell:** I am grateful to the Minister of State for his reply. The Minister of State will be aware that Dr. Khan is, or certainly has been, something of a hero in his native country. The Pakistani government has dismissed his activities as the actions of a greedy person and has denied involvement in them. This may be the most extraordinary development of all time. Dr. Khan has got a slap on the wrists, is apparently able to keep his acquired property, and is swanning around the place like a hero.

We have just dealt with a question on Croatia. Croatia will not be admitted to the EU until it hands over a general for trial before the International Criminal Tribunal on the Former Yugoslavia. This case refers to people dealing in atomic bombs. The reaction of the US Administration, which is apparently concerned about terrorism, has been feeble. The reaction of the EU has been even more feeble. This issue has huge implications for regional and global safety. Will this matter be discussed at the EU-US summit? Will the IAEA be given new powers? Will those who trade in nuclear weapons be hauled before an international court or tribunal and made an example of so that others will not

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follow in this outrageous trade of nuclear weapons?

**Mr. Kitt:** I agree with the Deputy's description of the seriousness of this matter. I will certainly convey his views at the EU-US summit and I agree that the issue warrants discussion at this level. At its recent meeting in Pakistan, the Troika indicated EU concerns about proliferation activities. We urged Pakistan to fully co-operate in the dismantling of the international black market network, as well as offering all assistance and co-operation required or requested by the International Atomic Energy Agency. The EU acknowledged the work on dismantling this network and indicated that it would co-operate with Pakistan in this matter. The Pakistani side emphasised that there had been no official knowledge or sanction of Dr. Khan's activities and that there were now new controls in the system to prevent proliferation. The troika emphasised to both India and Pakistan the Union's commitment to universalisation and strengthening of the Treaty on the Non-proliferation of Nuclear Weapons — the NPT.

We have concerns over the controls in third countries and we must use political avenues to impress upon these countries the urgency of improving their export control system to ensure that proliferation does not occur. I met the head of the IAEA in the course of my work and was impressed with his work. We must support him in his efforts. I agree with the Deputy in suggesting that this matter be on the agenda for the EU-US dialogue.

**Mr. M. Higgins:** A number of matters arise from the Minister of State's reply. For some time the Irish foreign policy was opposed not only to black market proliferation but also to proliferation as stated in the UN Treaty on the Non-proliferation of Nuclear Weapons. In addition, it was in favour of disarmament. The Minister of State's reply could suggest that it is accepted that Pakistan and, I presume, India remain as nuclear powers, which would be abhorrent in a way. One would have hoped that the thrust of foreign policy was that this should be eliminated and would assist in creating better relations between the two countries.

The Minister of State also mentioned Dr. El Baradei. A war over weapons of mass destruction that did not exist has taken place. We now have a case of weapons of mass destruction that exist and the technology has been transmitted to another country, Iran. Does the Minister suggest that separate standards exist? For example, I understand that Libya, which has recently deconstructed its capacity, has moved its equipment and uranium to the United States. Does the Minister of State agree that existing nuclear powers have no discipline? Some nuclear powers, such as Israel, do not allow Dr. El Baradei assess their capacity. Is the Minister of

State only opposed to black market activity in nuclear technology capacity?

**Mr. Kitt:** As one who strongly supports the Treaty on the Non-proliferation of Nuclear Weapons, I consider this instrument to be the cornerstone of the international non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament. Historically Ireland has played a strong role in this area and will continue to do so.

**Mr. M. Higgins:** That was some time ago.

**Mr. Kitt:** In our Presidency capacity, we further stated that the EU would continue to underline the importance of this issue in all relevant fora. We will endeavour to be consistent as President of the European Union and at national level on this issue.

*Written Answers follow Adjournment Debate.*

### 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 Gilmore — the continuing failure to address the need for a permanent school building for the Monkstown Educate Together national school; (2) Deputy Crawford — the situation where the Department of Agriculture and Food insists on buying out the total herd where an individual animal is found with BSE; (3) Deputy O'Sullivan — the need for the Minister to fulfil the commitment to build a new school at Aghina, Macroom, County Cork, in view of its listing under "proceed to construction" in the 2003 schools building programme and in view of the cost savings achieved in accordance with the conditions of approval; (4) Deputy Durkan — the failure to provide sufficient funding to facilitate the employment of adequate staff at Naas General Hospital; (5) Deputy Boyle — to ask the Minister to respond to concerns following the discovery of a 45-gallon drum of toxic waste discovered on the roadside in Ringaskiddy, County Cork, on 22 March; whether he is able to assure the residents of this area that necessary protective measures are in place to prevent the discovery of further hazardous waste; and whether he can guarantee that incidents of this type will become less prevalent should a national toxic waste incinerator be located in this area; (6) Deputy Morgan — the implications for the partnership process of the statement by the Tánaiste and Minister for Enterprise, Trade and Employment that she will collapse the coalition Government if the break-up of CIE and the privatisation of transport services does not go ahead; (7) Deputy O'Dowd — the findings of the European Commission to impose binding measures on the UK operator, British Nuclear Fuels plc, which has

failed to comply with the provisions of the EURATOM Treaty and the rules concerning accounting for nuclear material at Sellafield, which is currently held in an area of high level radiation and poor visibility, and that the situation has now become untenable and calls into question the credibility of safeguards designed to ensure that nuclear material is not diverted from peaceful uses; (8) Deputy Cowley — the reason a person (details supplied) assessed as “moderate Down’s syndrome” has been refused entry to St. Dymphna’s special school, Ballina; (9) Deputy Broughan — the urgent need for the Dublin city manager to withdraw a proposed material contravention, by executive function, to rezone St. Anne’s Park, Raheny, Dublin 5 — Dublin city’s premier park — for an industrial waste management process and large industrial premises; (10) Deputy Deenihan — the urgent need to provide adequate and appropriate accommodation for the pupils of Dromclough national school, Listowel, County Kerry; (11) Deputy Shortall — the imminent closure of City Lodge, run by the South Western Area Health Board, and the serious implications of this for a 17 year old (details supplied) vulnerable youth and other residents who are currently being successfully cared for in this facility. The matters raised by Deputies Crawford, Gilmore, Cowley and Durkan have been selected for discussion.

#### **Electoral (Amendment) Bill 2004: Second Stage (Resumed).**

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

**Mr. Connolly:** I wish to share time with Deputies Cuffe and Morgan.

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

**Mr. Connolly:** The Bill provides for the conduct of this year’s European Parliament, local and presidential elections using electronic machines and counting systems. I cannot bring myself to have full confidence in the e-voting system as reasonable doubts persist. As time goes by, the doubts become greater. Based on the results of surveys it is clear the public does not have complete confidence in the system and a growing percentage of people are losing faith in the proposed e-voting mechanism.

Under the old manual voting system, stealing an election would take some doing. Sometimes the dead needed to be resurrected to cast their votes and this practice may not entirely disappear. However, in America it took the intervention of its Supreme Court in 2000 to determine the outcome in favour of George Bush. That election raised serious concerns over whether the result was fair. We should try to avoid that type of problem here. With the new e-voting cartridges it may be possible to hijack the

result with little more than a magnet. People exist who want to spoil their votes and would take greater joy in spoiling everybody’s vote if that were possible. If they thought something like a magnet could disturb the electronics and throw up an incorrect result, this would represent a victory for them. I am sure hackers exist who regard this system as an opportunity and challenge to hack.

In June, thousands of polling stations will have voting machines and screens instead of the old manual systems. However, in spite of so-called safeguards, passwords and reassurances to protect the integrity of the e-ballot, the election process has become more vulnerable to systemic fraud than the old system ever was. In the old system a mistake affecting one or two votes could occur. However, a mistake in the e-voting system has the potential to be one of enormous proportions. There is nothing fanciful about something going wrong, as ways have been found to manipulate the source code to produce fraudulent results in the US.

Even more serious would be a rogue or malicious programmer working on the voting machines who might implant functionality to cause the outcome of the election to be determined by a hacker. Electronic voting has been rushed upon voters around the world with little regard for the risks and cost to our democracy. Computerised voting is inherently subject to programme error, human error, equipment malfunction and malicious tampering. Due to the opaque nature of the technology involved, which few understand, it is crucial that the electronic voting system provide for a voter verifiable audit trail — in other words a permanent record of each vote that can be checked for accuracy by the voter before the vote is cast.

On making a small purchase a receipt is given showing the amount paid for a product. There is no reason this functionality should not be added to this machinery. It would be difficult or impossible to alter this paper record after it had been checked by the voter. This could also be achieved without compromising the secrecy or integrity of the ballot. Thus a vote would not be retained by the voter but would be retained in a machine. This audit trail could be used for any possible recount to verify the electronic result. Without a verifiable voting system every election would be open to allegations that it raised doubts over the results. Election returning officers would be unable to disprove such allegations without the benefit of a paper audit trail.

However, a paper trail alone would not be sufficient. All aspects of the voting process would need to be made secure. While not all machines currently produce such paper slips, without one no record exists of how people voted other than what is contained in the machine’s electronic memory. If any doubt exists over the result of an election, there will be no votes to examine only electrons inside a computer’s server. A recount

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on the machine would always produce the same result and there would be no way to prove or disprove allegations of fraud.

The provision of a voter verifiable audit trail would be one of the most essential requirements for any new electronic voting system. If any doubt existed about the results from the electronic votes, the securely stored paper votes would be checked but should match the electronic votes. As a deterrent, the paper trail should be checked in random constituencies or wards even if the results are not in any doubt. This could take place perhaps one, two or three months after the election in order that the public can rest assured that the system is working adequately.

Advocates of electronic voting often say that paperless ballots may save money and eliminate the problems common to old systems. However, the technology gives rise to a new breed of security concerns such as software errors and malicious manipulation of election results. Everyone wants a system of electronic voting which is at least as open as the current paper system. Such a system must be capable of being audited. There is no point in having a recount, particularly if one presses a button and the same numbers appear. It must also protect the privacy of individuals and the counting process. These would appear to be simple requests and one cannot help but question someone who says otherwise. People who vote electronically should be able to view a paper record of their preferences. This would boost their confidence in the system.

Ensuring the accuracy of the ballot is a paramount function of returning officers and it makes perfect sense that the highest standards should obtain. Following a close election in Australia in 1998, the authorities decided to investigate electronic voting because they were already concerned about the reliability, security and openness of the system. The recounts in the 2000 US presidential election made them doubly cautious. They settled on a particular system for which the design and implementation were carried out by a private company. However, documents and codes were made available for public debate and scrutiny as well as for formal analysis. Trials showed that the system performed as specified and complaints about error or fraud are non-existent. The system runs on Linux and the emphasis from the start has been on total and utter transparency. This transparency has the effect of enhancing the voting process and the country's democracy. Conversely, any information withheld from the public would have the effect of undermining democracy.

Election counts should also have the provision for election tally persons to maintain final tallies from each ballot box. Software is highly complex. Large software packages are so complex that there is virtually no way to successfully examine a programme for malicious behaviour. Fair elections are the lifeblood of democracy. The

consequences for democracy would be dire if machines were to have potential security flaws. Democracy has always been something of a messy process but so far it is the best option we have.

In previous election counts, often due to sheer fatigue on the part of count officials, ballot papers have been misread and bundles of voting papers misplaced or credited to the wrong candidates. On polling day, some disabled people have been unable to vote privately and some illiterate people have been unable to vote for the desired candidate. We have come a long way from having a show of hands or shouts of "Tá" and "Níl". Electronic voting is the latest in a long line of imperfect solutions.

During the 2000 US presidential election, a town in Indiana with a population of 17,000 recorded more than 130,000 votes on its electronic machines. There was no way to check the authenticity of those votes which were subsequently credited to none other than George W. Bush. As everyone knows, similar abuses occurred in Florida and the rest is history.

Problems in electronic voting may be nothing more than engineering incompetence allied to political expediency. However, it could be more sinister. People have complained that there is no provision to spoil one's vote. I do not believe it would take a great deal of time to type in "I support none of the above". We were asked to comment on electronic voting but I have not yet seen one of the machines that will be used. It would have been reasonable to provide the House with such a machine in order that Members could examine it and know what they are talking about.

Independent candidates will be misplaced on the electronic voting system. Members of parties will have the logo of said parties either before or after their names. However, nothing appears before or after the name of an Independent. Perhaps the word "Independent" or that republican slogan which was given away recently could be inserted in front of our names. As Josef Stalin said, "Those who cast their votes decide nothing. Those who count the votes decide everything."

**Mr. Cuffe:** The Green Party is in favour of electronic voting, with the caveat that we wish to see a voter verifiable audit trail. We are also concerned about the costs involved. From the evidence to date, it seems the costs will be a quantum leap higher than the traditional costs relating to an election. I appreciate that there will be one-off, start-up costs but there are some storm clouds gathering in respect of the issue of costs. The storage costs for these machines will be significantly higher than would be the case for traditional ballot boxes. We are concerned that the overall costs, even measured over a 20-year cycle, could be significantly higher than those relating to our more traditional methods of voting.

I reiterate and re-emphasise some of the points in the Green Party's submission to the Commission on Electronic Voting. In Ireland we use the proportional representation, single transferable vote electoral system. Traditionally, members of the electorate have marked their preferences on a ballot paper using a pencil. The ballot paper would have been validated by the presiding officer by means of a stamp prior to marking of said preferences. Once completed, the voter placed the marked ballot in a sealed ballot box. At the end of the poll, the aperture of the ballot box was sealed, in open view, with a wax seal in order to prevent deposition of additional ballot papers. The box was then transported to the count centre by authorised personnel where it was guarded until the commencement of the count. At the commencement of the count, the ballot box was opened by the returning officer under observation by the candidates and candidates' agents. This whole process was completed in the open, using well understood procedures. It was completely transparent and every step in the process could be audited for accuracy, while still maintaining the secrecy of the vote.

That was the case until October 2002, when the Government decided to roll-out electronic voting nationwide for this year's elections. The e-voting system being proposed comprises two elements: computerised voting machine running bespoke software on a Motorola chip; and a vote counting system based on the Microsoft Jet (Access) database engine, running on a standard WinTel PC with a Microsoft Windows operating system running on an Intel or compatible processor. Using the e-voting system, the voter indicates preferences by touching a button or switch adjacent to the details of each of the candidates, in the sequence of his or her choice. Pressing the button causes information about the candidate to be displayed on an LCD display at the top of the machine. The sequence of the choice is displayed on an LED display adjacent to each button or switch. Once the voter has completed his or her choice, he or she presses the Cast Vote button to record his or her choice.

From this point the voter's choices are recorded electronically, transported to the count centre electronically and are counted electronically. Handling of the electronic vote is by the software and hardware of the voting machine and the count PC. As such, it is incapable of being scrutinised, verified or audited by interested parties for the duration of the process or afterwards. This is a significant departure from the open and transparent system currently employed, as it removes the voter's ability to observe the process from beginning to end. Instead, it requires the voter to blindly trust the claims of the manufacturer and the Department of the Environment, Heritage and Local Government about the capabilities of the system.

It is significant that a number of information technology professionals, including the Irish Computer Society, have identified potential problems with the system. We note that the Minister has refused to meet the IT professionals to discuss the issues of concern and that the Secretary General of the Department has not yet made good on his promise to the Oireachtas Joint Committee on Environment and Local Government on 18 December 2003 to engage constructively with the IT community on the issue and to obtain answers to questions raised at that meeting which the Department and its suppliers were unable to answer at that time.

Three discrete issues come under the heading of secrecy: many details of the Nedap-Powervote system are held to be commercial secrets and are, therefore, not open to independent study, test or verification by interested citizens; the system does not provide for the maintenance of the secrecy of the vote for certain categories of voter; and the system does not facilitate voters with impaired vision who could have voted in secret had the e-voting system been planned in a different way.

The Nedap-Powervote system has been developed using an outdated proprietary development model which holds key parts of the system to be trade secrets and therefore not available for scrutiny. The nature of this approach means that, in practice, the returning officer no longer has effective control of the process but must instead trust that the vendors and their staff have not made a mistake somewhere along the line. It is wholly inappropriate that a private company, based outside this jurisdiction, should have this level of control over the nation's voting system.

We draw the Minister's attention, as have other speakers, to the development model used by the Australian Capital Territory electoral commission in Canberra. Its system, developed from scratch in six months at a cost of 125,000 Australian dollars, used an open source development model to ensure appropriate transparency.

By way of contrast, the Irish system is based on a modification of an existing system but has cost more than €475,000 and remains incomplete following nearly four years of development. The primary benefit of the open source approach is that the software developed remains the property of the electoral commission in Australia, or Ireland as would be the case here, and there are no limitations on the ability of the public to review the code to see how the system works.

I will now touch briefly on the issue of secrecy for voters wishing to abstain. The Minister said that a voter need not press the cast vote button and that would, in effect, ensure an absent vote was recorded. I am concerned this might fail to operate correctly in practice. What is the abstainer to do on leaving the polling booth — cough loudly? There is a real danger that the next voter would take upon himself or herself to cast that vote. Will the returning officer examine the

[Mr. Cuffe.]

machine to ensure it is clear for the next voter? I am not convinced the abstainer's needs will be taken on board by the current system.

On the issue of secrecy for visually impaired voters, the Green Party would like the Minister to refine the system, although it may not be possible to do this for the upcoming elections. It is relatively simple to reconfigure the system to provide for visually impaired voters. Perhaps there could be an audio input into the machines, by way of headphones, that would allow a visually impaired voter to cast his or her vote in a secret manner. We would like the Minister to take this issue on board for future elections.

I will now deal briefly with the accuracy of ballots. The Association of Computing Machinery, the primary, global professional body for the information technology profession, stated that computers are inherently subject to programming error, equipment malfunction and malicious tampering. On many occasions, we have asked the Minister to outline the security procedures in place for the vetting of staff of Nedap-Powervote but he has thus far chosen not to respond to that question.

The procedures for storing, transporting, erecting and dismantling the e-voting machines do not appear to have been written or audited at this time. The position is the same in terms of the procedures for upgrading the software, applying patches to it or applying security seals to the hardware. From an operational perspective, the primary reason the Nedap-Powervote system is considered unsafe by the IT profession is that unlike any important — never mind critical — application of IT, the system does not include procedures to provide independent real-time verification that it is operating properly. It also fails to provide the ability to audit the operation of the system following the event. This is a crucial part of our concerns.

The introduction of a paperless e-voting system is a major departure in the conduct of elections in this State. The e-voting system is being introduced despite the fact that major technological and practical issues have not been addressed to the satisfaction of the IT community. The Opposition parties are in agreement that the system is not yet developed to a standard they are happy to support. The fact that the electoral system will be owned by a private Dutch company and the technical details will be held to be trade secrets is unacceptable to the Green Party. We note that Nathean Technologies have advised that the count software should be migrated to a more appropriate platform and that this is planned for by the Department. We request that the commission recommend to the Department of the Environment, Heritage and Local Government, that an open source solution, similar to the Australian system, be used when performing the migration. This will eliminate the

issue of trade secrets and will make the system more transparent.

We request, therefore, that the commission conclude that the Nedap-Powervote e-voting system requires further development in all the areas outlined and that the system should not be used until such time as all the issues have been addressed to the satisfaction of the IT community. The Green Party is in favour of e-voting but it must be verifiable and deliver better value for money than the current system.

**Mr. Morgan:** The defining feature of the electronic voting debacle has been its contra-democratic nature. The coalition partners are trampling over citizens' democratic rights.

In assaulting the electoral process, the Minister has outdone himself. In one fell swoop he has driven a wrecking ball through the electoral system. Without any justification, he has decided to introduce fundamental changes in how we vote by way of a flawed voting system. The whole farce has distracted from the Minister's abysmal record since taking office. He is guided in the introduction of e-voting by his arrogance and the contempt in which this Government holds democracy and the will of the people. He has only reluctantly introduced this legislation having initially claimed that primary legislation was not required and that the system could be introduced by way of ministerial order. I am sure the Minister would be only too glad to do away with the need for legislation and to implement his ideologically driven desires by way of ministerial orders across the board.

A fundamental conflict of interest arises in the context of the Minister being director of elections for the Fianna Fáil party while being in charge of the organisation of the forthcoming elections. He should decide which position he chooses to hold on to or declare an interest in this issue before the Dáil.

**Dr. Devins:** That is rubbish.

**Mr. Morgan:** I will now address the Minister's failure to take on board the concerns raised by Sinn Féin and other Opposition parties, members of the public and computer science experts. I will then address a number of specific elements in the Bill. Sinn Féin raised its concerns regarding the electronic voting process at an early stage. The issue of a paper trail remains central to our concerns on the proposed introduction of electronic voting and is a critical factor in ensuring public confidence in the system. A recent *Sunday Business Post* Red C poll illustrated that the majority of Irish voters would like the introduction of electronic voting postponed until it has been modified to include a paper trail, yet the Minister refused to meet representatives of the concerned group, Irish Citizens for Trustworthy E-voting and has now refused to address in this legislation those pertinent concerns.

4 o'clock

Deputy Cullen is an opportunistic Minister who defected to Fianna Fáil from the Progressive Democrats for his own advancement and to good effect. He is blindly following the American example. The American public learned the perils of electronic voting when it was forced upon it in the form of Diebold election systems. Why is this Minister dragging us down the same misguided path? There are numerous examples of the failure of electronic voting systems in the United States. For example, six electronic voting machines used in the two North Carolina counties lost 436 ballots cast in early voting in the 2002 general election because of a software problem.

**Mr. Cullen:** It is a different system. The Deputy might as well be speaking about growing carrots.

**Mr. Morgan:** Where e-voting has been used, there has been an array of other problems, including machines that sometimes fail to boot up or to record votes, or that even record them for the wrong candidates. The Minister might as well be discussing growing vegetables the way he is performing — he is certainly not paying much heed to what we are advocating here.

**Mr. Cullen:** I listen to every sensible argument.

**Mr. Morgan:** He has not done so to date and there are very real concerns, not just in this House but well beyond, to which he has given no consideration whatsoever. My party supports the idea of electronic voting with the Mercuri method applied——

**Mr. Cullen:** The likes of the Deputy have fanned the flames.

**Mr. Morgan:** ——whereby a paper copy of the vote could be verified by the voter.

**An Ceann Comhairle:** The Deputy, without interruption, please.

**Mr. Morgan:** A Cheann Comhairle, the Minister does not really want to hear me so please allow him to interrupt if he wishes. He has shown no serious concern or interest in this to date.

**An Ceann Comhairle:** Now that the Minister has ceased to interrupt, I suggest that the Deputy not provoke him.

**Mr. Morgan:** A Cheann Comhairle, even to address the Minister on any issue in his portfolio is regarded by him as provocation. He should give me a break. Without a paper trail, voters cannot be assured that the choice they entered on the machine is the same as that recorded by it. That is the fundamental problem which the legislation does nothing to address. The reality is that computers fail and break down. Only last week, an entire internal network in the Dáil collapsed. I am sure the Minister, Deputy Cullen, and his

experts would have told us that it could not happen, yet it did. Many Members lost files that they held on their computer systems. I know, since I lost several myself, as I am sure others did too.

**Mr. Cullen:** Sinn Féin lost much more than their files over the years.

**Mr. Morgan:** One thing that we have kept is our credibility. We maintain our integrity. We will stick with the Bill. I do not want to get into abusing the Minister. That would not be fair.

**Mr. Cullen:** Do not go there.

**Mr. Morgan:** Unfortunately, computers are unreliable and can be interfered with. The Minister is essentially asking voters to put their ballot paper into a black hole and trust an e-voting system whose source code is not even available to the Government, let alone the public. There is not even a provision for the Commission on Electronic Voting to examine the source code. Can we really trust an e-voting system whose source code is not publicly available? How can the commission fulfil its obligations fully in such a situation?

I would like to ask the Minister specifically about section 9(2), which states: “An election or referendum shall not be questioned on the grounds that the requirement in *subsection (1)* with respect to the production by a voting machine of the printed statement referred to in that subsection has not been complied with.” The purpose of that certificate, required under section 9(1) is to prove that no votes were fraudulently entered into the machine before the commencement of voting. Neither is the failure to comply with the requirement for the machine to produce a statement at the close of voting cause to bring an election into question. Essentially, therefore, we are being told that it does not matter if the minor safeguards contained in this Bill are ignored. I would appreciate a response on that from the Minister. Surely it is obvious that, if a presiding officer wished to interfere with a voting machine, he or she would deliberately not print out such a statement.

Section 29, a provision to make statistical information available, is rather dubious and seems merely a capitulation to pressure from the endangered species known as “Fianna Fáil tallymen”. I ask the Minister to make it absolutely clear that the Government will act on the recommendations of the Commission on Electronic Voting and that, if the commission recommends the non-application of e-voting, the Government will accept that and abandon the use of electronic voting until such time as a proper, verifiable system has been identified. I appreciate that the Minister has acknowledged that positively. Does the Government have contingency plans in place to deal with that eventuality?

[Mr. Morgan.]

The commission's terms of reference must contain a provision for it to carry out background checks on the company providing the voting system proposed for use in this State. In other states, voting company employees have been implicated in bribery or kickback schemes involving election officials. What precautions are being taken against such an eventuality in this case? Sinn Féin will introduce amendments to this Bill to ensure that a paper copy of the vote verified by the voter will be held for the purposes of independent recount and calling for the complete source code to be publicly available for inspection by citizens and specifically by computer science experts.

In the same section of his address, the Minister said that ballot papers were held up to check whether the perforation had gone through in cases of close counts. He concluded his comments by saying that in the 21st century, there must be a better way of doing things. That quote from the Minister represents the only agreement that he and I are likely to have on this Bill. There must be a better way.

**Dr. Devins:** I wish to share time with Deputy Dan Wallace.

**An Ceann Comhairle:** Is that agreed? Agreed.

**Dr. Devins:** I am delighted at this opportunity to speak on this important legislation, the Electoral (Amendment) Bill 2004. It is important because it concerns something at the very heart of our democratic system, namely, the electoral process. There has been considerable public interest in the proposed change from manual or paper ballot to electronic voting. That interest is very welcome since it reflects great awareness on the part of the public in the democratic process. Unfortunately, it has been obvious for some time that the number of people who vote in elections has been falling, and it is in the interests of democracy in general that any fall in voter participation be arrested. The right to cast one's vote in a fair and transparent way is the basis of our democracy. It took a long time for the people of this country to acquire that right, and it is something that we as legislators must defend. Voter apathy is very dangerous, and anything that can reverse that trend of falling numbers of voters is welcome.

For that reason, the controversy over the change from traditional voting methods to electronic ones is welcome, and one hopes that it will result in increased numbers of people voting in future elections. The first question we must ask ourselves is why the system should be changed since it has served this country well for many years. The answer lies in the advantages that electronic voting will bring to the electoral process. I believe that it is safer than the old system, but the establishment by the Minister of

the Commission on Electronic Voting will confirm or refute that belief.

The commission is composed of eminent people. Its chairman, a judge of the High Court, the Clerk of the Dáil, the Clerk of the Seanad and two other persons with knowledge or experience of information technology will have the job of reporting by 1 May 2004 on the secrecy and accuracy of the system chosen for use at the forthcoming elections in June. Their report must be laid before both Houses of the Oireachtas and they will advise regarding the application of the chosen system in the forthcoming elections. It will put to bed once and for all the debate that has raged regarding the advantages or disadvantages of electronic voting, especially regarding secrecy and accuracy. It will reassure the public.

Another advantage of electronic voting is that it is a much quicker method of calculating the result of an election. Since electronic voting is simply the calculation by a counting machine of votes cast, the process of counting votes is completed within a very short period, thereby allowing the result of the first count to be announced very shortly after the process has started. I welcome the fact that the public and the candidates will be informed of the first-round result so that they have a chance to assess how they are polling. The whole country remembers the situation at the last general election when only the final result was announced and the disappointment of an unexpected result was apparent on some candidates' faces. By allowing each count to be made public, candidates, their families and supporters, and members of the public, will all be better prepared for the eventual result. Owing to this much faster method of calculating the result, it is expected that the final result will be known a few hours after the polling booths have closed.

Much has been made by some members of the Opposition of the fact that the long, drawn-out process of manual counting with its tallymen and so on will be lost. However, in reality the day or, in some cases, days of counting votes manually consisted of long periods of inactivity with short bursts of hyperactivity. It was a slow cumbersome process and as in all walks of life progress in this field is welcome. It is true the media will now have to find other ways of filling their time schedules in the day after the election. However, knowing how resourceful and inventive members of the media are, especially television and radio, I have no doubt they will have no difficulty in finding other newsworthy items.

Another great advantage of electronic voting is that it is much more user friendly. At the moment many of these voting machines are on display throughout the country. Last Monday night I attended a meeting in west Sligo. Everyone there who had attended a demonstration on how to use the voting machines that day concurred that it was simplicity in the extreme. The electronic voting system allows the voter to simply press a button to select his or her candidate or

candidates. It provides clear voting instructions so that human error is much less likely. Most spoiled votes occur in error. People go the polling booth to cast their votes. We live in a democracy. If someone does not want to vote, he or she may stay away from the polling booth. Unlike some states, we do not force people to vote. Anything that can be done to eliminate accidentally spoiled votes is to be welcomed. Electronic voting will do this and so it is a progressive step. We live in the 21st century, not in the 19th century. As a progressive country we should embrace modern technology. The reactionary and outdated views of some members of the Opposition in this regard is amazing. Coming as they do from some Deputies who profess to be radical thinkers, it is even more amazing. Is it not true that their love of the media limelight has driven some of them to espouse an antiquated position on this, while deep down they must be embarrassed because of their so-called radical stance on other issues? Their thinking and standing on electronic voting has exposed the paucity of their thoughts and left them, to use a paraphrase, like the emperor without clothes.

When this Bill is passed Ireland will have a safer, much more efficient, faster and more user-friendly voting system than in the past. It is worth remembering that this system of electronic voting is not new here. In Ireland it has already been used by more than 400,000 members of the electorate at the last general election. It is also worth remembering that many members of the Opposition were loud in their praise of electronic voting at that time. Some members of Opposition parties went so far as to introduce election leaflets in support of electronic voting. This is a modern country and we live in the 21st century. Let us embrace modern technology to improve our democracy. I commend the Bill to the House.

**Mr. D. Wallace:** I take the opportunity to pay tribute to the Minister for the Environment, Heritage and Local Government, Deputy Cullen. His is a large Department with great responsibility. Since he became Minister his performance has been excellent. He has been decisive, with a no-nonsense approach, which is widely recognised outside this House. This may not be the view of all sections within the House, but I assure the Minister that the public recognise the difficult job he has and the role he is playing. He should keep up the good work.

**Mr. Morgan:** Who is the Deputy talking about?

**Dr. Devins:** The Minister.

**Mr. D. Wallace:** Deputy Morgan did not make much of a contribution when he had his time. There are few issues on which everyone in this House agrees. Different parties have disparate policies and individuals have alternative perspectives on varied issues. Everyone has the same mind set, however, when it is a question of

democracy. The view is that nothing should be done that erodes the democratic process. Against that background, therefore, any change in the manner in which elections are run deserves the most careful scrutiny to ensure the proposed changes will not impact adversely on the electoral process.

The introduction of electronic voting will strengthen and enhance the democratic process and the operation of elections, for a variety of reasons. The reasons include, among others, the fact that modern technology is used to ensure a more accurate result. It will result in the exact preferences of the voter being recognised as opposed to the opinion of the returning officer in cases of partially legible ballot papers. It will allow for faster counting of votes and the elimination of recounts.

Some of the concerns expressed do not stand up to scrutiny, particularly over the use of technology to allow people to vote. We should have no apprehensions about the capacity of the voting public to understand and avail of the opportunity to vote electronically. Anyone who has seen the machines at the various information sessions held around the country must acknowledge that the system is easy to use and simple to follow. There is a responsibility on all Members of this House, irrespective of political opinion, not to try to confuse the people. People use technology-based systems every day in a variety of different settings, whether turning on the microwave or withdrawing money from the bank. We should not underestimate the ability of the public to adapt to the new voting system.

The most frequently articulated view from those who oppose this measure is, "If it is not broken, why fix it?" If we can improve the system and make it fairer we have a responsibility to consider this. Anyone who has ever been at a tight count, as I certainly have — having been beaten by five votes at a recount — will know that the present manual system results in thousands of ballot papers being declared invalid and very often votes not being counted because of some inadvertent action by either the voter or the polling station staff. Issues such as bad writing and incorrectly stamped ballot papers lead to many votes being spoilt. At the last general election seats were decided in 18 constituencies by less than the number of spoilt votes. If a person takes the trouble to go to a polling station to cast his or her vote, there should at least be an assurance that the vote will be counted. Unfortunately, under the current system, too many people are denied this right.

One of the defining features of any society is how democracy operates. It stands to reason that every available technology should be used to ensure the chance of achieving the fairest outcomes in elections is maximised. Removal of the element of the inadvertent spoilt vote will go a long way towards achieving this objective. A person's right to deliberately spoil his or her vote was mentioned. I do not share the view that we

[Mr. D. Wallace.]

should facilitate people who wish to follow this course of action. People have the right to go to a polling station and have their names marked off the register and not vote. That is sufficient as regards protest and it is open to all voters who wish to exercise their franchise in this way. From a technological viewpoint, the most important aspect of the introduction of electronic voting is that it has already been tested in two previous ballots, in a referendum and a general election, and 400,000 voters have used the system without any problems or any challenges to the results. Feedback from voters who have used the system has been overwhelmingly positive. That includes politicians who are Members of this House. They have acknowledged it is a good system and were quite happy with it. There might be a different view in the House today, during this debate, but that is the position on the record.

Obviously, in the run-up to the election it will be important to step up the public information campaign. A key factor critical to the successful introduction of electronic voting will be to ensure that the public is fully informed and that people are totally comfortable about using the new system. The television and radio campaigns, allied to the road shows and billboard posters will ensure that voters are fully informed in advance of the elections. Change is never easy. People often fear the unknown. However, we should have no fears about this new system.

We have a proud position of independently run elections, providing results for which the people voted. This system will not change that, but will further enhance the quality of service to the voting public at elections. It will ensure a more accurate result in a much speedier fashion. We have a responsibility to embrace the change and to make reasoned and valued contributions so that the public can also recognise the merits of these proposals. I commend the Bill to the House.

Debate adjourned.

### Visit of Hungarian Delegation.

**An Ceann Comhairle:** Before proceeding with business, I wish on my own behalf and on behalf of the Members of Dáil Éireann to offer a céad míle fáilte, a most sincere welcome, to members of the committee on municipalities of the National Assembly of Hungary, who are in the Distinguished Visitors' Gallery. I hope they will find their visit enjoyable, successful and to our mutual benefit.

### Electoral (Amendment) Bill 2004: Second Stage (Resumed).

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

**Mr. McCormack:** I wish to be associated with the Ceann Comhairle's welcome. It may be a coincidence that yesterday we were speaking on

a motion of no confidence in the Minister, while today he is under pressure regarding the introduction of electronic voting.

**Mr. Cullen:** I am not under any pressure.

**Mr. McCormack:** The Minister looks like a man under pressure.

**Mr. Cullen:** I am wrong. I apologise. I am under ferocious pressure because of the smoking ban. That is where the pressure is.

**Mr. McCormack:** My eyes are deceiving me. I regret that the Minister is under such pressure two days in succession. He might not have needed to be under any pressure regarding electronic voting if he had made a genuine effort to bring the Opposition parties with him. All of us in this Chamber would have liked to support electronic voting. The previous speaker said there is no difficulty in voting for it. No one has any problem with the machines. Everyone has a difficulty with trust in the machines and in the people introducing them. That is where the public's difficulty lies, not with the voting. The arrogance of the Minister has led us to the situation we are in today. It would have been much better if he had tried to bring everyone with him rather than bulldozing the legislation through.

We are discussing the Bill which will make this legal. A year ago, however, the Minister was pursuing the issue and, six months ago, he was buying the machines. They were then introduced with the contract signed on 19 December. Clearly, all this was done without Dáil approval, which was a serious mistake. It is a classic example of putting the cart before the horse.

I remind the Minister of the meeting of 18 December. I am a member of the Joint Committee on Environment and Local Government. Early in December we were discussing this matter at the committee, and had decided to bring in experts from both sides of the debate — information technology experts, experts from the Department of the Environment, Heritage and Local Government, and representatives of the foreign manufacturers of the machines. We had a fruitful discussion in the morning, with 41 questions posed by the experts. After lunch we intended to continue the exchanges. The Minister was not at the meeting but must have been watching proceedings on his monitor. I do not know what happened during lunch time but there was a complete reversal of events afterwards. The Fianna Fáil members of the committee immediately put the matter to a vote to allow the Minister to proceed with the introduction of electronic voting. The meeting then concluded, some five or ten minutes after it had resumed after lunch. The contract was signed the following day, 19 December.

**Mr. Durkan:** That was the major factor.

**Mr. Cullen:** One would think I signed the contract myself.

**Mr. Durkan:** The contract was signed with nothing decided.

**Mr. McCormack:** The contract was signed and, four and a half months later, we are only now bringing the legislation before the Dáil. That is not the way to do business.

**Mr. Durkan:** Sign the contract first and look for the money afterwards.

**Mr. McCormack:** It has since been discovered through a freedom of information request that 4,500 voting machines costing €20 million had been imported before the contract was signed and that 1,100 of them were imported before the design was certified on 19 December. Somebody was in a great rush to facilitate the manufacturers of this machine and bring in electronic voting.

**Mr. Durkan:** Men of action.

**Mr. McCormack:** The Minister said that the purpose of the Bill is to provide primary legislation for the conduct of European, local and presidential elections and referendums using electronic voting. It also provides for the establishment of an independent electoral commission. Accordingly, the Bill will give the authority to the Minister to proceed with electronic voting whereas, before that, he had no authority to buy machines on behalf of the Government or anyone else.

**Mr. Cullen:** I had the authority of the Oireachtas.

**Mr. McCormack:** I did not interrupt the Minister and I wish he would have some manners and not interrupt me.

**Mr. Cullen:** I would hate the Deputy to be incorrect.

**Mr. Durkan:** According to the Minister, everything is incorrect except his own opinion.

**Mr. McCormack:** This Bill will be passed by the Government majority when it goes to a vote either tomorrow or next week. The Progressive Democrats Party members, who have expressed serious reservations about this matter, have once more decided to roll over and protect their own positions.

**Mr. Durkan:** They are falling on their swords.

**Mr. McCormack:** What promise have they received on this occasion? Where are the self-proclaimed watchdogs of the Government? In particular, where is the Minister for Justice, Equality and Law Reform whose general election posters urged people not to trust Fianna Fáil or

single party government and to help elect Progressive Democrats candidates to keep an eye on them? That is what the Minister said, and what the people did. They elected Progressive Democrats candidates to ensure Fianna Fáil would not have an overall majority.

**Mr. Durkan:** Tarzan did not deliver.

**Mr. McCormack:** The Progressive Democrats members have now become more like Fianna Fáil than Fianna Fáil members.

**Mr. Durkan:** They are worse.

**Mr. McCormack:** They made some noises when the Minister, Deputy Cullen, was abroad, but they quickly quietened down when he returned. Clearly, the Minister knows a little of the mindset of the Progressive Democrats, having been a member himself. The public, however, cannot understand why the Progressive Democrats would cave in on this matter. That party's attitude seems to be one of not rocking the boat and continuing with its cosy arrangement.

This Bill will be passed by a majority, but there is more than that to governing, especially when it involves a precious democratic process. Governments were twice before in power for long periods. Such Governments, like the current one, become arrogant. Twice in the past a Government tried to change the voting system by abolishing proportional representation. Although the Government had a majority at the time, that attempted abolition was twice rejected by the people. The Minister says everyone is in favour of electronic voting, but I challenge him to put the matter to a referendum. Our Constitution states that all power comes from the people. This debate will not change the Government's mad desire to rush into electronic voting because we expect that the Progressive Democrats and some of the Independent Deputies strenuously opposed to electronic voting will support the Government.

Public opinion at the June elections will eventually change the Government. Given the arrogance with which the Government has pushed this matter through, I call on the people at the June elections to show their distaste by not supporting the Government parties. Where were the Progressive Democrats members when all this took place? They woke up for only a short period. The public will want more. It is not good enough for the Government to say that the machines are okay. The public wants more information. I will not go into the technicalities. They have been dealt with by other speakers, including Deputy Cuffe, who noted how dangerous and unreliable electronic voting could be under the proportional representation system. I will leave that to the experts.

Given what has been exposed regarding the working of politics in Ireland and involving people at the highest levels in Fianna Fáil over a

[Mr. McCormack.]

number of years, and given all that has happened, people have lost confidence in politicians doing anything right. They are always looking for an excuse. The public agrees with the Minister for Justice, Equality and Law Reform that Fianna Fáil is not to be trusted.

In his speech earlier the Minister claimed that the people now attacking him for going too far were the ones four years ago who wanted his predecessor to do more on the issue. He is also claiming that in those first four years, no one had anything concrete to say about electronic voting. However, it was not a public debate at the time. Those were the days when people had more trust in politics and politicians than they have now. It is all right for the Minister to say——

**Mr. Cullen:** They trusted Fianna Fáil more than Fine Gael in 2002. Those are the facts.

**Mr. McCormack:** I will ignore the Minister when he is in that mood. The Minister claimed that 87% of the people had no problem with electronic voting in the three pilot areas in the last election. I agree that 87% would have no problem with electronic voting, but the same number do not trust politicians or the possibility that there will be errors in the vote. They want a verifiable print-out audit. It is simply that and I cannot understand why the Minister is not giving it.

**Mr. Cullen:** What would that mean?

**An Ceann Comhairle:** Allow Deputy McCormack to continue without interruption.

**Mr. McCormack:** The Minister had his opportunity to——

**Mr. Cullen:** The machine will only print the result. What does the Deputy want the machine to print?

**An Ceann Comhairle:** Allow Deputy McCormack to continue without interruption.

**Mr. McCormack:** It is easy to see why people are suspicious of this move to e-voting. Whether the Minister likes this, the perception is that some politicians might be tempted to interfere with the electronic voting system.

**Mr. Cullen:** Then remove it.

**An Ceann Comhairle:** Allow Deputy McCormack to continue. The Minister will have an opportunity to respond at the end of the debate.

**Mr. McCormack:** That perception is there because of the exposure of some politicians' past activities, many at the highest level of Fianna Fáil. Compared to that, fiddling with the electronic voting system would be nothing.

**Mr. Cullen:** Fine Gael would be better off out canvassing to win a few seats in the local elections. Things must not look good for its candidates.

**Mr. McCormack:** I know what the people on the ground are thinking on this issue.

In his Second Stage speech the Minister made arrogant remarks which I consider a personal insult. He stated:

I have no doubt that at certain times in recent debates, Fine Gael spokespeople [that includes me] genuinely have not known what they were talking about. . . . This will not have been the first time Fine Gael have looked through the wrong end of the telescope ...

I resent those remarks because all Members are elected by the people. Irrespective of his perceived intelligence compared to my intelligence——

**Mr. Cullen:** I never mentioned the Deputy. I was not even thinking of him when I said that.

**Mr. Ring:** Of course those are not the Minister's words. Those are the words of an official or a programme manager.

**Mr. McCormack:** Unlike the Minister, I have been elected while representing the one party. The people have confidence in me. I might not be as much an intellectual as the Minister.

**Mr. Cullen:** I was not even thinking of the Deputy.

**Mr. McCormack:** I am elected to represent the viewpoints of the ordinary people on the ground. They do not trust Fianna Fáil or this Minister in introducing electronic voting because of the strong possibility of interference. The sooner the Minister realises that——

**Mr. Cullen:** Why is Fine Gael down to 20 odd seats in the Dáil?

**Mr. McCormack:** The sooner you realise that and try to bring all the parties into——

**An Ceann Comhairle:** If Deputy McCormack will address his remarks through the Chair, he might not provoke the Minister.

**Mr. Ring:** A Cheann Comhairle, come back on the other side of the House. The Minister has spent the whole day mouthing off. He should go out and smoke a cigarette to relax.

**Mr. Cullen:** That is a good idea.

**Mr. McCormack:** The Minister will not insult me as a public representative. I am elected by the same vote as the Minister. I will represent——

**Mr. Cullen:** Correct.

**Mr. McCormack:** That is what the people are saying. They are afraid of the mechanics——

**Mr. Cullen:** Fine Gael is out of touch.

**Mr. McCormack:** The people are afraid that the system will be fiddled. One cannot programme a ballot paper in advance but a machine can be programmed against voters' intentions. I will not take that rubbish about the Fine Gael representatives from the Minister.

**Mr. Cullen:** The Minister for Finance——

**An Ceann Comhairle:** Minister, you will have an opportunity to reply at the end of debate.

**Mr. McCormack:** If the Minister listened more to the people on the ground as I do and brought the Opposition parties with him, this debate would not be taking place.

**Mr. Cullen:** The Minister for Finance——

**Mr. McCormack:** The Minister can interrupt all he likes. It is obvious that he does not like what he hears. A Cheann Comhairle, can he just close up?

**An Ceann Comhairle:** Deputy McCormack, without interruption.

**Mr. McCormack:** The Minister should have the manners to close up.

**An Ceann Comhairle:** Deputy McCormack, now that we have the Minister silent, perhaps you will address your remarks through the Chair.

**Mr. Ring:** It is not easy.

**Mr. McCormack:** He is not silent at all, he is making faces and grinning.

**Mr. Cullen:** Can the Deputy stop? I will not say anymore.

**Mr. McCormack:** I appeal to the Minister, if he has any intelligence left, which I believe he does, to re-examine this legislation. The Nobel Peace Prize winner, Archbishop Tutu, said recently how wonderful it would be if politicians could bring themselves to admit they are only fallible and not God. By this definition they can make mistakes. If the Minister took Archbishop Tutu's advice, he would be a far better man.

**Mr. Cullen:** I am already that.

**Mr. McCormack:** The Minister will not be diminished by admitting to a mistake on this legislation and acknowledging that the public has no confidence in the electronic voting machines. Our Constitution states that all power comes from the people. The Minister should realise this and I appeal to him to stall this legislation and

respect what is laid down in the Constitution. By doing so, he will restore the people's confidence in the democratic process and the institutions of the State.

Will he rise to the occasion? I do not believe he will by the attitude he is displaying in the Chamber. However, it will be the people who will decide on this matter. There will be a sham Dáil vote on this Bill, with the Progressive Democrats and Independent Members who are against the Bill voting for it to ensure the Government survives. However, on 11 June it will be up to me and others, such as Deputy Ring, to ask the people to give their verdict on the Government's arrogance and the Minister's enforcement of electronic voting without the simple safeguards we are seeking. I would be delighted to welcome electronic voting but only if the safeguards sought by the people are included. There is no reason that a print-out paper trail cannot be provided.

**Mr. Cullen:** It is not available in other states.

**Mr. McCormack:** The problem does not lie in how people would be able to vote but in the trust they have in our democratic electoral system, which is the most important issue to them. Why is the Minister resisting this so fiercely? In his speech he stated:

Some opponents now argue that this system must be validated by a paper trail. They are flying in the face of international practice with electronic voting. In common with electoral authorities in a wide range of countries, my Department does not consider that the addition of a printed ballot paper to accompany the electronically stored vote would improve the administration of elections.

Why would it not improve it? It is the Minister's duty to give the people what they want. He questioned the receipting process and claimed it creates many difficult problems. He stated: "A dual system would also enable every voter to put in question the accuracy and validity of his or her electronically cast vote."

**Mr. Cullen:** If Fine Gael had its way, we would still be working in candlelight.

**Mr. McCormack:** If that puts a doubt in the electronic vote cast, that is the first acknowledgement by the Minister of a doubt in the system.

What is the rush in respect of this provision? Why is this legislation being introduced?

**An Ceann Comhairle:** The Deputy has one minute remaining.

**Mr. McCormack:** I thought I had more time remaining than that. I lost a great deal of time because the Minister ignorantly interrupted me.

Why is the Minister rushing the introduction of electronic voting? When I am in my office every Monday dealing with constituents, nobody comes

[Mr. McCormack.]  
to ask me about electronic voting. They ask how they can get an appointment in a hospital after it has been cancelled four times, how they can get their children on an orthodontic waiting list so that their treatment can be carried out, or how they can get a bed for their mother who has spent 18 hours on a hospital trolley. People in west Galway are asking about such things; nobody is asking me about electronic voting.

**Mr. Cullen:** They are not asking the Deputy about it because they are happy with it.

**Mr. McCormack:** They are asking me why their operations have been cancelled.

**Mr. Cullen:** It is only the Deputy's blackguarding in here that is raising the issue.

**Mr. McCormack:** They do not want electronic voting.

**Mr. Cullen:** The public are very happy.

**Mr. McCormack:** It is a hobby horse. The Minister wants to have something after his name after his four years in Government. The Taoiseach wanted the Bertie bowl, the Minister for Health and Children wants to be remembered for prohibiting smoking and the Minister for the Environment, Heritage and Local Government wants to be remembered for electronic voting. The electorate might hang it around his neck in June, when the people will give their verdict on electronic voting.

**Mr. Kehoe:** He will be electrocuted.

**Mr. McCormack:** We would welcome electronic voting in certain circumstances. The Minister is laughing.

**Mr. Cullen:** I am amused by the Deputy's colleague.

**Mr. McCormack:** The Minister has been interrupting my contribution and skitting——

**Mr. Cullen:** I would not skit.

**Mr. McCormack:** ——but the people will give him his answer on 11 June. I will make this issue part of my election campaign.

**Mr. Cullen:** That is a wise decision.

**Mr. McCormack:** I will make it part of my platform.

**Mr. Cullen:** That is wise.

**An Ceann Comhairle:** Allow Deputy McCormack to conclude.

**Mr. McCormack:** I will include electronic voting in my election platform because the

Minister has arrogantly introduced it without seeking the assistance of the Joint Committee on the Environment and Local Government. He instructed members of the joint committee to bring to an end the work they were doing to try to iron out certain difficulties and to answer certain questions.

**Mr. Kehoe:** Is the Minister leaving?

**Mr. Ring:** He will be back.

**Mr. McCormack:** I wish he had left before I started my contribution, as it would have been easier for me to make it.

**An Ceann Comhairle:** The Deputy's time has concluded

**Mr. McCormack:** The Minister's time is certainly concluded.

**Mr. Cullen:** I wish to inform the House that I have to leave to meet the director general of UNESCO.

**Mr. McCormack:** I wish the Minister had left long ago, as we would have had a much more constructive debate. I would have made a less emotional contribution if the Minister had not interrupted me. I apologise for that, a Cheann Comhairle.

**Mr. S. Power:** As Chairman of the Joint Committee on the Environment and Local Government, I wish to clarify a suggestion that was made earlier. I can honestly say that I received no instruction — good, bad or indifferent — from the Minister for the Environment, Heritage and Local Government about how to deal with electronic voting.

**Mr. Kehoe:** Did he tell the Deputy to say that as well?

**Mr. S. Power:** I ask the Deputy to listen. Deputies make all sorts of wild allegations, but I am trying to put the truth on the record.

**Mr. Ring:** Did the Deputy receive any text today?

**Mr. S. Power:** An allegation has been made about the role the Minister played in the work of a committee. As the Chairman of the committee in question, I can say that I received no instructions from the Minister or anyone else about how we should deal with the subject. If one is to make a credible contribution, it is important that one can substantiate one's remarks. There is no basis — good, bad or indifferent — for what was said a moment ago. I realise that Deputy McCormack was excited by the way the Minister dealt with him and some of the replies he gave. It is obvious that he is not too happy with the way the Minister has handled the matter.

**Mr. Kehoe:** The programme manager told the Deputy to say that.

**Mr. S. Power:** We are in a privileged position here, so it is important that people do not abuse that privilege.

**Mr. McCormack:** It is not as if the Minister did not interrupt.

**Mr. Ring:** Deputy Power should not lecture us. Fianna Fáil Members were well able to throw rubbish when they were over here.

**An Ceann Comhairle:** Deputy Ring will have an opportunity to make a contribution shortly.

**Mr. Ring:** I am looking forward to it.

**An Ceann Comhairle:** I hope the Deputy will be accorded the courtesy of making his contribution without interruption.

**Mr. Ring:** I will keep quiet.

**An Ceann Comhairle:** I ask him to afford that courtesy to Deputy Power now.

**Mr. S. Power:** Given that Deputy Ring was so reluctant to accept the verdict of the courts, it is understandable that he is reluctant to accept the views of those on this side of the House.

**Mr. Ring:** What did the Deputy say? I ask him to repeat his remarks.

**Mr. S. Power:** It has been a busy week for the Minister, Deputy Cullen. The Green Party decided to table a motion of no confidence in him, on which we will vote later tonight. The Minister commenced the Second Stage debate on the Electoral (Amendment) Bill 2004 earlier today. The Bill will make provisions in primary legislation for the conduct of future elections and referenda, using voting machines and electronic vote counting. It seeks to establish an independent commission to report on the secrecy and accuracy of the arrangements proposed for electronic voting. The one certainty in respect of elections is that they seem to bring out the worst in politicians. It is certain that politicians seem to lose the run of themselves in the run-up to elections, when common sense goes out the window. I have listened to some of the totally inappropriate contributions that have been made today. I refer in particular to the attacks on the Minister, Deputy Cullen, who has been described as arrogant.

**Mr. McCormack:** Why did he not keep quiet when I was talking?

**Mr. S. Power:** For far too long, we have criticised Ministers from all parties for not being decisive and not taking action when it was required. Since the appointment of Deputy

Cullen as Minister for the Environment, Heritage and Local Government, he has been decisive, on top of his brief and busy. I commend him on the policies he has pursued and his work so far in his capacity as Minister. The view that he has been good for the environment is shared throughout the country, generally speaking. I ask those Members who have spoken about arrogance to clarify their view of arrogance. If one is arrogant because one is sure of the policies one wants to implement and one is decisive in their implementation, then the Minister is arrogant. If that is his only sin, I hope he remains that way.

Having listened to some of the previous speakers, one might believe that the Minister is trying to force on the Irish electorate a new system that has not been heard of or used in any other quarter. Nothing could be further from the truth. The Dáil and the Seanad approved the introduction of electronic voting when the Electoral (Amendment) Act 2001 was passed. Electronic voting was consequently introduced on a trial basis in three constituencies at the last general election. If I recall correctly, the only criticism that was made of the system at the time related to the manner in which the former Deputy, Nora Owen, was told that she had lost her seat. During a Private Members' debate in the House on 18 February last, Deputy Glennon explained to us that the returning officer asked the candidates if they wished to be informed of the result of the election privately or publicly. The candidates agreed that the announcement would be made publicly so that they could all hear the news at the same time. We have learned a great deal from that incident. Regardless of one's political allegiances, one could not fail to feel genuine sympathy for Nora Owen on that occasion.

Following the success of the experiment in the 2002 general election, the electronic voting system was used in seven other constituencies in the second Nice referendum later that year. In the run-up to the 2002 general election, many people expressed concern about how older people would use the electronic voting system. They wondered if it was asking too much of older people to use such a system and speculated that it might cause them to stay away from polling stations. Surveys that were conducted after the election indicated that the new system was the subject of widespread approval following its trial run. The Government decided to proceed with the introduction of electronic voting for future elections and referenda as a consequence of its success at the 2002 polls.

I was surprised when Opposition Members expressed concern about the Government's proposed introduction of electronic voting at the European and local elections. The Joint Committee on the Environment and Local Government decided to deal with the matter in some detail. We were fortunate to hear presentations from experts, including people with general expertise in the IT area and people

[Mr. S. Power.] experienced in dealing with elections. This opened our eyes to what we were letting ourselves in for with the new system. However, there is one certainty, regardless of what system we introduce — there is no such thing as a perfect system. Every system requires a certain amount of trust. The Minister explained earlier about the difficulties that previously existed, some of which were quite simple — if a presiding officer failed to stamp a ballot paper, for example, it could not be counted. We have seen this happen on umpteen occasions, resulting in Members on all sides losing out narrowly. If presiding officers did their jobs — if human error had not occurred — the results might have been different.

During our deliberations in committee I listened to all the contributions and I am convinced that some people have genuine concerns about the introduction of electronic voting. I am also convinced that some people will never be satisfied no matter what safeguards are introduced. It is important, however, that when we introduce a new system it is not good enough for Members of this House, even a majority of Members, to have faith in it. It is vital that the electorate has the utmost confidence in the system and that we encourage its members to use it.

**Mr. McCormack:** Hear, hear.

**Mr. S. Power:** A number of presentations to the committee were made by independent people, while others admitted they had political affiliations. I do not see any difficulty with this. If people come in and show their hand, we know where they are coming from. In general, the contributions were very professional and helpful. We probably would have liked a little longer to discuss the matter, but that did not happen.

The role of an Opposition party, particularly from a legislative point of view, is to scrutinise legislation when it is introduced and propose appropriate amendments if it sees fit. However, some of the contributions to this debate have been incredible. If some of the Members were to look back at the contributions they and their colleagues made in 2001, they would be embarrassed.

Deputy McCormack said that people on the ground do not trust Fianna Fáil to run the election or do this, that or the other.

**Mr. McCormack:** It is a fact.

**Mr. S. Power:** I am honoured to be a member of Fianna Fáil and it is a great honour and privilege for me to represent Fianna Fáil and the constituency of Kildare in the House. However, it is not Fianna Fáil that runs elections.

**Mr. Ring:** It will be now.

**Mr. S. Power:** As the Minister pointed out this morning, the people who ran the last general election will run the next election.

**Mr. Ring:** The former director of elections for Fianna Fáil will be running the election, not the Department.

**Mr. N. Ahern:** The Deputy should come off it.

**Mr. S. Power:** We fight elections and we will be fighting the next election. We can be proud of our record. We must have a very stupid and foolish electorate if they return us as the number one party in the country election after election.

**Mr. McCormack:** Has the Deputy seen what is going on in the tribunals? The people know what is going on. They know what Fianna Fáil has done. They have no trust in any politician.

**Mr. S. Power:** I do see what is going on. Like other Members, I have read and listened attentively to the proceedings of the tribunals. It gives me no pleasure, but I will not do penance for the sins of former Members of the House. I am convinced that the vast majority of those who come into the House come with the best intentions.

**Mr. McCormack:** I agree with the Deputy, but that is not what the people think. I know what they are telling me.

**Mr. S. Power:** The Deputy seems to know what they are thinking all the time. Unfortunately, I do not have that gift, but we will wait till the next election. It serves us to do our best while we are here and refrain from pointing the finger at certain former Members.

**Mr. McCormack:** Like the Minister, who was pointing the finger at us.

**Mr. S. Power:** We will leave that to the tribunals and let them get on with their work.

It has been mentioned that Fianna Fáil cannot be trusted to count the votes. We will not be counting the votes — we will win the votes. That is our job, to fight elections.

**Mr. Ring:** It will be setting the machines. Is that not enough?

**Mr. S. Power:** It is a pity that people cannot be more constructive. We could accept Deputies' contributions in a more meaningful way if they would stick to saying things with some basis in truth and not engage in this rubbish. It is hard to listen to people when they cannot speak sense and cannot resist the opportunity to have a political dig.

The cost of the introduction of electronic voting has been mentioned a number of times. It is important to look back at previous elections in this regard. I tabled some questions to the

Minister for Finance recently about the cost of holding general elections. The reply stated:

While the definitive cost of the last general election, held in May 2002, has not yet been finalised, the provisional estimate of cost is €20 million approximately. Of this, postal expenses cost almost €8 million, purchase of electronic voting machines for the three constituencies where they were used cost €3.3 million, while the balance was for other returning officers' expenses, for example, fees for staff.

I asked a similar question about referenda and the reply stated:

It has not been possible in the time available to provide the information sought by the Deputy in respect of the last five referenda. As soon as my officials have collated the data, I will supply the Deputy with the information sought. In the meantime, for the Deputy's information, the provisional estimate of costs of the last two referenda is: Treaty of Nice referendum in October 2002 — €10.9 million and referendum on the protection of human life in pregnancy in March 2002 — €7.2 million.

This shows that regardless of the system in place, elections are not cheap. They are a necessary part of any democracy. Most people are keen for us to introduce a more modern type of voting system. However, it is important that they have faith in whatever system we decide to introduce.

The Minister established an independent commission some weeks ago to examine the issue of electronic voting. He has indicated that should the commission raise serious concerns or even suggest that electronic voting should not be used in the forthcoming election, it will not be used. It does not serve any great purpose for people to cast aspersions on the members of that commission or question their independence. We are fortunate to have people who were prepared at very short notice to serve on the commission. They will do the country a great service. We could all rattle off the names of people we would like to see on the commission — people of great integrity — but it does not serve any purpose. We should be helpful to members of the commission rather than wondering why other people are not on it.

I congratulate the Minister for introducing this legislation, as he promised when discussing this matter during Private Members' business some weeks ago. The Minister and the Government have no intention of bringing in a system that would give an unfair advantage to any party, and I do not think people believe in their hearts that this is the case. The system has been used and tested. There is no such thing as a perfect system, but there will not be many discrepancies because the machines are so difficult to interfere with.

Over the years we have seen a significant increase in the number of spoiled votes. The Minister and his officials have examined this matter in some detail and they are convinced that

many votes are spoiled unintentionally. I indicated during the Private Members' discussion that I had purposely spoiled my vote in a previous referendum. I would like to think that we would still have that facility for people. There are occasions, particularly in referenda, where people who have not made up their minds may not wish to vote either "Yes" or "No", although they may wish to fulfil their duty to vote. If the opportunity is not there for them to spoil their vote, it could lead to a smaller voter turnover, and will reduce the choice that people currently have. Every effort should be made to encourage people to take part in the democratic system. Unfortunately, we have seen dwindling numbers participating in elections and referenda, so that matter should be rectified because we would all benefit. Regardless of how people vote, we want to see people voting in greater numbers.

I commend the Bill to the House and thank the Minister for the Environment, Heritage and Local Government for his decisive role. If we had more people like him, the country would be in a better position.

**Mr. Ring:** Deputy Seán Power is Chairman of the Select Committee on the Environment and Local Government so I want to remind him of the day on which the committee debated this Bill. On that occasion, a famous Independent Member, Deputy Jackie Healy-Rae, spoke for about three hours in opposition to the Bill and said how he would stop the legislation. When the vote was called in the afternoon, however, the Deputy was missing but he sent his good friend, Deputy Fox, in to vote for the Government.

When Fine Gael tabled a motion on the smoking ban to allow people to vote on it as they wished, Deputy Healy-Rae voted with the Government not to allow such a debate.

As regards this Bill, I am totally opposed to electronic voting. The people do not want it and did not ask for it. This is another attack on rural Ireland because of the costs involved. I want the Minister of State to deal with this point in his reply. The Mayo County Registrar has said that if we have electronic voting in June, half the county's pooling booths will be closed down, particularly in rural parts of the county. That is a disgrace and it is anti-democratic. It is wrong to close down rural polling booths simply because of the cost factor and the fact that insufficient numbers of people have been trained to staff them.

**Mr. N. Ahern:** As a councillor, did the Deputy agree to a revision of the polling scheme?

**Mr. Ring:** No, I did not. It has not yet come before the council but when it does I will reject it.

**Mr. N. Ahern:** I wonder. I bet the two things are not connected at all.

**Mr. Ring:** I suppose the Fianna Fáil hypocrites will vote it through but I will oppose it in the council and here. The people have no confidence in electronic voting. I remind the Minister of State and his Department about what happened in America which, we are told, is the greatest country in the world. A presidential election was held there in November 2000 and another one will be held this November. The current US President was not properly elected, however, because in Florida the polling machines collapsed and the votes were falsified. There was uproar as a result because the Democratic candidate, Mr. Al Gore, was deprived of the presidency. That is what happened when Gore's supporters wanted to cast their votes for him.

**Mr. N. Ahern:** It is more like a lotto machine in America — it is an entirely different system.

**Mr. Ring:** Will the Minister of State be quiet?

**Mr. N. Ahern:** The Deputy should know his facts.

**Mr. Ring:** Will the Minister of State be quiet and listen to me for a few minutes?

**Mr. N. Ahern:** It is an entirely different system.

**Mr. Ring:** We are sick and tired of listening to the anti-democrats on the Government benches. I have the floor and all I have is a few minutes in which to contribute to the debate.

**Mr. N. Ahern:** The Deputy should talk sense.

**Mr. Ring:** The Americans put people on the moon and they are now talking about going to Mars. They claimed to be able to bomb buildings without killing people. It is a great country but they could not run their presidential election in 2000. They made a mess of it with electronic voting. People here do not want electronic voting for a number of reasons. People tell me they will not vote in the local elections because they do not trust electronic voting.

At the moment, we cannot deal with the Internet due to the rubbish and filth that features on various websites. When Deputies go through their e-mails every morning, we have to make judgments as to which ones we will open because if we open the wrong one a virus may destroy the system.

**Mr. Kelleher:** The system is not connected to the Internet.

**Mr. Ring:** The Deputy should shut up because he will get his opportunity to speak in a few minutes. The mouthpiece for Fianna Fáil should be quiet.

**Mr. Kelleher:** I just want to educate the Deputy.

**Mr. Ring:** People cannot do their business on the Internet.

**Mr. Howlin:** You should protect Deputy Ring, a Leas-Cheann Comhairle.

**Mr. Ring:** I thank Deputy Howlin very much. The Chair is quick enough to write to me but it never protects me. I do not want protection, however, I want to be able to fight my corner.

**Mr. N. Ahern:** Deputy Ring is talking about systems that are different from ours. Our system is not on line, that is nonsense.

**Mr. Ring:** The Minister of State should sit down.

**Mr. N. Ahern:** The Deputy should talk about the real issue.

**Mr. Ring:** Does the Minister of State smoke?

**Mr. N. Ahern:** No, I do not.

**Mr. Ring:** The Government Members are suffering from the effects of the smoking ban this week. They should sit down and be quiet. If they want to go out for a fag, I will wait a few minutes until they come back. I do not mind if the Deputy smokes up in the gallery. I do not have a problem if he wants to have a fag but he should be quiet. They are all getting impatient this week, whatever is wrong with them.

We cannot control e-mails. Last week, I read a newspaper report that banks are losing €30,000 a month from fraudulent use of cash machines, so how can we trust electronic voting? How can we trust that voting system when it will not be controlled by the Department of the Environment, Heritage and Local Government? An outside agency is dealing with this and the Minister of State might as well accept that a former Fianna Fáil secretary is in that company. I do not wish to be disrespectful to anybody, and I will not name anyone, but I do not think that is right. As bad as the electronic system is, I would not have a problem if the Department of the Environment, Heritage and Local Government and the Electoral Commission were dealing with it. However, it is not right for an outside agency to have control and to set up the programmes.

**Mr. N. Ahern:** That is only a PR company, it is not the bloody system.

**Mr. Ring:** That is what will happen — we will have a situation where somebody will determine who is in this House. It is all right for the Minister of State to shout at me because he is in Fianna Fáil and since Fianna Fáil is in this company, he will be safe. It is we in opposition who have to worry, but the Government Members do not have to worry because they will have as many seats as possible.

I do not support electronic voting because I do not think it is right. The public does not want it either. Some €40 million has been spent on the introduction of electronic voting. Big money has been paid out to companies, yet we will have no control, no say and do not even hold the key to the system — the company holds the key.

**Mr. McCormack:** A foreign company.

**Mr. Ring:** It is not right, and it is a foreign company at that. Eamon de Valera would turn in his grave if he knew Fianna Fáil was allowing a foreign company to run our elections. Michael Collins and others who died for the State fought to get rid of them, yet the Government is bringing them back to control who will be in this House. What has gone wrong with Fianna Fáil, for God's sake? It is no wonder it is dropping the term "republican party" from its logo. I do not know what it will call itself now.

**Mr. McCormack:** The e-voting party.

**Mr. Ring:** That is right. Nobody wants electronic voting. The Government has made a mistake. It is time we realised that people are happy with the way elections have been run. I am disappointed the media are not taking a more active role in this debate, although much of the media did not agree with my campaign in favour of retaining the dual mandate. A few years ago, when the Government was talking about banning opinion polls a week before an election, there was a big outcry from the media and their representatives in this House and the Upper House. The media fought against that idea because they felt it was interfering with their right to decide what they wanted to say, and they have a lot to say at election time. I have no problem with what they have to say, but I have a problem with the fact that they did not do more to take up the issue of electronic voting. The people like elections and the day of the count. The Minister of State, his Department and all political parties have been encouraging people to vote and to get involved in the political process no matter which party they support. Prior to the last election, posters were banned outside polling stations and party activists were not allowed to stand outside. What is wrong with us? Are we gone mad? At least on election day there used to be a little excitement outside the polling stations and the public and the media waited in anticipation on the day of the count while the tallymen had their day. Why take that out of politics? It is part of Irish life. Why do we want to take it away? We want to show that Ireland is a wonderful, sophisticated country and that we can use e-mail and electronic voting. However, we are taking from the people's interest in voting and getting involved in the political process.

Reference was made to what happened to former Deputy, Nora Owen. I am surprised that the people who lost their seats in the

constituencies where the electronic voting trial was conducted did not take a case to the courts. If the Government is serious about electronic voting, I challenge it and the Department to use both systems on 11 June. Let us use the old system and the new system to see how both work out. What is wrong with that? Let us have a trial of ordinary voting and electronic voting on the one day, particularly where there are close counts to compare the results from the machines and the ordinary count. If the Government and the Minister of State are prepared to do that, they will go a long way to reassuring people they are serious about electronic voting and taking their concerns on board.

However, they are not prepared to do that. They are prepared to bully this legislation through the Oireachtas and put it before the people who do not want it. They will not provide the paper trail whereby people will know for certain their vote will be for the person they want and will not be programmed into a machine by a person in Holland, Germany or a political office in Ireland. That doubt should not be there.

That is a fair challenge. It is a compromise if the Government is serious. It will give people an opportunity to at least compare electronic voting and ordinary voting. If the Government does this and deals with the paper trail, it will go a long way to satisfying people. There should be a check. Under the old system, the officials at the polling booth noted the number of votes cast and, when the ballot box was emptied on the day of the count, the presiding officer could check the number to see if they matched. There will be no matching under the electronic voting system because there is no paper trail and that is a major concern. The Government was asked to address this previously and did not do so. It should be dealt with now.

Why is the Government taking away the enjoyment of elections for people, particularly on the day of the count? The Government is pushing the legislation through with haste. Why is there such a hurry? There is a presidential election this year. Could the Government not have used that election to run a trial since there will only be three or four candidates? The Government has taken a big decision because there will be local authority, town council and European Parliament elections on the same day. If the Government's programme managers are to be believed given what they have been spelling out to the media, there could even be a referendum on the same day.

There is nothing wrong with the old system and I ask the Minister of State to give my proposal a trial because it is a reasonable request. I am worried about this issue. I attended three AGMs the other night.

I was relieved roads, health and agriculture issues were not debated but electronic voting was the issue people asked me about and debated all night. The Minister of State should not cod

[Mr. Ring.]  
himself and think the people are not concerned or clued in. They know what is going on and——

**Mr. Kelleher:** The other problems must have been solved.

**Mr. Ring:** Deputy Dennehy will follow me and he will be his usual self. He always waits for me to go first and then he follows me but I am waiting for him and I will get him the next time.

**Mr. Dennehy:** I said nothing.

**Mr. Ring:** Fine Gael, the other Opposition parties and the people do not like this legislation. This is a serious situation. We heard about corruption in politics for 20 years. I am only a Member for a short time but we were abused on this side of the House for running a decent man out of politics. There was a great deal of concern in the past about what was happening in politics and the tribunals are bearing that out. There is concern about electronic voting. I do not want to wait five or ten years to find there was a fault in the system and find myself on the streets even though the people voted for me to be here but some guy with a machine decided otherwise. That should not be allowed.

We fought hard for our independence, our Parliament and to make sure the country was run by Irish people. I oppose electronic voting. The Minister of State and the Government should pull back. If they want, they can have a go with both systems on the same day. What they are doing is wrong. In all my time in politics, I never met a more arrogant Minister than Deputy Cullen. He might be arrogant in the House but, when the people get the opportunity, they will be arrogant with the Government. They will be waiting for the Government on 11 June. The Government parties should not spoil their opportunity to deal with them. The people should be given the opportunity to vote the ordinary way because we will never believe the result if they go through with electronic voting. The people will not accept whatever decision is made.

I ask the Minister of State to pull back on the issue of electronic voting. The Progressive Democrats are concerned but we are sick and tired of their concern. If they are concerned, they will vote with us against the legislation. The Minister for the Environment, Heritage and Local Government was aggressive towards Fine Gael in his contribution. How dare he? We are Members, democratically elected by the people, and we have a right to say, as a party, what we want in the House. We will take no guff from him and his programme managers who write his contributions. I will deal with him on another day. I would like to say a great deal more but my throat is gone so I will leave it at that.

**Mr. Dennehy:** I promise I will make only three references to Deputy Ring. First, I compliment

the Minister for the Environment, Heritage and the Local Government on making the Deputy speechless for the first time ever. Second, having solved all the other problems at the meetings the Deputy attended, there is serious trouble in the Fine Gael camp. Deputy Ring is saying he will not support electronic voting under any circumstances, yet earlier his party spokesman stated electronic voting is good. There is a split in the camp.

**Mr. Kehoe:** There is a split in the Fianna Fáil camp. Its backbenchers do not want electronic voting.

**Mr. Dennehy:** Deputy Ring referred to the replication of voting systems. We could use pigeons and mail coaches because An Post is on strike. However, we must move on and make a little progress.

I too welcome the opportunity to participate in this debate as I have an interest in voting and everything relating to it. The first of the four primary objectives in the Bill is to enable electronic voting in non-Dáil elections. It is difficult for some Members to understand why we need this Bill when one considers that Dáil Éireann had already agreed to carry out pilot projects at general elections in which one votes to elect the Government of the day. I understand the Minister's concern at the Mulcreavy judgment. It is of concern that we must copperfasten legislation when the clearly stated intentions of the Oireachtas have been enunciated and laid out in legislation. I appreciate that the Minister recognised the critical importance of the voting process and wants to ensure there is no legal impediment to that process. This issue will have to be revisited to allow a discussion on the enactment of legislation and its potential interpretation outside the Oireachtas. The Minister is ensuring that the legal avenues are well covered.

The second priority is to establish an independent electoral commission that will report on the secrecy and accuracy of the arrangements for electronic voting. The members of this commission comprise *ex officio* and appointed members who are willing to serve in the public interest. This is the most cost-effective method available to the State. Members will have served on a boundary commission and, until now, I have never heard a member who was willing to serve on such a commission being publicly vilified. It is regrettable that members of this commission, especially non-party political members with a particular expertise who serve in the public interest, were insulted and humiliated.

Deputy Allen described them as "highly esteemed members of the commission" but that smacks of Fine Gael playing "bad cop, good cop" when one considers what happened a month ago. It is important to point out that, because of the office they hold, these same officials would be appointed regardless of who formed the

Government. The *ex officio* members are willing to serve and they should not be lambasted or humiliated. It does no credit to those who descend to that level of political negativity and, more importantly, we could lose the benefit of having such expertise available to the State which inevitably will lead to the State having to use highly paid experts. From my experience on the Committee of Public Accounts I am aware of how much it could cost to do this type of work. I am sure that those indulging in such behaviour now will raise their heads over the parapet to complain about the use of consultants.

Deputy Allen stated that it was becoming a controversial issue. I agree that it has become controversial but that did not happen by accident. What were the motives of those who made this issue such? The public may not be aware that the Dáil had agreed to conduct trials in three constituencies and had discussed the question of having electronic voting for local and European elections as far back as 1999. One must question why it has suddenly become a controversial issue now and who has worked to make it controversial. We can follow that paper trail relatively easily.

**Mr. Howlin:** That is because there is a paper trail.

**Mr. Dennehy:** The answer to both those questions is fairly obvious. It is controversial because Members who did not offer very much on the issue when it was discussed now see an opportunity to add to the confusion that comes with change. It is always highlighted in training that change can lead to insecurity and people need to be reassured. Deputy Sean Power stated that, when one compares what was said some years ago with what Members are saying now, it is hard to credit that Members are making the comment. Everybody is entitled to change his or her view on an issue if more information becomes available, but this is a case of the direct opposite. As more changes are made to facilitate and improve the Bill, complaints are added and create confusion. The Opposition have so few policy proposals to offer it is willing to make this a controversial issue. None could have put it better than Deputy Ring who stated that, at the three important party meetings he attended in the past day or so, only electronic voting was raised and issues such as health, employment, farming and so on were not mentioned.

**Mr. Ring:** That is because the Government has made a mess of it.

**Mr. Dennehy:** That is probably the best compliment that could be paid to the Government -that at three Opposition party meetings, the members did not have a single complaint.

**Mr. Ring:** It shows the level of distrust.

**Mr. Dennehy:** That is a great achievement. We should reflect in the glory of it. I am happy that they feel that way in the west. I hope those in the rest of the country have as few problems.

**Mr. Ring:** The Deputy should wait until 11 June and he will know all about it.

**Mr. Dennehy:** I believe electronic voting will be a long-term improvement. The process should have the support of all democratic parties involved in politics.

**Mr. Ring:** Does the Deputy remember what happened the last time?

**Mr. Dennehy:** Deputy Allen pointed out that electronic voting is a good idea, but Deputy Ring would not have it under any circumstances.

**Mr. Ring:** The Deputy should know.

**Mr. Dennehy:** It is legitimate to ask why I consider electronic voting to be good. We could analyse it on two fronts. First, what effect will this Bill have on the forthcoming local and European elections? How can electronic voting be modified once it is accepted into use? One must walk before one can run. I will comment on potential improvements.

The first and most important issue is to avoid spoil votes as such votes may have an important bearing on the result of any election. Few Deputies will have more experience than I of tied votes at general elections. As well as facing a recount in the 2002 general election, I was closely involved in the 1982 general election when two of my colleagues, Deputy Dan Wallace and the then Deputy Sean French were separated by five or six votes. It was in that context that 1.1% of all the votes cast were spoiled. While I do not know how the figure was arrived at, it seems that 95% of those votes were inadvertently spoiled. There were 46,000 votes spoiled at the previous European election. At the 1982 recount for my seat, less than ten votes were involved, as was the case for former Deputies Ben Briscoe and Eric Byrne. More than 20,000 votes were spoiled. I would have expected Members to say that electronic voting was great and would at least help to reduce that problem. I do not suggest we can eliminate the problem by 100% but, if we can remove 95% of spoiled votes, we will do a great deal of good for all candidates. There are many examples, especially in local elections. Members from other constituencies could quote instances of tight counts.

The fun and excitement of the count, which can last for a week as it has in my case, is great for the hangers on, but no matter how much Deputy Ring enjoys it, it is not good for the candidate.

**Mr. Ring:** It is good for politics.

**Mr. Dennehy:** It is great to go to a pub and have a few drinks if one is a tallyman or a hanger

[Mr. Dennehy.]

on who is up in the middle of the night. However, it is not good for people who have to stand for election to add a week of counting and recounting to the process. That is not part of Irish life. People should not have to wait around.

**Mr. Ring:** Deputy Dennehy does not believe that.

**Mr. Howlin:** Elections are not for candidates.

**Mr. Ring:** Fianna Fáil has plenty of hangers on.

**Mr. Dennehy:** We have usually won elections at the end of the day, but we will take our beating if we must. Some of us have managed to return to the House having taken a beating, which says a great deal about our ability to continue and win back the public.

Given the facts I have quoted, we must look for a more efficient counting method. If this Bill were not before us, we should nonetheless be calling for a method. In referring to the electronic system's potential, I have in mind the blind and poorly sighted who could use voice and other technology. The issue of a full count was raised, although the system to be introduced will take only a random sampling. I would like to see a full, clear count to the last vote with 100% of transfers integrated. That can be achieved, although it will not happen in the forthcoming elections as the legislation is in place to limit it. We should consider full counting immediately after the local elections to ensure a proper count of the public's votes rather than depend on a random sample.

There are several other areas in which improvements could be made. In that context, it is the basic agreement to use modern technology which is needed now. If we agree to that, we can move past the Luddite approach — a phrase I hate to use — referred to by others. We must move on with the rest of the world.

Some concerns about the system have been raised. People have referred to the wish to spoil one's vote. I am not terribly concerned about that issue in the case of people who can walk to or from the polling station. I am more concerned about those who do not get to exercise their franchise. A total of 46,000 people were disenfranchised in the European elections I referred to earlier, as were a further 20,000 in the general election due to bureaucracy or poor methods. There are many others who are disenfranchised including maternity and urgent medical cases. They could be facilitated by technology. There should be a method for enfranchising them and we will have to move forward to ensure they are facilitated. A great deal of rubbish is spoken about fining people who do not vote and lowering the age requirement when we should be facilitating 100% of those who are trying to vote.

I received a postal voting form during the week from the British union, Amicus. It is very simple

in Britain where anyone can apply for a postal vote without having to give a reason. If one cannot get to a polling station for any reason or simply does not wish to go there, one applies for and receives a ballot paper. That is an example of the facilitation of the public. If I were to suggest the same system here, I would hear warnings that the system would be abused.

**Mr. Kehoe:** It was tried.

**Mr. Howlin:** Postal voting was tried but it had to be abandoned because of abuse by Fianna Fáil in hospitals etc.

**Mr. Dennehy:** It shows the difference in thinking when it comes to facilitating people. In our case, we refuse to use a new machine in case all the votes are properly counted. Let us move forward. We should not be afraid of technology.

Replication was raised. It is like saying everybody who sends out an e-mail must also send a hard copy. The reason the electronic method is used is cost. We know what the costs involved are as Deputy Seán Power recorded them in the House. I love to see people doing well and to see a man earning double and treble time. I have been a trade unionist since I was 16. However, if we can use technology, we should modernise things. Modern technology is capable of facilitating people through postal votes and other means. There are people who find themselves, through work or 101 other circumstances, far from their constituencies on polling day. For example, their car might break down. They should be facilitated and they can be with modern technology. They cannot be facilitated through the old-fashioned system of using a paper ballot and a metal box.

I saw a garda closing the door of a polling station in Glasheen national school in the face of a man who had driven from north Galway. The garda closed the door on the stroke of 9 p.m. not knowing the man or for whom he intended to vote. He was a committed democrat to have driven all that way.

**Mr. Ring:** Would electronic voting have helped him if his car had broken down?

**Mr. Dennehy:** That sort of thing should not happen. If the man was elsewhere, he should have been able to vote. I received the majority of the votes from that polling station and odds were he would have been voting Dennehy.

We love to speak about how sacred the vote is and how long we fought for the right, but that is old cant. We should take action and move forward in a meaningful manner. Let us use modern technology to ensure that, when a vote is cast, it counts. We must use it to facilitate as many people as possible to vote in privacy.

Deputy Morgan had concerns about the role of the Minister, Deputy Cullen, as Fianna Fáil director of elections and Minister with

responsibility for electronic voting. There is an old saying which covers Deputy Morgan's attitude very well. If one had said that to old people 50 or 60 years ago, they would have said that evil haunts the guilty mind. I will say no more on that. Deputy McCormack said the Minister appeared to be under pressure, which demonstrates how deceiving appearances can be. The Deputy made the important point that there was nothing wrong with the machines. It is an important point for people like Deputy Ring to note. They have a fear of technology.

**Mr. Ring:** My fear is of Fianna Fáil and I will have it until the day I die. I trust machines.

**Mr. Dennehy:** The Deputy should be given private instruction. I am sure we could convert him. As we know, he is a committed democrat and, given the right circumstances and opportunity, he could be brought around.

**Mr. Ring:** There was a time in Mayo when the ballots were found in toilets.

**Mr. Dennehy:** For public consumption and newer Members, electronic voting has been referred to in two Acts already. The electronic system was demonstrated to all political parties prior to 2002, yet they are suddenly saying they cannot find the right button to press.

**An Leas-Cheann Comhairle:** The Deputy should conclude.

**Mr. Howlin:** Yes, he should.

**Mr. Ring:** He has to cast his vote.

**Mr. Dennehy:** Under the new system, a person can spoil his or her vote. That is catered for under objective three. Electronic voting is being introduced to get rid of the waste of 1.1% of the public's votes. A published audit trail will be available to those who, like some of us in the past, must have resort to the courts. It will be possible to print the full poll, the results of which will not simply disappear into cyberspace. I welcome the Bill and discussion on it which I hope will serve to enlighten Members and enable us to encourage the 20% to 30% who have not been able to vote to come to polling stations or vote from home by mechanical means.

**Mr. Howlin:** In introducing this Bill, the Minister for the Environment, Heritage and Local Government said that the Opposition might well take a constructive approach that would be reasoned and temperate. I will try to take this approach as I believe the issue demands it.

Given that he invited me not to interrupt him as he intended paying attention to what I have to say, I am sorry that Deputy Dennehy is not remaining in the Chamber to hear my contribution. No doubt he will have a chance to

study my contribution in due course. I was astounded by Deputy Dennehy's characterisation of Opposition contributions as "old cant". Opposition Deputies spoke about democracy as a cornerstone of our nation and on the right to vote. That Deputy Dennehy characterised this as old cant tells us an awful lot.

Democracy is a fragile enough flower. It has not been in existence for a long time and many people say it is a continuing experiment. Throughout all the ages of man, universal suffrage has been in place for less than 100 years and huge swathes of the globe have yet to experience democracy. It is only a matter of decades since women were given the right to vote and the right to vote was given without property qualification. While we constantly try to improve the system and put checks and balances into it, our system of government, prosperity, well-being and liberty hinge on the knowledge and confidence that the citizenry of this State determine their own rulers. In his famous Gettysburg address, Abraham Lincoln spoke of government of the people, by the people, for the people. This is not old cant and, if we consider this to be so, we miss the fundamental point of a Bill like this.

Anything that addresses the issue of voting and approaches the fundamental element of our democracy must be handled with care, caution and sensitivity. I draw on personal experience when I say this. I had the privilege of introducing the Electoral Act 1997 to this House. That Act is much greater in scope than the Bill now before us. It dealt with electoral spending limits, donation declarations and prohibition on the receipt of donations above fixed thresholds. It also dealt with ancillary matters that reformed the electoral process. I believe that I handled that Act with the required degree of care, caution and sensitivity. The proof of this is it took almost a year to pass through these Houses. There was open-ended debate, especially on Committee Stage. As we were dealing with the electoral process, the views of all Members were critical.

The Minister of State, Deputy Tim O'Malley was not a Member at that time. The attitude of the Progressive Democrats to the Act was interesting. The current Minister for Justice, Equality and Law Reform held his party's environment portfolio at that time. He described the Bill as being so bad that it could not be reformed. He was implacably opposed to electoral spending limits and fought tooth and nail against every line of the Bill. He said it was an outrageous assault on liberty to prevent parties collecting any amount of money from any business to run its political machine. He also felt it was an outrageous assault on democracy that a party could not spend whatever amount of money it wanted on an electoral campaign. While he put forward a coherent argument along these lines for nearly a year, I was not convinced by it. The democratic process in this House allowed him the time and space to do this.

[Mr. Howlin.]

Why are we in such a rush with this Bill? With a few exceptions the history of electoral law has sought to broaden and deepen participation in the electoral process and make the process fairer. That was the intention of the Electoral Act I introduced. I did not want wealth to become a corrupting influence in fighting an electoral campaign. I wanted parties and candidates to fight on a level playing pitch where one could not buy votes, as can be done in other jurisdictions, by flooding an area with advertising.

I can recall two exceptions. Fianna Fáil made two attempts at changing our electoral system from one based on the single transferable vote to one based on a straight vote. Remarkably, the people rejected this twice in referenda. On one occasion the referendum was held on the same day that a most popular Fianna Fáil President was elected. The electorate was discerning enough to vote for Fianna Fáil's presidential candidate and reject the Fianna Fáil proposal to abandon the single transferable vote system. People are attracted to our system of voting and regard it as precious.

Given the choice, the people have rejected tinkering with this without good reason. An American adage says, "if it ain't broke don't fix it". What is broken in our electoral system that requires such a radical change? Many speakers have referred to modernism and said that opposition to electronic voting is Luddite in nature. Similar arguments were propounded about architecture in the 1960s. The bulldozing of Georgian Dublin was facilitated by modernism. Modern, bold, brash and confident Ireland felt the need to gut Georgian Dublin and erect concrete buildings in its stead. I do not think we would now regard that level of modernism as something of which to be proud.

The argument that ICT-focused Ireland demands electronic voting and that to question it is to be a Luddite, as Deputy Dennehy suggested, smacks of an extraordinary inferiority complex. We must have such if we feel that we must be at the cutting edge of this to show that Ireland is as progressive as it likes to see itself. I do not believe this for one second. Some things are better done in the old ways.

**Mr. Ring:** There is nothing wrong with the current system.

**Mr. Howlin:** Not everything that is done speedily is the best. I wonder if the Minister of State prefers a home-cooked, carefully prepared meal or a ready to microwave meal from his freezer. I do not think there is any choice in these matters. Let us not swap insults across the floor of the House. This matter is one of how the people's decisions are recorded and how we facilitate people's participation in the democratic process. It is as fundamental as that. To ensure we understand the public's view we must travel very carefully.

The Bill makes a proposal that is clearly divisive as it has divided the House and it is contemptuous of the House. To my knowledge no electoral Act was ever guillotined during its passage through this House. We always had open-ended debates on these matters in the past and failure to do so now shows contempt. The rush itself adds to people's concerns. The Minister has pre-empted the legislative process, buying the machines and starting the information campaign before the House's will has been determined. I know the Executive often regards this place as a rubber stamp. One day the Assembly of the people, Dáil Éireann, will reject the view of the Executive and will require it to regard this Legislature as a force to be respected and heard, not simply as a cipher that rubber-stamps decisions taken elsewhere. However, that is not the attitude of the Executive, which has already pre-empted the decisions of this House. The machines are bought and paid for, the information campaign is under way and we have been told electronic voting will be introduced. Making a decision and enacting legislation after the event diminishes the democratic standing of this House.

My colleague, the Labour Party spokesperson on the environment, Deputy Gilmore, gave an extraordinarily effective critique of this measure. We asked some of our experts, Mr. Shane Hogan and Mr. Robert Cochran, to carry out an independent evaluation, which we published some time ago. Their analysis gave rise to our initial concerns about this matter because of the absence of something that can be put right: the voter verifiable audit trail. The Government has asked the people to have blind trust that the button they pressed will accurately record and produce a result without a mechanism for anybody to ever know whether that is correct.

The beauty of the existing system is that the recorded decision of the people exists in black and white for everybody to see. Individual ballot papers, each handled by a voter, exist and can be seen. Had the last general election been entirely electronic, significant queries would have been raised over the accuracy of the result. People would not have believed that so many Fine Gael frontbenchers would have lost their seats. That query would have cast doubt over the legitimacy of the Dáil. However, there was no argument about the result, as the black and white votes existed for the people to see. However, they will not exist in the future.

We should always have belt and braces when dealing with matters such as this. From international experience we know how voting systems have been interfered with. The absence of formal control processes give rise to genuine questions that need to be addressed and not dismissed by a Government regardless of how the Minister might assert that he is right, that this will happen and so be it. This cannot be. We do not have clear assurance that interference with

machines in the voting and count centres is beyond possibility.

The Bill gives remarkable powers to the Minister for the Environment, Heritage and Local Government including: critical powers to decide how the election is to be conducted; the power to determine by regulation whether e-voting is to be used and to what extent; the power to amend the form of the ballot by regulation; and the most overarching of all, the power to make regulations amending electoral law. When I was Minister for the Environment, officials advised why an emergency power to address an emergency situation was necessary. If a polling station was destroyed by a fire, if a riot took place or if somebody clearly obstructed the ballot, the Minister needed to have powers to take action to ensure the ballot took place and the people's will was fully determined.

However many enactments in the past decade have given a blanket open-ended power to Ministers. Civil servants now appear to insert a catch-all phrase to the effect that the Minister should have the power to do anything else he likes and which they have not yet thought of. The long title should be: "We will not bother coming back to the House to get the power to do these things — we will just give a catch-all power to the Minister." After the decision in the Carrickmines case, it is clear that that sort of overarching power is constitutionally infirm. It is not good enough to give such blanket powers without reference back to the Oireachtas. Under the Constitution, the power to make laws resides with the Oireachtas.

These are just some of the infirmities we have identified with the Bill. The net issue is why the Bill is being rushed now. Although the money has been spent, there has been pre-emption and we have embarked on the information campaign, it would be a great service to democracy if the Minister were to confirm that he heard all our concerns and was willing to address them and tease them out. He could say that while the machines might need to be amended it would not be done for this election, but would be done in time for the following election so that it will be possible to bring everybody with us. What would be so terribly wrong in giving the space to allay people's fears and ensure they have confidence in the voting system?

Those on the Government side have said lovely things how about opinion polls and exit polls after the previous trials show confidence. I agree with Deputy Ring in this regard. While I have not yet started campaigning in the local elections, I have been on the hustings with our candidate, Peter Cassells in what used to be called the Leinster constituency and is now Ireland East. It is remarkable that the issue of electronic voting continually recurs. People say they do not trust the Government in this regard. Unfortunately individuals are also claiming they will not vote as a result.

**Mr. Deasy:** That is right.

**Mr. Howlin:** This is not in our interests. I agree with the Minister in saying this issue should not be divisive and should not divide this House as I believe we all have the same objective, which is to determine the will of the people as accurately, fairly and comprehensively as we can. However, if that is the Minister's wish, he should not have used the intemperate language he used in his introduction speech today. I started by saying my comments would be balanced and reasonable so I will not rise to his intemperate comments during which he referred to "another outbreak of Rabbitte disease". This is no way to build consensus or deal with an issue of importance that goes to the core of our well-being as a democracy. The Minister should act on his own advice and deal with this matter in a balanced way. Notwithstanding the arrogance shown to date by the Minister for the Environment, Heritage and Local Government, I hope he will step back from this and show himself to be respectful of the House. He should give us space and the time to deal with this measure in order that we might build the confidence required by the public in our electoral systems.

**Mr. Kelleher:** I have listened to the contributions of spokespersons on all sides of the House on the Bill. I had initial concerns and expressed some reservations about aspects of the counting systems employed, but I welcome the advent of electronic voting. My concerns came about on foot of an election in Dublin North where the final count came about too suddenly and was badly handled. However, that teething problem has since been addressed by the Minister by means of counts being produced on a count by count basis. It will no longer be the case that final results will be announced without any warning or without acknowledgement of the type of votes cast and the way they have been transferred. That is a positive step and I will refer to it later.

As a member of the Joint Committee on Environment and Local Government, I sat through many debates on this issue and I suggest that we should not use intemperate or emotive language. Deputy Howlin accused the Minister of using such language. However, I was present in the House when aspersions were cast on the character and credibility of the people who run elections in this country. Let us be under no illusions; it is not Fianna Fáil which runs elections in this country. It is the Department of the Environment, Heritage and Local Government which is charged with the responsibility of running elections and it is city and county council officials who handle such elections. I accept that the impartiality, honesty and integrity of these people was not brought directly into question, but there was an insinuation that the Government was going to run the forthcoming election. Everyone in the House accepts that, even at difficult and turbulent times in our history, elections in this country have been run in a fair and honest manner.

**Mr. Deasy:** Let us keep it that way. Why change it?

**Mr. Kelleher:** It is being kept that way. Regardless of the system we introduce, the elections will be dealt with by the Department of the Environment, Heritage and Local Government and officials from local authorities throughout the State.

An open tendering process was put in place in respect of the electronic voting system. The Government invited tenders from different companies that have been involved in developing different types of electronic voting systems and it decided to take on board the Powervote-Nedap system. The reason it decided to do so is because it is the most effective and accurate system and has a good track record in the countries in which it has been tested and used. I refer, in particular, to the Netherlands, where it has been in use for many years, and Germany, where it was recently used in municipal elections. The system has also been tested in France and elsewhere. It will continue to be used in the future and the countries to which I refer have not encountered difficulties with it. Unfortunately, however, there is a great deal of confusion among Members about this system.

I am not saying that people are being mischievous in their objections. People were concerned about electronic voting because they believed that the system would be connected to the Internet, e-mail and outside systems and, as a result, could be tampered with. Experts came before the committee and stated that it could be tampered with or hacked into from outside. This is a stand-alone system. Every ballot module is of the stand-alone variety. All we are doing, therefore, is replacing ballot boxes with electronic modules which are not connected to any outside systems. That is an important fact. Following months of discussion at committee level and the system going on display throughout the country, Members still stated today that it could be tampered with via the Internet or e-mail. Such comments are grossly irresponsible.

If we are genuinely serious about encouraging people to partake in the democratic system by casting their votes at polling systems, we should at least acknowledge what is or is not fact. Comments to the effect that the system can be hacked into by outside sources are not factual and are highly irresponsible. Regardless of whether Deputies agree with the system of electronic voting, they should at least state the facts as they exist. Perhaps those making the comments to which I refer should carry out further research into the system or visit one of the display centres at which electronic voting is explained to members of the public and they are shown what the display looks like, how one casts one's vote and how that vote is counted. If Deputies investigated the system, they would be informed enough to realise that it cannot be tampered with by outside sources. The Opposition should inform

people that, regardless whatever other difficulties they have with electronic voting, the system cannot be tampered with from outside.

Electronic voting is not just about our modern society embracing technology. There are good reasons for bringing forward electronic voting. The first of these is that most votes that are spoiled are not spoiled intentionally. Anyone who has experience of a recount — I was involved in one in 1992 — will be aware that most spoiled votes are accidental. Either they are not stamped or the person's preference is not marked clearly enough. When the Department of the Environment, Heritage and Local Government studied and analysed spoiled votes, it discovered that 98% of the votes that were spoiled were unintentionally spoiled. When people attend their polling station, we must have in place a system which makes it as easy as possible for them to cast their vote in the way they intend. When cast, their votes will be stored and counted in an efficient manner at a count centre. That is all we seek.

I stated earlier that I did not believe that Opposition Members were being mischievous. However, I am inclined to believe that because there were so few issues on which the Opposition could challenge the Government in recent times. Some of the spokespersons on the other side of the House became edgy and thought this would be a good matter to pursue.

**Mr. Gormley:** There are many such matters; for example, hospitals, education, etc.

**Mr. Deasy:** Our strategy has worked out quite well so far.

**Mr. Kelleher:** They have done a great disservice to our electoral system. If we look back at how people initially received electronic voting, there was no discussion about it after the general election of 2002 or the Nice treaty referendum. People embraced the system and stated that it was successful. Recently, however, allegations have been made and aspersions have been cast to the effect that Fianna Fáil is interfering in the electoral system, that said system has been undermined and that my party is to blame. Such allegations are highly irresponsible.

Let us return to the 1992 general election. At that time, existing legislation allowed us to take ballot papers to use for test purposes. It has, therefore, been signalled for many years that the Government was intent on trying to proceed with electronic voting. It is not as if a Minister just came up with the idea one day; electronic voting has been planned for some time. Legislation was put in place to ensure that we would have the opportunity to take counted ballot papers from previous elections and feed them into whatever type of electronic voting machine we chose to see if the results would be accurate and fair. It is not as if we only decided recently that electronic

voting would be introduced because the Minister thought it would be a good idea.

A substantial number of Deputies have already been elected by means of electronic voting. In my opinion, every Member would state that he or she has confidence in the system. Former Deputies who are now serving in the Upper House came before the committee and pleaded with us to introduce electronic voting. They did so because they had lost their Dáil seats following extremely tight counts. Some of them lost out by fewer votes than the number of spoiled votes in their counts. We owe it to members of the electorate that, when casting their votes, they will be able to see that their intention is expressed before they press the "cast vote" button. They will then be confident that their vote will be recorded in the ballot module and will be transferred to a counting machine at a count centre.

It has been suggested that the modules can be tampered with in transit. Every system involves an element of trust. Somebody must transfer the ballot boxes to the count centres. We trust that person and do not check to see if the ballots were tampered with. There is a seal on the box and we assume, when it arrives at the count centre, that it has not been tampered with. Likewise with a ballot module. Insinuations are continually made that somehow somebody could undermine the system by tampering with it.

Witnesses before the Joint Committee on the Environment and Local Government suggested that while it may not be possible to tamper with the system by way of Internet, e-mail or through an outside system and if we trust the individuals handling the modules, it might be possible to tamper with the module at production level. They suggested an individual could have the foresight to obtain employment in the company involved in the production of the module and could insert a virus in the ballot modules to undermine the system. Conspiracy theories can only go so far. I suggest people would want to be a little more responsible.

Some people are implacably opposed to e-voting for whatever reason. However, those expounding the view that the system can be tampered with are undermining public confidence and are doing a great disservice to those involved in trying to encourage more people to cast their votes in a democratic manner.

America is often mentioned when discussing this issue. I find that despicable because this is an emotive issue. Allegations have been made that the current President of the United States is not a bona fide president because of chads in Florida. Even if there were difficulties with the manner in which the presidential election in America was conducted, that is not even close to the system being proposed by Government for use in the upcoming elections. They use mechanical voting machines which knock chads out of pieces of paper. We must be conscious of what we say. If people wish to put forward a constructive argument against the introduction of the system,

they should do so based on solid foundations as opposed to scaremongering and undermining what is an important issue, the confidence that one can cast one's vote knowing it will be recorded as one wished.

In the Nice referendum there was electronic voting in seven constituencies. People ask why we are moving ahead so rapidly. How much more time will it take for people to gain confidence in the system? Many people are opposing this system for the sake of it. I accept the Opposition has a fundamental duty to highlight flaws and to put forward policies and constructive views. It is scurrilous to come in here to oppose what Deputies genuinely believe cannot be tampered with by using scaremongering tactics and insinuations that Fianna Fáil is introducing this system because it will benefit from it. Deputies making that allegation would not do so out on the plinth. To say that Fianna Fáil is running the elections is a fundamental slander and libel. Those suggesting Fianna Fáil is running the election are questioning the integrity of the officials in the Department of the Environment, Heritage and Local Government and other officials involved. The Opposition parties should be conscious of that when making such outlandish statements.

When I referred to the count system in an article many people said I was opposed to electronic voting. I highlighted issues with regard to the count and believe that people are entitled to know not only the result but the transfer patterns. The transfer patterns in our system of single transferable voting is an important factor because it allows one to analyse not only the final result but the trend of how the public think when casting their votes. If we had a system similar to the one used in 1992 which published only results of the election, we would not know how people transferred votes between parties and candidates. That is important in terms of trying to form a Government and in trying to understand how the public were thinking in casting their votes.

I welcome the proposed count by count system with the first count being published followed by an intermission and a second count published and so on. That will be done every ten or 15 minutes. That is a positive step which will allow people to analyse the transfer of surpluses and so on and to absorb how the public thought when casting their votes. There is also a human aspect to this. Many people spend weeks canvassing for their preferred candidate or party. Many family members are emotionally involved in this process. Operating a hard guillotine whereby the final result only is announced is unfair to defeated candidates. In a count by count system, they become aware of their fate as the count goes on. That allows people to prepare themselves or their families for bad news or for jubilation. It also allows a successful candidate to gather his or her supporters and celebrate an electoral victory. From those points of view I welcome the changes in that area.

[Mr. Kelleher.]

We can have confidence in the proposed Nedap-Powervote system. It has been tried and trusted in countries such as Holland and Germany. If we take the Opposition's argument on board, we are saying we have to question the integrity the government elected in the Netherlands. If we are saying this system could be flawed or could be tampered with then we are saying elections in Holland are not bona fide and could have been undermined by outside influences. I do not accept that and I am quite sure the people of Holland would not accept it. They would not have anything to do with a system that could be undermined in such a way.

I welcome this legislation introduced on the backdrop of an amended motion before this House. Following High Court challenges with regard to Carrickmines and elsewhere, it has been necessary to introduce primary legislation. I welcome the opportunity to debate this important issue — how we elect government, local authority members, the president and how we amend our Constitution. It also provides those who have so far undermined the system with outlandish allegations of interference by hackers anywhere in the Universe, an opportunity to reflect on such smears. It provides them with an opportunity to reflect on allegations that officials and members of local authorities responsible for the running of elections in a fair and free manner are under the thumb of a particular party. It was irresponsible of Deputies and party Leaders to make such remarks.

Let us be under no illusion, the only fear people have is that they might not like the result of the election. Deputy Howlin made the valid point that there is no doubt but that many people would have questioned the accuracy of the electronic system had it been used in the last general election given the loss of votes to Fine Gael. The percentage loss of first preference votes and the volume of seats lost was not on a pro rata basis because of the quirks of the transfer system. The percentage drop in Fine Gael first preference votes and the number of seats lost would have raised queries in the eyes of the public, discerning politicians, tally men and pundits. I have no doubt in that regard and those votes were counted manually. I am confident, in the event of a similar quirk in the next election, that there will be no challenges.

This facility also allows for a print-out on foot of a challenge in the High Court to a general election result or in the Circuit Court to a local election result. If there is a problem in an area with concerns on some issue and the High Court deems it necessary to have a manual count, that can be done with this system. However, we do not need anything like a verifiable paper audit trail to instil confidence in the system. Instead we need a responsible Opposition to stand up and state quite clearly why it is opposing the issue on basic facts rather than innuendo, scaremongering and undermining a very fine system that has been

tried, tested and used by tens of millions of people throughout Holland, Germany and now France. It has also been tested in the United Kingdom. Let us embrace this and not be afraid of change or technology. If there is a confidence issue, it will fall on the Opposition's heads when the public go to the polls.

**Mr. Healy:** I wish to share time with Deputy Gormley and Deputy Ó Caoláin.

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

**Mr. Healy:** I am opposed to the introduction of electronic voting on the basis that there is no need for it. Our current system is good. It is completely open and transparent, trusted by the public and politicians, understood and cost-effective. There is no doubt that people are comfortable with the existing system. Ultimately we are talking about the democratic system and the manner in which people are elected to this House and various local authorities throughout the country. The public must have confidence that their votes are being counted properly and their wishes properly taken into account in the election of candidates for whatever area or body. On that basis, the system is not broken, so why fix it?

The significant moneys being spent — we have heard the figure of €45 million or €50 million — represent a waste of public money. The costs of this system are being significantly under estimated. In particular, we have not examined the cost of storing such machines at all, which will be significant. I cannot understand why we must have this system when there are other situations on which this money could be much better spent. In the past two days, I raised two issues in this House. One was the question of a primary school at Newtown Upper in Carrick-on-Suir which has outdoor toilets. Pupils and teachers must cross the yard in all sorts of weather to toilets that have been condemned by the Health and Safety Authority. We want to spend our money on introducing an electronic voting system; yet the situation in Newtown Upper is more like in the dark ages than in the third millennium. Last night I raised the fact that a superb modern health facility in Clonmel has stood vacant for the past 12 months while we waited for the Government to fund the equipping and opening of something that would provide modern health care, general surgical day care and accident and emergency facilities for the people of South Tipperary. In such circumstances, it is outrageous to talk about spending such sums on an electronic voting system with which no one except the Government is happy and which we do not need.

If an electronic voting system were introduced, certain parameters would have to be respected. As I said, this is all about democracy, confidence and trust in the system. Surely it would have to be introduced by an independent commission in

which the public had trust and confidence and which could assure them that their fundamental right to vote would be protected. In that circumstance, we should have full cross-party and independent support in the House for any change in the system. The unseemly rush to introduce electronic voting certainly undermines confidence among the public and inside this House.

I echo the calls made here today and among the general public for postponement of the introduction of electronic voting to provide an opportunity to ensure confidence in and agreement with the system to be introduced and that it does not undermine our democratic system and process. It is most unfair to the panel set up that it must report by 1 May on the basis of terms of reference which are completely restrictive. It was set up excluding who should be a natural member, namely, the Ombudsman. That is wrong, and it should, even at this late stage, be changed.

**Mr. Gormley:** I support the introduction of electronic voting, but I am opposed to this legislation. I was one of the first people in this House to call for the introduction of electronic voting. I did so in the aftermath of my famous count in 1997 when I defeated the present Minister for Justice, Equality and Law Reform, Deputy McDowell, by 27 votes. When we recounted, we found that the margin was actually 35 votes, but we will leave that for the moment. That votes can fluctuate to such an extent when we deal with paper ballots emphasises the need for electronic voting.

Some mentioned the famous “sudden death” count in Dublin North, where Nora Owen was seen to suffer as the announcement was made. Sudden death is far preferable to the Chinese torture of endless counts lasting more than a week, going over ballots, using magnifying glasses to examine the perforations over and over again, and getting the lawyers in to examine the spoilt ballots. We should leave that behind us very quickly, because it is simply not humane for those victims who must suffer it. It was one of the few occasions where I sympathised with my constituency colleague. My sympathy is normally limited, particularly regarding his policies. However, on that occasion it was wrong that a person should leave a count believing he had been elected. I went to bed thinking I had lost and got a call half an hour later saying that things had changed. Having to endure the count for a week then was completely wrong.

My point, which is essentially what the Opposition is saying, is that there are many on this side of the House who would welcome electronic voting. However, we want a system in which we can all have confidence. It may not necessarily be a paper audit trail, but it has to be a system that is verifiable. It is possible to reach consensus on this in the same way I believe it is possible to get consensus on the whole issue of citizenship. It is not impossible, yet people are

anxious to press ahead. It is wrong that they are now pressing ahead in this instance with the advertising of electronic voting before it has been agreed by this House. Electronic voting offers many opportunities, as regards providing the purest form of proportional representation, for example, something that has always been a problem. We have this anomaly regarding the arbitrary nature of dealing with a surplus which has never been satisfactory. It offers the opportunity to deal satisfactorily with the whole question of spoiled votes. All of these things are to be welcomed. However, when a voter casts his or her vote at a certain time and place, there needs to be a mechanism in place to check it afterwards. Independent checkers may go in at intervals to cast the ballot in a certain way — and this should be part of this legislation — to test the reliability of the system. Computers can do this but they can also make mistakes. We all know of the software problems experienced in this House. We know the system here failed on one occasion. These things happen, so we need a system that we all can have total confidence in. It is possible to do, if the Minister would only listen.

Deputy Kelleher says that people are trying to scaremonger. That is not the case. We have legitimate concerns. We know what we are talking about. We have many people with the technological expertise in our parties who have expressed these legitimate concerns, which have not been dealt with by the Minister. If it does go wrong who is responsible? It can and on occasion it will go wrong. We have seen that things go wrong with paper ballots. In this case, with a virus or any other difficulty with the software, it is clear something could go wrong. I am not trying to cast aspersions on those people who run the elections, as has been suggested by Deputy Kelleher. My experience has been that these people have been scrupulously fair and that they have behaved responsibly.

When we talk about the experience in the United States, what we are saying is that on occasion people can behave in an unscrupulous way. We saw that in Florida. That can be done. We need the independent commission to look at this and to have verifiable checkers so that if people believe something is awry, it can be checked. There is no possibility of a recheck under the legislation as proposed. We have it in terms of examinations and in a whole list of areas where people may seek and obtain a recheck. That does not exist here and that is a problem.

When Deputy Kelleher talks about people having too many suspicions about Fianna Fáil, the reality is that it tried to change the electoral system on two occasions to benefit itself. Suspicions may not be justified in this instance and it may not be the case that Fianna Fáil is switching to electronic voting for its own benefit, but it must be understood that many people may believe this is the position. A system must be fair and must be seen to be fair. There will only be one outcome as regards the panel charged with

[Mr. Gormley.]

looking at this. It will find in favour, let us be clear on this. I wish it could be otherwise and that the Government had sought a consensus. The fact it has not is not acceptable.

**Caoimhghín Ó Caoláin:** A fundamental change in the way in which elections are conducted should only be undertaken with consensus support across the political spectrum and from among the general public. Electronic voting, as provided for in this Bill, does not enjoy such support. Therefore, this Bill should be withdrawn and the Government should not proceed with electronic voting in the manner proposed in the European and local elections on 11 June. The bottom line is that a verifiable paper trail is needed. The Government has attempted to portray criticism of the proposed system as Opposition play acting. In his opening speech today the Minister spoke of conspiracy theories. I have not heard any such theories either in the contributions on Second Stage so far or preceding the debate. However, what I have heard are the real concerns of people with technical expertise in this area. They should be listened to.

The Government itself carried out pilot projects of electronic voting in the last general election. The purpose of those projects was to test the system in the field. An intense debate resulted that began on the merits and demerits of the system. Initially this focused, in a rather facile manner, on the ham-fisted way in which the results were announced in the count centres. The last Deputy referred to this. Far more serious and fundamental concerns quickly emerged. These centred chiefly on the design and security of the system itself. Sinn Féin spokespeople were among the first to raise these concerns and to call for transparency in the design of the system and a paper trail to verify the voter's choice. It was the Government itself which decided to test the system in a real election. That was fair enough. However, the Government then has no right to complain if people raise legitimate concerns based on experience of the system as it worked here and more importantly, perhaps, on the wider experience we can call on from other countries.

What heightened concern and justified everything that was said about the system was the manner in which the Government responded. For months it refused to clarify the legal basis on which the system would be introduced. It claimed that legislation such as that now being discussed in this Bill, was not necessary and proposed to introduce electronic voting by ministerial order, leaving the elections open — as we contended — to legal challenge. After repeated questioning and probing inside and outside this House by all of the Opposition voices, including my colleague, Deputy Morgan, the Government finally acknowledged the need for legislation. With less than 12 weeks to go before the elections, we have been presented with this Bill. It is a debacle and all too sadly typical of this Government.

This Bill is designed to give legal cover to the electronic system itself and to give political cover to the Government by the establishment of a commission on electronic voting with extremely narrow terms of reference. I have no difficulty with electronic voting in principle. I have no objection to that at all. However, on this issue practical outworking is everything. There are fundamental problems and this must be acknowledged. It is quite extraordinary that the Government has championed this system with the argument that it will provide greater accuracy. Let us examine that for a moment. The proposed electronic method will not be a counting of all preference votes as it could be — being computerised — but will be programmed to count a random selection, as is done under the manual system. There is no new thinking there, no advantage or greater accuracy. It is a slight on the service and hard, dedicated work of people who have staffed count centres throughout the country for decades to suggest that this system is more accurate than their exercise and our collective scrutiny. There is no change in that. In terms of reflecting the voters' preferences more accurately, this will not be the case.

Another issue is the effect of electronic voting on the political system. As Deputy Cassidy would confirm, the traditional election count provided a sense of occasion. Hundreds of people were involved in each count centre. Each ballot paper was there to be seen and its importance to the overall result was obvious. Media reflection of the excitement of election counts as we have known them must also have encouraged interest in politics in general. This will also be lost. I share the concern of many that the new system will represent perhaps a diminution of politics, and could well increase voter apathy and cynicism. We must all be concerned about that.

Last week I tabled a question to the Minister on the staffing implications of electronic voting for polling stations. Concerns have been raised that not enough staff will be trained and recruited in time for polling stations to operate as normal. This is not a scare story. People directly concerned with the electoral system have raised the issue. They fear that some polling stations may not have adequate trained staff and may have to amalgamate with others, thus causing more confusion. The Minister's reply to my question in the Dáil was inadequate and should be looked at by all Deputies. He referred only to the role of his Department in arranging for the Institute of Public Administration to train staff, and failed to address the adequacy of staffing numbers, passing the buck to the returning officers at local level. That is not good enough.

This is an issue of trust which we all need to have. I appeal to the Government parties to recognise that such trust does not exist. Accordingly, this Bill should not be proceeded with. Much more needs to be done in the preparation of a Bill which we can all support and in which the public can have confidence.

**Mr. Cassidy:** I welcome the Bill and, being on the Government side, I obviously support it. It is a step in the right direction. We are in the 21st century, which is one of efficiency and high technology. Ireland is a country admired for its achievements over the past 15 years in particular and which wants to make the day of the ballot more relevant. As Deputy Gormley said, anyone who has experienced a recount will wholeheartedly welcome the Bill.

The Minister gave us the background to the arrival of the legislation. He noted that the project of electronic voting had been in the public domain since 1999, when it first featured in two pieces of legislation. It also featured in many Adjournment debates. The system has regularly been debated on radio and television in recent years. Its successful use in three constituencies in the previous general election was widely covered. My neighbouring constituents in Meath near where I live in Castlepollard all voted electronically. I had reservations at first that senior citizens, with whom I work so closely, might not vote. I worked hard for many years in the North Westmeath area, and the experience in Meath, reflected in feedback on the night of the general election, was the simplicity of the system. People asked why we did not have it years ago. At that time I had never seen electronic voting in action. After going to the county hall in Mullingar a few weeks ago and seeing clearly the names on the ballot papers, the logos of the political parties and the photographs of the candidates, I could foresee no other method of voting in the future. Television has 70% penetration and the Minister for the Environment, Heritage and Local Government should, following the passage of this legislation through Parliament, immediately initiate a television campaign to show people how to vote electronically. They will be pleased to see how simple it is.

Fianna Fáil came within 5,000 votes of an overall majority in the previous general election. We are told that, for one reason or another, at the last local elections, 24,000 votes were lost. In one area, 40 councillors won their seats by fewer than 50 votes. There was a tied vote in the Borris-in-Ossory area where I knew the two candidates involved. In the Ferbane area, just across the border from Moate, more than 300 votes were disallowed because the presiding officer failed to stamp the ballot papers. I am in Dáil Éireann today because of about 248 votes swinging the right way. If an incident such as that one in Ferbane had affected one of the boxes in my home town of Castlepollard, I would not have had the privilege or the honour of being a Member of Dáil Éireann. That would not be the wish of the people of my parish, but it could easily have happened that the face of the stamp, through no fault of the presiding officer, might not have penetrated the paper.

It is an honour and a privilege to serve in the Dáil. One comes here with one's integrity. My late father told me on my first night home in

Castlepollard after being elected that it was a great honour and privilege for the family and that I had done the parish proud. He said that, if I had that honour when I left Parliament, I would have done a good day's work for everyone. To be elected by one's own people is a great vote of confidence and a great motivating factor. One comes to Parliament in an effort to improve the lot of the people, community, parish and the many families relying on all of us, in Opposition and Government. The latter changes from time to time. The wheel always turns.

I have been a Member of either the Dáil or Seanad for seven Parliaments, and I am certain the voting method proposed is a step forward.

Who would enjoy the experience undergone by Deputy Gormley and the Minister for Justice, Equality and Law Reform, Deputy McDowell? I experienced a recount in a local election in 1979 in which I was being beaten by 12 votes until 22 postal votes were found. I received a telephone call at Crookedwood House, which Deputy Ó Caoláin knows well. I asked the position and was told a recount would take place in the morning. I and the 400 or 500 people who were disappointed that I might not be elected built up our hopes on that Friday night. The next morning, ironically, only four members of my family, along with two other friends and Mr. Paddy Hill, who has replaced me as councillor due to the dual mandate, attended the recount. To attempt to get votes back in a recount is a most difficult exercise.

Debate adjourned.

#### **Message from Select Committee.**

**Acting Chairman:** The Select Committee on Transport has completed its consideration of the Air Navigation and Transport (International Conventions) Bill 2004, and has made no amendments thereto.

#### **Private Members' Business.**

#### **Confidence in the Minister for the Environment, Heritage and Local Government: Motion (Resumed).**

The following motion was moved by Deputy Sargent on Tuesday, 30 March 2004:

That Dáil Éireann resolves that it no longer has confidence in the Minister for the Environment, Heritage and Local Government, Deputy Cullen, in view of the incompetent manner in which he has failed to introduce and implement policies that properly fulfil the functions of his Department, including measures to:

— encourage public support of the electoral process;

- construct and allocate social housing to the 50,000 applicants on local authority waiting lists;
- restrict the creation of unnecessary waste, resource the collection, reuse and recycling of waste materials, and the effective and safe disposal of unrecoverable waste, through funding methods that have the widest public acceptance;
- implement a national spatial strategy that properly distributes services, facilities and opportunities throughout the country;
- comply with international obligations that this country limit its increase of greenhouse gas emissions;
- responsibly protect national heritage; and
- enhance the quality of and access to local democracy.

Debate resumed on amendment No. 1:

To delete all words after “Dáil Éireann” and substitute the following:

“affirms its confidence in the Minister for the Environment, Heritage and Local Government and commends the actions taken by the Minister to:

- improve, and promote confidence in, the electoral process;
- support sustainable development including the protection of the high quality of our natural and built environment;
- accelerate the provision of social and economic infrastructure and protective services (including record levels of housing output);
- implement policies to advance balanced regional development and social inclusion;
- promote and support effective local government;

and, in particular, welcomes and endorses:

- in relation to the electoral process:
- improvement of the electoral system by the introduction, on a national basis, of more accurate and more secure electoral procedures;
- the establishment of the independent Commission on Electronic Voting to report on the secrecy and accuracy of the proposed voting system;
- in relation to housing:
- the 9th successive year of record housing supply involving the addition of 68,819 new houses in Ireland;

- establishment of a strong social and affordable housing programme involving investment of some €1.8 billion in 2004;
- in relation to waste management:
- the major progress achieved in the modernisation of waste management, including major increases in recycling of wastes and significant advances in the development of our waste infrastructure and services;
- in relation to the national spatial strategy:
- the comprehensive range of measures which have been put in place at national, regional and local levels to support the continuing implementation of the National Spatial Strategy 2002 — 2020, in achieving its objectives related to more balanced regional development;
- in relation to greenhouse gas emissions:
- the active implementation of the Government’s national climate change strategy, including the recent approval by Government of a national allocations plan for emissions trading;
- in relation to the protection of national heritage:
- the reorganisation of heritage functions at central government level to ensure optimum alignment and integration with his environmental protection responsibilities; and
- in relation to the enhancement of, and the quality of access to, local democracy:
- the continuing reforms of the local government system, including the greater focusing of the role of the local representative and the introduction of service indicators to ensure the delivery of value to local communities.”

—(Minister for the Environment, Heritage and Local Government)

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Ba mhaith liom mo chuid áma a roinnt leis na Teachtaí Fleming, Glennon, Curran, Andrews agus Peter Power.

**Acting Chairman:** Is that agreed? Agreed.

**Éamon Ó Cuív:** Tá áthas orm labhairt ar an rún ós comhair an Tí anocht. Mar gheall ar ceall ama, ní bheidh deis agam ach díriú ar roinnt de na hábhair atá sa rún atá curtha síos ag an gComhaontas Glas.

I want to concentrate on the issue of the national spatial strategy and balanced regional development. It appears that either the Green Party has not read the spatial strategy or its Members simply do not understand it.

**Mr. Boyle:** The Government is making it up as it goes along.

**Éamon Ó Cuív:** The purpose of the spatial strategy is to create balanced regional development through hubs and gateways. These are not to become “mini Dublins” in the regions but to help to stimulate growth throughout. Under the decentralisation programme, not all decentralised jobs will be based in the hubs and gateways—

**Mr. Boyle:** No, just in the spokes.

**Éamon Ó Cuív:** —but rather spread throughout the regions. As the purpose of the strategy, that is a coherent and logical process. I cannot understand how the Green Party concludes that, by providing 10,000 jobs over three years to all the regions, the Government has failed in its duty to implement a national spatial strategy, properly distributing services, facilities and opportunities throughout the country.

Recently, I have noticed a new syndrome that has infected the Opposition. It calls for spatial development, decentralisation and rural development. However, as soon as these issues are addressed, the process is delayed by calls for more consultation and advice to the Government not to do anything. The Green Party is full of the rhetoric of small being beautiful. However, try to protect the small parishes of Ireland and the population therein and it immediately complains about the building of houses.

**Mr. Sargent:** That is not true.

**Éamon Ó Cuív:** The Government acts in a coherent fashion. The Minister for the Environment, Heritage and Local Government's national spatial strategy and the rural housing guidelines are the two major policy initiatives for balanced spatial development to be adopted. As Minister for Community Rural and Gaeltacht Affairs, I welcome both these initiatives. If the Green Party were really concerned about people—

**Mr. Boyle:** Of course it is not.

**Éamon Ó Cuív:** There are times its Members give me the impression of being more concerned about flora and fauna.

**Mr. Boyle:** And trees. We are not from some small rural parishes. The Minister should stop talking nonsense. We do not care about his impressions. We would prefer if he spoke the truth.

**Éamon Ó Cuív:** That is what I am doing. Bíonn an fhírinne searbh ach is an fhírinne í. If the Green Party was concerned about people, it would focus its attentions on the effects of rapid agglomeration. In our major cities, particularly Dublin, this is the root cause of social deprivation in some areas. One of the most frightening manifestations of this is the combination of high drug and crime rates and low education expectations for our youth. It is time the Opposition spelt out exactly its vision for Ireland. Will it confirm that it is one where the countryside would be denuded of most of its population with rapidly growing towns full of social exclusion?

**Mr. Sargent:** That is what Fianna Fáil has done.

**Éamon Ó Cuív:** Fianna Fáil wants balanced growth of our towns and cities, matched by growth in the countryside. Development should be spatially balanced because there are no advantages, both financially and socially, in concentrating all growth within a small number of areas. We are working towards the goal of a balanced spatial spread and regional development in real and tangible ways. We come up with fresh, new and innovative ways of dealing with these issues in an Irish context. The people are not being fooled. Green Party policy will lead to more social deprivation in our towns and cities—

**Mr. Boyle:** I suppose that is our fault.

**Mr. Sargent:** Rubbish.

**Éamon Ó Cuív:** —and a countryside of old people separated from their families because Green Party members believe that the motor car is a rural phenomenon to be eradicated along with the rural population.

**Mr. Boyle:** We propose nothing of the sort.

**Éamon Ó Cuív:** Tá áthas orm go raibh deis agam labhairt ar an ábhar seo agus is trua é nach bhfuil níos mó ama agam. Tá a fhios agam go bhfuil go leor Teachtaí ar thaobh an Rialtais ag iarraidh labhairt ar an rún seo agus taispeáint an tseafóid atá ar bun ag an gComhaontas Glas nach bhfuil de pholasaí acu ach cosaint a thabhairt do bhláthanna agus ainmhithe seachas daoine.

**Mr. Boyle:** The Minister cannot have it both ways.

**An Leas-Cheann Comhairle:** Members should cease interrupting.

**Mr. P. Power:** I thank my colleagues for sharing their time with me. Before dealing with the record of the Minister for the Environment, Heritage and Local Government—

**Mr. Gilmore:** That will not take too long.

**Mr. P. Power:** —I wish to address an inherent and fundamental flaw in the Green Party's motion. The wording of the motion is predicated on the accusation of incompetence on the Minister's part and that he has failed to implement policies. If both these accusations could be demonstrated to be true, then it would clearly be a matter for a motion of no confidence.

**Mr. Boyle:** He is incompetent in implementing policies.

**Mr. P. Power:** However, the Green Party has singularly failed to demonstrate how the Minister is incompetent. On the contrary, I suspect that it is complaining about his competence in bringing in the policies which he believes are right for the country. As a Minister, he has shown the political skill to bring these to fruition. It is a skill that is lacking on the Opposition benches. The Green Party may vehemently disagree with his policies. However, it should not accuse him of incompetence in introducing them. He has done so in record time and proved himself a radical and dynamic Minister.

The motion accuses the Minister for failure to introduce and implement policies. Accuse him of anything, but not of failure to implement policies. If there is anything that he has done since taking office, it is that.

**Mr. Boyle:** They are all negative policies.

**Mr. P. Power:** Those on the Opposition benches failed to demonstrate this last night. The Green Party only demonstrated its unwillingness to listen to any other viewpoint that might differ from its.

**Mr. Boyle:** That is the Minister's problem.

**Mr. Sargent:** We were listening with great interest.

**Mr. P. Power:** That was the singular thing that the Green Party demonstrated last night. Its motion has failed to get off the ground for the two reasons I have mentioned. It hardly merits a substantive debate.

I would like to address an issue that was discussed at length last night. The Green Party alleged that the Minister's dynamic actions, contrary to what the motion says, have failed to encourage public support for the electoral process. An important distinction must be made between the Minister's reforms, with which one may not agree, and public confidence in the system. I will explain why it is regrettable that the Green Party introduced that element into its motion last night. Vastly differing views were expressed during last night's debate which was won by the Government side. When one talks about an issue of confidence, it should be understood that the Green Party is reintroducing this issue after the House has decided on it for a single simple reason. The Green Party wishes to

undermine the electorate's confidence in this system.

**Mr. Gilmore:** The Government introduced the Bill.

**Mr. P. Power:** I find it hard to take lectures from the Labour Party because its leader said in this House last month that he opposes electronic voting because "when it comes to counting the votes, I do not trust Fianna Fáil".

**Mr. Durkan:** He is not the only one.

**Mr. Gilmore:** He was on a winner when he said that.

**Mr. P. Power:** It was one of the most ludicrous statements I have heard since I was elected to the House.

**Mr. Durkan:** He echoed the sentiments of many people.

**Mr. P. Power:** The Labour Party Deputies will forgive me if I do not accept their arguments. There is one question that needs to be answered by the Government and the country as a whole. Is the Minister, Deputy Cullen, entitled to rely on the advice of internationally recognised experts on electronic voting? I believe that he is entitled to do so, just as we are entitled to hold that view, regardless of whether others agree with it. I have highlighted one of the five issues that were raised in the Green Party's motion. It is my firm belief that the Green Party has not demonstrated that the Minister is incompetent or that he has failed to act.

**Mr. McCormack:** He did that himself.

**Mr. P. Power:** The contributions of all of the Green Party's Deputies have underlined the fact that the Minister is dynamic.

**Mr. Sargent:** Hitler was fairly dynamic.

**Mr. P. Power:** The Minister has acted.

**Mr. McCormack:** He is certainly an actor.

**Mr. P. Power:** The Green Party is afraid to admit that he is extremely competent.

**Mr. Glennon:** I am delighted to support the Minister's amendment to the Green Party's motion. Far from lacking confidence in the Minister, Deputy Cullen, I am delighted and pleased to assert my confidence in him.

**Mr. Durkan:** The Progressive Democrats did that too.

**Mr. McCormack:** Deputy Glennon missed the ball in that line-out.

**Mr. Glennon:** I am happy to confine my argument to three issues that are of particular relevance to my constituency of Dublin North. Draft sustainable rural housing guidelines for planning authorities were published recently.

**Mr. McCormack:** They are a sham.

**Mr. Glennon:** Some people might ask why rural housing is relevant to a Dublin constituency but, as Deputy Sargent is well aware, Dublin North is unique among the Dublin constituencies in that it has a significant rural population. It is important that an appropriate balance is struck between urban and rural development as the north Dublin area is being developed. That has not been the case in recent times, however. I have encountered hundreds of cases of planning permission not being made available to the sons and daughters of farmers who have lived in the area for generations. Some 50% of the nation's annual horticultural output is produced in the region.

**Mr. McCormack:** Will the new guidelines solve the problem?

**Mr. Glennon:** Many people must live in urban areas away from the farms and communities in which they were reared. The Minister's recent announcement in this regard is a huge plus.

**Mr. Durkan:** It will do nothing.

**Mr. Glennon:** It has been welcomed across the north Dublin area.

**Mr. Gilmore:** It has given Fingal County Council a problem.

**Mr. Durkan:** When will it happen?

**Mr. Glennon:** It will be a major boost to——

**Mr. McCormack:** It is a fake to get over the elections.

**Mr. Glennon:** ——the sustainability and vibrancy of the villages of north Dublin.

**Mr. McCormack:** If it is true.

**Mr. Glennon:** I suspect that some of the Members opposite have not visited this unique area; they may be ignorant of it.

**Mr. Sargent:** The Minister, Deputy Cullen, does not seem to know about it.

**Mr. Glennon:** I say that on the basis of some of their comments.

**Mr. Durkan:** The Deputy's presumption of ignorance on the part of the Opposition is somewhat exaggerated.

**Mr. Glennon:** I do not think it is exaggerated.

**Mr. Durkan:** It is not all over here.

**Mr. Glennon:** I think the assumption of ignorance is entirely justified based on the level of performance from the other side, but that is another issue.

**Mr. Durkan:** When the Government starts to deliver, we will believe it.

**Mr. Glennon:** It is appropriate, bearing in mind the abuse that is coming across the floor, that the second issue I wish to raise is refuse charges. It is ironic that Fingal was the scene of most of the major battles during the recent refuse charges campaign as it was generally accepted that Fingal's method of charging for refuse collection — the pay-by-use system — was the fairest in the country as it rewarded careful people and penalised polluters. The Minister, Deputy Cullen, has set next January as the deadline for the introduction on a nationwide basis of a system based on this basic principle. Almost 100% of the residents of Fingal are happy to avail of this good and fair system because they see the benefits that accrue from it. I welcome the Minister's plans to introduce the system on a national basis.

**Mr. Sargent:** We gave him the idea.

**Mr. Glennon:** It is equitable for the householder and incentivises efficient waste management, which is good for everybody and is the sole purpose of the system, in my view. It is a win-win situation. I congratulate the Minister on his ambitious timescale for the introduction of the system nationwide.

**Mr. Boyle:** He is leading from behind again.

**Mr. Glennon:** I was lucky enough to have been elected to this House at the 2002 general election to represent one of the pilot electronic voting constituencies.

**Mr. Durkan:** Do not go there.

**Ms O. Mitchell:** Start the recount.

**Mr. Glennon:** I am happy and honoured to have been elected in such a way, just like my Opposition colleague, Deputy Sargent.

**Mr. Sargent:** It was a system of shock and awe.

**Mr. Glennon:** We subjected ourselves to the system voluntarily. We were the winners, but there many losers. The system being proposed is 99% identical to that by which Deputy Sargent and I were elected.

**Mr. McCormack:** We cannot trust it.

**Mr. Glennon:** He did not complain then, nor did any of his colleagues.

**Mr. Sargent:** I did not have to.

**Mr. Glennon:** None of the many losers in the three constituencies has complained since then.

**Ms O. Mitchell:** There are no records.

**Mr. Sargent:** They are in shock.

**Mr. Glennon:** Their parties are making a song and dance of it and hyping up the issue.

**Ms O. Mitchell:** There are no hanging chads to examine.

**Mr. Glennon:** If there were any genuine grounds for objection or any apparent flaw in the system, we would have heard about it by now in the Four Courts.

**Ms O. Mitchell:** They could not get a trail.

**Mr. Glennon:** That has not happened.

**Deputies:** Hear, hear.

**Mr. Gilmore:** There are no tracks.

**Mr. Glennon:** What is going on at present is a puff of smoke. I respectfully suggest that it will go the same way as other great puffs of smoke in recent years, such as Y2K, the euro changeover and the smoking ban. I am delighted to support the Minister, Deputy Cullen, and his amendment.

**Mr. McCormack:** He has gone out for a fag.

**Mr. Sargent:** The Minister, Deputy Cullen, opposed the smoking ban.

**Mr. Curran:** I welcome the opportunity to speak on this motion this evening. I strongly oppose the Green Party's motion of no confidence in the Minister for the Environment, Heritage and Local Government and support the Government's amendment.

In his contribution, the Minister outlined his policies on a wide range of issues and explained how the Government has been implementing them. I do not have enough time to go through all of the policies, but I would like to refer to one or two of them, in particular.

A short time ago, the Minister indicated that waste management charges would be determined by volume or weight. South Dublin County Council was probably one of the last local authorities to introduce a waste management charge. It did not introduce the concept of payment by volume until this year. That measure has led to a significant reduction in the amount of waste going to landfill. I look forward to the implementation of such a system on a nationwide basis from next year. The Dublin local authorities are operating a green bin recycling service to complement the new system. That is what makes

the system work. The initiative must be rolled out throughout the country.

Many speakers, including Deputy Boyle, have made the point that they are not interested in the national figures cited by the Minister. They are interested in what is happening on the ground. Last night it was stated that the Minister would say he built 70,000 houses——

**Mr. Boyle:** There are 50,000 people on the housing waiting list.

**Mr. Curran:** ——and that the Green Party was not particularly interested in that aspect of it.

**Mr. Boyle:** It is the people that matter, not the houses.

**Mr. Curran:** This Government has presided over a period in which we have seen massive growth in housing.

**Mr. Boyle:** And more homelessness.

**Mr. Curran:** Over nine consecutive years the housing output has grown to almost 70,000. That is three times the EU average and five times the UK average.

**Mr. Durkan:** Yes, but who bought those houses? They were bought by investors.

**Mr. Curran:** It does not matter who bought them; there are people living in all of them.

**Mr. Boyle:** That is not true. A quarter of those new houses are second homes.

**Mr. Curran:** That was the output last year. There are people living in those houses in all circumstances. To follow on from Deputy Boyle's point, I will talk about what these figures mean locally. I was a member of South Dublin County Council, which has a housing plan of more than 1,400 houses in a three or four year period. Affordable housing is being built in the area. More than 1,500 houses are being bought under the shared ownership scheme. Many strides have been made.

The Minister puts forward various policies and makes finance available. South Dublin County Council had €50 million for its housing programme last year. It is important to remember that there is an onus on local authorities — on which Green Party members have also sat — to implement these plans. When have Green Party members supported them?

**Mr. Sargent:** Every time.

**Mr. Curran:** When have they supported the adoption of estimates? When have they supported any of these schemes? The Green Party Deputies stand on that side of the House and say the Minister has not implemented various policies. The reality is that when it comes to social

and affordable housing, it is local authorities who implement those programmes.

**Mr. Boyle:** Not one house has been built. There have been no planning applications.

**Mr. Curran:** On the local authority on which I sat, when did Green Party members support those policies?

**Mr. Sargent:** We supported them many times.

**Mr. Andrews:** I am surprised the Green Party has chosen to put this motion before the House. A motion of no confidence is the most negative procedure available to the House. It is the most negative way of trying to put a point across, yet the Green Party calls itself the party of constructive opposition. The last time it had a motion on Private Members' business its members trumpeted the wonderful fact that it had introduced four Bills in such a short time. They announced this with a fanfare and heralded the Green Party as the great new wave in politics. Yet this is what they are reduced to this evening. It is pathetic and negative and they should be ashamed of themselves.

**Mr. Sargent:** We are always positive.

**Mr. Andrews:** There is no issue whatsoever. The text of the motion is so broad that it is meaningless. There is nothing in it that would warrant a motion of no confidence.

I agree with Deputy Curran's point. In my experience in Dun Laoghaire-Rathdown County Council the Green Party members have done nothing but speak out of both sides of their mouths at the same time. In regard to housing, the Green Party has been the most vociferous voice in preventing the rezoning of 70 acres in the middle of Dun Laoghaire.

**Mr. Sargent:** There is plenty of rezoning.

**Mr. Andrews:** The plans for those 70 acres are a perfect example of sustainable development.

**Mr. Boyle:** Who owns the land?

**Mr. Andrews:** It is close to transport nodes and schools. It will involve 20 acres of land for public access in an area in which none is available at present.

**Mr. Gilmore:** It is not available until 2008.

**Mr. Andrews:** That is what sustainable development is, and that is what the Green Party opposes.

**Mr. Sargent:** There is enough rezoned land in the area to last until 2010.

**Mr. Andrews:** I put it to the House that the Green Party is indulging in bare-faced hypocrisy.

Furthermore, it has opposed the "polluter pays" principle. It indulges in the view that it is all very well in practice, but the theory is a different matter. Somebody must have the courage to make difficult decisions. Its members state in the House that they support the principle, but when it comes to the nuts and bolts of the issue, as Deputy Curran said, they show no courage. They pander to the lobbyists and the voices they hear in their constituencies.

What we are dealing with here is an example of total opposition. The Green Party Deputies are against everything and propose very little, apart from some crackpot ideas that are sometimes put forward for our amusement. They proposed that Dublin Airport be closed down and they are seeking an economic recession so they can stop road building.

**Mr. Boyle:** If we propose something we are crackpots and if we oppose it we are also crackpots. The Deputy should be consistent.

**Mr. Andrews:** I wonder if any of this is serious. Is tonight's motion an example of begrudgery? The Minister is doing a fantastic job. He is making great progress on making the polluter pay. The people I represent in Dun Laoghaire are pleased with the improvements being made. A pilot scheme is already in place and we are looking forward to 1 January 2005 — a great reforming date — when the pay-per-weight system will be introduced. I oppose the Green Party motion.

**Mr. Fleming:** I welcome the opportunity to say a few words in this debate. I thank the Green Party for allowing us the use of its Private Members' time to confirm our confidence in the Minister for the Environment, Heritage and Local Government and the actions he has taken in various areas. I agree with Deputy Andrews when he says the motion put down by the Green Party is highly negative. However, it has been a tremendous opportunity for Government Deputies to outline the Government's proposals.

**Mr. Sargent:** The pleasure is ours.

**Mr. Fleming:** I hope the Green Party will use its time similarly in the future.

**Mr. Sargent:** There will be an election first.

**Mr. Fleming:** Without going into the details, the Minister has a record of success in the natural and built environment. He has been successful in the areas of housing, waste management——

**Mr. Boyle:** Has he? We are creating more waste than ever — 700 kg. per person.

**Mr. Fleming:** ——greenhouse gas emissions and our natural heritage. The only thing I can say about the Green Party when it comes to the Minister's success is that it is green with envy.

**Deputies:** That is original.

**Mr. Fleming:** I am confused because I do not know which of the 40 shades of green I am talking about. When I look at the three Deputies opposite, I do not think any of them would agree on this.

**Mr. Sargent:** Deputy Fleming is the Johnny Cash version.

**Mr. Fleming:** I want to talk about practical issues in which the Green Party ought to be interested. I thought they would have supported the initiatives on the ground and supported citizens at a local level, but it seems they are much happier to condemn the Minister and say he should be fired. I am talking about waste management, prevention, re-use and recycling. Around the country in the past two years I have seen an explosion in the number of bring centres, bottle banks, aluminium banks and so on.

**Mr. Boyle:** It matches the explosion in waste.

**Mr. Fleming:** This is to be welcomed. For the first time citizens are recycling waste on a regular basis in every town and village — waste which used to be disposed of in landfills. The Minister is bringing about a cultural change in our society. This follows from the earlier introduction of the plastic bag tax.

**Mr. Sargent:** That was a Green Party idea.

**Mr. Fleming:** This was seen as a crackpot idea, but within an hour of its introduction it was clear from every retailer in the country that people thought it was an excellent idea.

**Mr. Sargent:** The Deputy is welcome.

**Mr. Fleming:** Now they bring canvas bags to the shops on an ongoing basis and are continuing to re-use existing bags as we used to do in the old days.

I mention recycling because even in small rural villages the recycling bins are collected one week while the regular bins are collected the next. The volume of material in the non-recycling bin, which is going to landfill, has reduced dramatically. I look forward to 1 January 2005, when people will start paying by weight. In my clinics in recent weeks I have been surprised by the number of people, sometimes elderly, who have come to me complaining that they must pay the full price for a wheelie bin while the big household next door which fills its bin to the brim pays the same amount.

**Mr. Boyle:** Is it not Government policy to charge a flat rate?

**Mr. Fleming:** We have now succeeded, through our recycling process, in ensuring that people adjust to the new arrangements.

**Mr. Boyle:** We have a recycling rate of 10%.

**Mr. Fleming:** From my experience in Laois County Council, I can say that the volume of recycling has increased enormously. If it is not happening in other Deputies' local authorities, they should be addressing the matter locally. I suspect they are creating a negative image for recycling which is not warranted. Recycling is going well and pay-by-use will be the way forward. People will not want to create unnecessary waste and will be happy to pay by weight because they will see that they are getting value for money.

The Minister should introduce a tax on chewing gum which is a big cause of litter on our streets. It destroys the general appearance of streets, so I hope such a tax can be imposed in the near future.

**Mr. Durkan:** There will be little left to tax shortly.

**Mr. Fleming:** Given the Deputy's comment, I take it that he opposes the principle of taxing those who destroy the environment. I am delighted to be on the opposite side of that debate.

**Mr. Durkan:** There has been a rise in car tax and all sorts of other taxes.

**Mr. Fleming:** There is a difference of opinion but it is clear that, in Deputy Durkan's opinion, people should be free to pollute and litter our streets.

**Mr. Durkan:** I am surprised when I hear about a new tax.

**Mr. Fleming:** He should support such taxes which, like the smoking ban and the plastic bag levy, will force people to reconsider their actions.

**Mr. Durkan:** I should not be surprised because there is a new tax every week.

**Mr. Fleming:** I thank the Green Party for the opportunity to highlight some of the Minister's successes. I ask its Members to use their Private Members' time in such a manner in future because it gives us an opportunity to outline Government policy.

**Mr. Gilmore:** The Labour Party supports the motion tabled by the Green Party, not because we doubt the Minister's ability or even his competence but because of his record and that of the Government in the areas for which he is responsible. We need go no further than the Minister's contribution to the debate to find the summary of his record. He said: "In my time in this Department I have worked to ensure that Ireland has the highest rate of home building in Europe". That is true. We have the highest rate of home building in Europe but we also have the

worst housing crisis for at least half a century. We have some of the highest house prices in Europe and a housing list which has more than doubled since the Fianna Fáil-Progressive Democrats Government took office in 1997. Approximately one third of newly formed households can no longer afford to provide a home of their own.

The Minister said he has worked to produce Ireland's first ever spatial strategy. That is true, although the spatial strategy came belatedly, several years after the announcement of the national development plan, and it has now been thrown out the window as a result of the decentralisation plan announced by the Minister for Finance.

**Éamon Ó Cuív:** Not at all.

**Mr. Gilmore:** The Minister, Deputy Cullen, said he has worked to make local democracy more transparent and accountable. Nothing could be further from the truth. We have the weakest system of local government in Europe and, in the history of this State, no Minister in charge of the Custom House has taken more powers from local authorities.

The Minister said he has worked to increase dramatically recycling facilities, yet this week we have read stories in our newspapers about dumping and trading in waste that is taking place, legally and illegally, as a result of the Minister's actions in commercialising the waste management system.

The Minister said he has worked to take the fight against Sellafield to the next level. That is one area for which I will give him credit. To be fair, he has built on the work which was initiated by me, my colleagues, Deputies Stagg and Howlin, and others when we were last in Government.

The Minister said waste management has been his highest priority since coming into office, but waste management is a mess. I heard Deputy Fleming speak of the outbreak of recycling tanks that we can find in shopping centre car parks throughout the country. That is true, but where will the material be recycled? The Minister has failed to build a recycling infrastructure and the result is that much of what is collected for recycling is exported. We have paper going to China, Tetrapak cartons to Scotland, and glass, which can no longer be recycled here, going across the Border. The reality, as people know, is that much of the material collected for recycling ends up in landfill because there are no recycling facilities.

The Minister acknowledged in his contribution that his solution to the waste management problem is not to recycle waste but to burn it. Later on in his contribution he spoke about recovering energy from waste through the use of thermal treatment technologies. As the Minister has admitted on a number of occasions in the House, he is an avowed supporter of incineration. It is not the strategy of the current Minister to

have a worthwhile recycling system in this country. His strategy is to bury or burn waste.

One of the by-products of this strategy, whereby the Minister has shifted the area of waste management from a public service delivered through local authorities to a commercial service for which people must pay, is that we now have the legal and illegal commercialisation of waste management. We have seen numerous incidents of illegal dumping in many parts of the country. We have seen waste being traded across the Border and we have seen the development of a waste industry which is largely unregulated and out of control.

The Minister said that 1 January 2005 has been set as the date for completion of the changeover to pay-by-use waste systems. The Minister has not issued a regulation making it obligatory for local authorities to change over on 1 January 2005. He has simply announced his intention of setting that date. I agree with the pay-by-use system which is in line with the polluter pays principle. However, to introduce pay-by-use without addressing ability to pay or the levels to which waste operators can increase their charges will leave householders open to greatly increased costs.

I will provide an example. Last year, South Dublin County Council had a flat annual waste collection charge of €160. It decided to move over to a pay-by-use system under which people now pay €6 per collection. For a householder presenting waste once a week, that represents a significant increase in the waste bill to approximately €300. The Minister is already on record as indicating his wish that local authorities and waste service providers should charge the full economic cost of the service. The idea of pay-by-use, dressed up as the polluter pays principle, is a Trojan horse for increasing the level of charges and not taking sufficient account of ability to pay.

In his speech, the Minister also spoke about the national spatial strategy and said: "There is a strong focus on promoting the scale and critical mass at strategic regional locations — gateways and hubs — to lead and drive regional competitiveness". Why, however, did the Government decide in its decentralisation strategy to ignore most of the gateways and hubs it had identified in the national spatial strategy? The reality is that the national spatial strategy is a dead duck. It was published because the country is required under EU regulations to have such a strategy but there is no intention to stick to it or do anything about it. It is now well and truly dead and buried.

The Minister also spoke about the draft guidelines on sustainable rural housing, a subject which was referred to again by the Minister, Deputy Ó Cuív. The draft guidelines on sustainable rural housing are a con. The Minister unfairly last night accused the planners of Clare County Council of misleading local authority members. He said the guidelines were not adopted in Clare because the members misread them and they were misled by the planner who

[Mr. Gilmore.]

gave an outline at a meeting. The Minister and the Government are misleading the public on the guidelines because they are only guidelines. The Minister had two other options. First, he could have issued a direction to local authorities under section 29 of the Planning and Development Act 2000 but he chose not to and, second, he could have made regulations under section 262 of the Act, which he also declined to do. He published draft guidelines under section 28 and, following the court case relating to the Meath county development plan, such guidelines have no force of law. A planning authority only needs to have read the guidelines and it does not have to comply with them.

The draft guidelines have been published to enable the Minister and the Government to give the impression to people applying for planning permission in rural areas that they are on their side against the planners. However, the Minister for Community, Rural and Gaeltacht Affairs is well aware the guidelines have no force of law and can be ignored.

**Éamon Ó Cuív:** There is a misunderstanding. The guidelines are in place and it is up to each local authority to draw up a plan.

**Mr. Healy:** And they will be even more restrictive than the existing plans.

**Mr. Gilmore:** I am glad the Minister intervened because it has been helpful. His party colleagues complain that people in rural areas cannot obtain planning permission. Their complaint is they draw up the county development plan, which allows for one scenario, but the planners will not comply with it. However, the Government's draft guidelines do nothing to improve that scenario.

**Éamon Ó Cuív:** The Deputy is missing the point. That was not the problem. When the local authority drafted its plans, it was told *ad nauseam* by planners that it could not do what it wanted in its county plans because it was contrary to Government policy. The guidelines clarify that issue.

**Mr. Gogarty:** The issue is Government policy.

**Mr. Gilmore:** When Meath County Council drafted its county development plan, a case was taken to the courts on the basis that the local authority had not complied with regional planning guidelines. The court's decision was the council did not have to comply with them, as a planning authority is only obliged to have read them.

**Éamon Ó Cuív:** The Deputy is missing the point. He should ask Deputy McHugh.

**Mr. Gilmore:** When an individual planning application is made to a local authority—

**Éamon Ó Cuív:** The Deputy should ask Deputy McHugh.

**Acting Chairman (Mr. McCormack):** Order, please.

**Mr. Gilmore:** The Minister thinks the problems of social disorder are the product of rapid agglomeration.

**Éamon Ó Cuív:** That is largely the case.

**Mr. Gilmore:** The Minister is engaging in rapid agglomeration and I would like to conclude my contribution. When an individual planning application is submitted to a planning authority, the authority is restricted under section 34 of the Planning and Development Act 2000 regarding the matters it can take into account and, as people will find out in time, the draft guidelines on rural housing are not worth the paper on which they are written. They are designed only to get Fianna Fáil beyond the local and European elections on 11 June because planning is an issue in many areas.

The Minister for the Environment, Heritage and Local Government also referred to Ireland's obligations regarding greenhouse gas emissions. He said he had submitted a national allocation plan for emissions trading to the European Commission. It is unfortunate that he is claiming a proud record in this area because he rolled over and lost the battle with the Minister for Enterprise, Trade and Employment in the interest of competitiveness. The national allocation plan was published by the Environmental Protection Agency on the basis of a formula designed by the Minister and his Department. If its purpose is to reduce emissions, how does he justify the plan's allocation of even higher levels of emissions to the greatest polluters, energy generation and cement production, than the emissions they currently produce?

The national allocation plan, for which the Minister claims credit, is a sell out of the environment to major polluting industries and he ought to be ashamed of it as he ought to be ashamed of his contribution on heritage, for which he also claims credit. He abolished Dúchas and has sent out a signal that heritage is not to be considered a priority any more. A major issue is looming and it will make the Carrickmines dispute look like a piece of cake. I refer to the proposal to develop a motorway through the Hill of Tara and Skryne, about which archaeologists and historians have become increasingly concerned.

The only interesting statement the Minister made in regard to heritage was that the first volume of a national shipwreck survey will be completed this year. The first entry ought to be the shipwreck of the Government's environment policies, for which the Minister has been the captain standing on the bridge.

**Mr. Allen:** The Progressive Democrats have jumped ship this evening.

**Mr. Gilmore:** The Minister praised himself last night regarding local government. I am delighted he has returned to the House because I hate praising him in his absence. Instead of providing for greater transparency and giving greater powers and so on to local authorities, no Minister who has held the office has done more to remove power from local government and undermine it. He reversed the decision to have directly elected mayors and he removed the power from local authorities to draft their own waste management plans. He is the first Minister to interfere with the autonomy local authorities had regarding the adoption of their annual estimates by giving power to county managers to set charges. He is also the first Minister to direct a local authority regarding what it should include in its county development plan. I represent the Dún Laoighaire constituency and the Minister's direction to Dún Laoighaire-Rathdown County Council in respect of what it should have included in its county development plan was disgraceful, unwarranted and went beyond his authority. He may yet have to answer for this decision in another forum.

**Mr. Cullen:** The council left me with no choice. It was in contravention of its own plan, not my plan.

**Mr. Gilmore:** The Minister colluded with the management of the county council to subvert the will of the elected members of the council——

**Mr. Cullen:** I exercised my responsibility under the law.

**Mr. Gilmore:** ——and to browbeat them into bending to his will or the manager's will or a combination of both.

**Mr. Cullen:** I want to provide houses for people, unlike the Deputy. Housing is the issue.

**Mr. Gormley:** That is simplistic.

**Mr. Sargent:** There is plenty of land in Dún Laoighaire.

**Mr. Gilmore:** That is interesting. The issue is not the number of houses but the affordability of houses, as is the case in many other parts of the State. I have told colleagues on the council that increasing the number of houses being built in that area where house prices are particularly high and in other areas without addressing the question of affordability will simply mean that more houses will be built for people with deep pockets and large bank balances who can afford to buy them and the sons and daughters of local people will have to move to Arklow, Gorey, Athy and——

**A Deputy:** Maybe even Waterford.

**Mr. Gilmore:** ——30 or 40 miles away before they can afford to buy a home. The worst aspect of the Government stewardship on environment issues is its lamentable record on housing. Currently one third of young families nationally cannot afford to buy a home, rising to 40% in urban areas and more than 50% in the greater Dublin area. The Minister has talked a great talk about housing for a long time. We were promised——

**Mr. Cullen:** Seventy thousand houses.

**Mr. Gilmore:** Seventy thousand houses is no use to somebody——

**Mr. Cullen:** It seems to be of use.

**Mr. Boyle:** To those who have second homes.

**Mr. Gilmore:** It is no comfort to the family which cannot afford to buy or to those who have been waiting for up to ten years to get a local authority house and may have to wait longer under the Minister's stewardship or to those who thought that affordable houses would come under the national pay agreement, which the Minister has welched on.

**Mr. Cullen:** The Deputy should talk to the social partners

**Mr. Gilmore:** It is no wonder they are staying away from the talks

**Mr. Cullen:** They have discussed the issue of affordable houses with me.

**Mr. Healy:** With the permission of the House, I wish to share my time with Deputies McHugh, Twomey and Ferris.

**Acting Chairman:** Is that agreed? Agreed.

**Mr. Healy:** I support the Green Party motion and, in the time available, I will address two issues.

We are experiencing the worst housing crisis in living memory. The local authority housing waiting list is double what it was when Fianna Fáil and the Progressive Democrat Party took office in 1997. At present 50,000 families are on the waiting list, which represents in the region of 120,000 to 130,000 individuals.

**Mr. Cullen:** That is incorrect.

**Mr. Healy:** The number of homeless people has increased dramatically, especially in Dublin. The serious increase in the numbers on the local authority housing waiting list has been exacerbated to a considerable extent by the fact that many young couples, both with good jobs, are not able to afford the cost of private houses.

[Mr. Healy.]

People who would have bought or built private houses and not been a burden on local authorities are not now in a position to buy or build those houses and find themselves languishing on local authority house waiting lists. We were promised 10,000 affordable houses, but I have seen very few of them, if any. The Minister has effectively given *carte blanche* to developers and builders to make serious profits by building private houses. The Minister stated that 70,000 houses were completed last year.

**Mr. Cullen:** Of which 75% are going to first-time buyers.

**Mr. Healy:** How many were purchased as second homes? It is certainly a significant number. It is 25% if not more, and may well be near to 33% to 40%. This is while 50,000 families remain on local authority housing lists.

The Minister has undermined local democracy and local government over a period. He has taken from local authority elected members the right to make waste management plans and the right to levy refuse charges.

**Mr. Cullen:** It might put a bit of backbone into councillors.

**Mr. Healy:** The Minister has withdrawn the right to directly elect a mayor which has undermined local public elected representatives.

The guidelines for once-off rural housing are a three card trick and a typical stroke by the Fianna Fáil Party. As Members have outlined, the Minister had a number of ways in which he could have dealt with the matter, by direction or by regulation, and both of these would have had to have been implemented by local authorities. Instead, he chose a different way which has no force of law.

**Mr. Cullen:** What is the Deputy talking about?

**Mr. Healy:** The fact is that the guidelines which the Minister has issued are worse than the existing provisions of most county development plans. I was travelling through Waterford recently and heard local authority officials confirm on WLR that the ministerial guidelines mean nothing in that county, south Tipperary or other counties. This is simply a European and local elections stroke by Fianna Fáil,

**Mr. Cullen:** Has the Deputy read the proposals?

**Mr. Healy:** I have read them in detail.

**Mr. McHugh:** The use of the confidence motion is a serious sanction, should not be used lightly and should only be used as a last resort.

**Mr. Cullen:** Hear, hear.

**Mr. McHugh:** Common and routine use of the confidence motion has the effect of undermining its effectiveness. The use of such motions should be retained for serious breaches of responsibility by Government or Ministers or for situations where Ministers are in serious dereliction of duty. One of the strongest weapons available to the Opposition is to table a vote of no confidence and, for such a motion to retain its sense of seriousness in the public mind, it needs to be retained as a weapon of last resort. It is for the reasons stated that I am unable to support the motion before the House as it is presently constituted. However, I agree with most of the criticisms of the Minister and Government in the Green Party motion.

In the Planning and Development (Amendment) Act, the Minister for the Environment, Heritage and Local Government, Deputy Cullen, at the stroke of a pen undermined and set at naught the work and progress achieved by his courageous predecessor, Deputy Noel Dempsey, on the integration of the various strands of housing — social, affordable and private. In so doing, he capitulated to the might of property developers whom his predecessor had the courage to take on. The provisions in the Act had nothing to do with proper planning and development but with collapsing in front of the march of major developers.

The Government talks the talk about the national spatial strategy but it will not walk the walk when it comes to underpinning it with coherent policies that will give confidence to other development agencies and State organisations on the way forward so that they, in turn, will have regard to the national spatial strategy and tailor their policies accordingly. The Government has not shown the leadership and, with the programme of decentralisation recently announced, has shown that nothing has changed in Government policy towards achieving balanced regional development. It is the same old story for rural Ireland — talk and no real action. The Minister, Deputy Cullen, rolled out the national spatial strategy, but it is freewheeling since with no Government direction and no coherent follow up.

The Minister issued guidelines on planning for houses in the countryside. As far as County Galway is concerned, those guidelines will make no difference to the people seeking planning permission and who have difficulty in acquiring same. They give false hope to those experiencing those difficulties and that is unfair. It is quite obvious that the guidelines are being peddled now to get over the threat that this issue holds for the local elections. It is disgraceful that, because of this electioneering prank, decent people will have their hopes raised before the local elections and subsequently dashed.

The Government talks the talk about enhancing local government, but it refuses to walk the walk when it comes to bringing about real reform to provide genuine power to local

councillors. Instead, the Government engaged in the charade of abolishing the dual mandate which changes nothing. It means only that a Deputy cannot take part in local authority meetings. The work of a Deputy is the same as it was before the abolition of the dual mandate. Rather than to enhance local government, the effect of the Government's actions has been only to undermine local authorities and sideline their members.

The removal of decision making powers from councillors in the context of waste management plans was the clearest example of the way in which local authority members have been sidelined by the Government.

**Mr. Cullen:** They are all thanking me. They do not have to make the hard decision on thermal treatment. I will make it for them.

**Mr. McHugh:** A further example of undermining of local government came on completion of passage of the Environmental Protection Act 2003 when the Minister inserted a provision which gave it precedence over county development plans. That was done for the single reason that members of Galway County Council had included provision on landfills in their county development plan, which the Minister did not like.

**Mr. Cullen:** Correct.

**Mr. McHugh:** So much for local democracy and so much for enhancing the role of councillors.

**Mr. Cullen:** They would not want to come crying to me from the west when they have no jobs and no way of dealing with waste management. That will be the next cry. I should not be blamed.

**Acting Chairman:** The Minister should allow the next Deputy to speak.

**Mr. Allen:** He is being disorderly.

**Dr. Twomey:** While the motion of no confidence will not have much effect on the Minister, it would be nice if we could get some straightforward answers from him given his mood.

**Mr. Cullen:** The smoking ban has affected me badly.

**Mr. Boyle:** The Minister was always that way.

**Mr. Cullen:** I was not. I have always retained a sense of humour.

**Acting Chairman:** There is only a short amount of time left.

**Dr. Twomey:** We are always looking for answers on incineration in the south east. The

issue has been ongoing since long before the election but no Minister has been able to tell us whether incineration will be introduced. The Minister has responsibility for incineration and hinted strongly in his speech last night that it is on the way. By any measure, recycling and re-use of waste has failed. The input it needed to succeed was not forthcoming. I would appreciate it if the Minister would tell the House this close to the local elections whether incineration is on the way. I read between the lines that it is, though many Government backbenchers are of the view that the Minister continues to sit on the issue. In reply to a priority question last November, the Minister said the issue was due to be discussed at Cabinet. I presume it is being discussed.

**Mr. Cullen:** There should be no doubt that thermal treatment is on the way all over the country.

**Dr. Twomey:** Very good.

**Mr. Cullen:** Absolutely. It is in all the regional plans. The Deputy should read them. He does not need me to tell him. They are a matter of public record.

**Mr. Boyle:** Incineration is not in the Cork plan.

**Mr. Cullen:** It is a matter of public record.

**Dr. Twomey:** It is constantly being denied at local level within the regions. At least the Minister is clearing the issue up for us.

**Mr. Cullen:** I will publish an overview next week in which Deputies will see the picture for the entire country.

**Dr. Twomey:** That is what we want.

**Mr. Cullen:** There is no ducking and diving from me. There never has been.

**Acting Chairman:** The Minister should allow Deputy Twomey to continue.

**Mr. Cullen:** He asked me a question and he appreciates that I have given him a direct answer.

**Dr. Twomey:** I do, actually. On heritage, a major infrastructural project which would have benefited hard-pressed commuters and the economy of Dublin has been held up for years because of a castle nobody seems to have given a damn about before the M50 was due to go over it.

**Mr. Cullen:** Hear, hear. There is no castle there by the way.

**Dr. Twomey:** Whether this was due to a deliberate or an unintentional cock-up in the planning of our infrastructure, millions of euros in taxpayers money has been wasted.

**Mr. Gilmore:** Where is the Bill?

**Mr. Cullen:** A sum of €10 million is provided for archaeological research.

**Dr. Twomey:** The Minister seems to have set out to deliberately destroy our heritage which he has been given the responsibility for protecting. He has allowed planning guidelines to be overridden which in one case has permitted a hotel to be built in front of a castle. There have been other planning issues. As stringent as our planning laws supposedly are, they appear to be overridden by the Department of the Environment, Heritage and Local Government especially when heritage issues are involved. The Minister stands accused of giving commercial interests a much higher priority than our heritage.

**Mr. Gilmore:** The Minister will duck and dive for them all right.

**Mr. Cullen:** Deputies will see when UNESCO's report is published how well I am doing. Will they accept UNESCO's judgment?

**Dr. Twomey:** I am more interested in when the national infrastructural Bill will be published.

**Mr. Cullen:** We will see what UNESCO has to say about my stewardship of the environment.

**Dr. Twomey:** If the Minister does not mind, I would like to continue.

**Acting Chairman:** The Minister will have an opportunity to speak.

**Dr. Twomey:** If the Minister's current attitude to his heritage brief is typical, things will only get worse if the national infrastructure Bill allows fast tracking of planning.

While I agree that the dual mandate should have been abolished, reform of and quality of access to local government constitute a significant element of what we are discussing. The Flood tribunal had its genesis very much in the corruption of elected representatives and unelected public servants at local government level. Has there ever been discussion of this by the Minister's Department or plans put in motion to find out if an environment of corruption continues to exist in the local authority planning departments which helped certain individuals to make substantial sums of money? The tribunal has been used to ignore the issues involved with the excuse that they are under discussion. If we wait for it to make conclusions before doing anything, we will have to start all over again to deal with any corruption which is occurring currently.

To mention that 69,000 new houses were built in the past year is to produce a red herring.

**Mr. Cullen:** The people who occupy them would not see them as a red herring.

**Dr. Twomey:** The Minister's Department is responsible only for local authority housing.

**Mr. Ferris:** Whatever about the Minister surviving a vote of confidence, there is no doubt that he has lost the confidence of many, including people in his own constituency. During the last election, the Minister said he would stake his political reputation on securing a radiotherapy unit for Waterford hospital. He has not done so and his failure, which is also the failure of the Government, has been greeted with massive disappointment in Waterford. Waterford City Council has voted unanimously to condemn the failure of the Government to deliver a radiotherapy unit.

**Mr. Cullen:** Did David Cullinane give Deputy Ferris the speech?

**Mr. Ferris:** The council has the support of Fianna Fáil councillors. So annoyed were these councillors that they took the unusual step of joining a picket outside the gate of Leinster House to protest at the Government's failure to fulfil Deputy Cullen's promises.

**Mr. Cullen:** It is called democracy. A member of Sinn Féin would not be used to it.

**Mr. Gilmore:** He is not the only one in the room.

**Mr. Ferris:** They may have felt as I do along with many ordinary people and Fianna Fáil members, that the agenda of the Government is based on the right-wing economics of the Progressive Democrats. Perhaps, the councillors in question feel the Minister for the Environment, Heritage and Local Government, Deputy Cullen, is closer in his thinking to that party than some of his colleagues.

**Mr. Cullen:** They do not feel that.

**Mr. Ferris:** Something similar surfaced in my constituency when Fianna Fáil councillors in Tralee voiced their disappointment at the failure of the Tánaiste to meet the local council to discuss the jobs crisis in the town. The Tánaiste refused to meet the democratic members of the council. They felt she was being dismissive because her party did not have a single elected representative in County Kerry. She is considered to have felt it was unnecessary to treat the matter with the urgency it deserved. There is widespread concern among Fianna Fáil grassroots that members will have to pay the price for the right-wing policies they believe originate with the Progressive Democrats. I do not know if that is correct or whether some Fianna Fáil Ministers favour such policies themselves. While I suspect some do, including Deputy Cullen I am aware that there are members of the party, including elected representatives and perhaps, some in

Government, who are instinctively opposed to the direction in which policy is being driven.

It is sometimes said with justification that Fianna Fáil has played a role in the State similar to that played by the Labour Party in Britain and some European social democratic parties. Fianna Fáil is the party people associated in the past with public housing, education, the health services and the development of State enterprises. That explains the level of support the party enjoys among the types of people who in other countries would vote for parties of the left. Fianna Fáil is in danger of losing that association and support if it continues to adhere to the right-wing policies advocated by the Progressive Democrats.

What would former Fianna Fáil members like Todd Andrews think of being in power with a party the leader of which has stated that the issue she considers most important — and one that might force her to pull out of Government — involves the sale of State enterprises. Surely, men like Mr. Andrews did not believe when they were devoting themselves to building up CIE and Bord na Móna that Fianna Fáil would some day be persuaded by its junior coalition partner to sell them off after decades of public investment and service. The Taoiseach told the House yesterday that there is no agenda for privatisation. While this may be true on his part and on the part of his party, it is clearly not the case with the Progressive Democrats. The Minister, Deputy Cullen, has helped further this agenda by encouraging local authorities to privatise local services, including waste management. The rationale for this was nothing other than providing lucrative earnings for people who like to term themselves “entrepreneurs”. In my book, an entrepreneur is a person who comes up with an original idea and sets up a business. It is not someone who persuades his or her friends in power to let them take over a well-run and efficient public service.

If private enterprise was so efficient in all the areas on which it has now set its greedy eyes, why did it not establish businesses in them in the first place? Anyone familiar with the history of state enterprise in this State will know that the businesses were not established owing to ideological motivations. Those with wealth who resided in this State in the 1920s, 1930s and 1940s were not prepared to invest this wealth productively. Now that these State enterprises have been run successfully for many decades, they are trying to persuade the State to sell them off. They are not so much entrepreneurs as buccaneers.

The Minister is one of the foremost advocates of this right wing agenda in the Cabinet. This is reflected in the area for which he is responsible. My party fully supports this motion of no confidence.

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** I found it difficult to take some

of the sanctimonious drivel dished out last night by the Green Party.

**Mr. Gormley:** The Minister of State should say what he has to say. He should not hold back.

**Mr. N. Ahern:** In one respect I am tempted to ignore these comments. However, I must tell the Green Party that it is about time it grew up. Real policies are the only ones that work in the real world. Real problems require real solutions. The Green Party should realise that politics is the art of the possible, not the impossible. Those who peddle fantasies such as those peddled by the Green Party last night are only fooling themselves.

The Government was elected to provide leadership and we are doing this competently and courageously, and will continue to do so. The Minister for the Environment, Heritage and Local Government has done a good job in protecting the environment while carrying forward a range of economic and social infrastructure projects.

**Mr. Eamon Ryan:** The Government is looking after developers.

**Mr. Allen:** How many social or affordable houses have been built?

**Mr. N. Ahern:** Last night, Deputy Boyle spoke about the Cork Simon Community not getting its money and having its funds reduced. The organisation received €861,000 from the Department last year——

**Mr. Boyle:** The homelessness plan is €6 million short.

**Mr. N. Ahern:** The Deputy should listen for a change, he might learn something if he did. He comes into the House with a bully boy attitude. In the previous year, the organisation received less than €700,000. While the organisation may be looking for a couple of million euro, the Government looks after taxpayers' money and must ensure that service providers prove to us——

**Mr. Allen:** What about the homeless?

**Mr. N. Ahern:** A number of Deputies criticised our performance on housing and, as this is my area of responsibility, I want to deal specifically with it.

**Mr. Allen:** Not one of the 10,000 promised social and affordable houses has been built.

**Mr. N. Ahern:** While it is the Opposition's right to oppose and to slag off the Government, it should pick its ground more carefully. Last year, 70,000 houses were built in this country. It is an enormous figure. To put this in context, 22,000 houses were built in 1993. There have been nine

[Mr. N. Ahern.]  
years of record production. How could anyone criticise this?

**Mr. Durkan:** The Minister of State is hallucinating.

**Mr. N. Ahern:** The Planning and Development (Amendment) Act provides the necessary flexibility on Part V.

**Mr. Gilmore:** It provides flexibility for developers.

**Mr. N. Ahern:** This will be meaningful and will provide significant numbers of social and affordable houses in the future. This year, the Department will invest €1.8 billion in social and affordable housing. It is an enormous sum of money. In each of the past two years more than 12,500 families have had their housing needs met.

**Mr. Durkan:** There are more than 130,000 on the list.

**Mr. N. Ahern:** This is making a serious dent in the numbers on the list. I could go on if the Chair allows me.

**Acting Chairman:** The Minister of State has only seconds remaining.

**Mr. N. Ahern:** The Chair should give me injury time. The Opposition has had three hours to debate this motion and bullies us when we try to get a word in.

**Acting Chairman:** The interruptions were spread equally across both sides.

**Mr. N. Ahern:** The Minister and I will continue to implement the Government's policies to protect and enhance the quality of our environment while simultaneously progressing a wide range of economic and social projects.

**Mr. Durkan:** The Minister of State is hallucinating.

**Mr. N. Ahern:** If those who tabled this motion do not want to end up on their own compost heap, they should stop tabling motions that are off the wall and factually incorrect.

**Mr. Gogarty:** I wish to share time with Deputies Gormley and Sargent.

So far in this debate, neither the Minister nor his Fianna Fáil and Progressive Democrats colleagues has done anything to instil confidence in his Ministry or the Government as a whole. It is like a big ostrich with its head stuck in the sand. If the ostrich were to look up it would receive a loud and clear message. We are destroying our environment. Our dependency on fossil fuels contributes to global warming and at the same time, worldwide oil production is about to peak.

Contrary to what the Taoiseach believes, Russia does not have infinite gas reserves. Energy prices will rise and our unsustainable way of life will crash to earth with a bang.

Last night, my colleagues launched a sustained attack on the abysmal record of the Minister and we will do it again tonight. While they raised serious issues that were strong on facts and statistics, they got no serious rebuttal. Instead, there was mud throwing and clichés about the Green Party that might have been relevant in a 1970s hippy commune but hold no water with a party that pushes the boundaries for a sustainable Ireland and proposes 21st century solutions. While the Green Party has moved on, the Minister, Deputy Cullen, has not.

In last night's debate, my colleagues highlighted the deterioration of the natural and built environment. Ireland has the worst record in the EU for non-compliance with the Kyoto limits for greenhouse gases and has the worst compliance with EU laws on water quality. My colleagues spoke of the Minister's failure to protect biodiversity, criticised his increase in the cap on political donations and refuted his mad march towards the easy and destructive option of incineration. If incineration is to produce energy with toxic fly ash, it will have to be fed with material that would otherwise be recycled.

My colleagues spoke of the flawed emissions trading Bill that gives power companies a licence to pollute rather than incentives for good environmental management. They pointed to the stupidity of the cock-eyed and deeply cynical decentralisation programme and the partial implementation of a half-baked national spatial strategy. This is not to mention the castrated system of local government. While the end of the dual mandate is to be welcomed, it was tainted by a financial sweetener that some of us see as a bribe.

I want to focus on what the Minister and his Fianna Fáil and Progressive Democrats colleagues have done in my home county of Dublin. What happened in Dublin is a prime example of what is happening in urban centres nationwide. Dublin is an unsustainable, car-based doughnut. It stretches out much more than other cities with comparable populations. The population density in the inner city is too low and there has been too much development around the ring. Speculators have gobbled land up while the Minister allows this ring to grow in Kildare, Meath, Wicklow and Louth. It is turning the whole area into an unsustainable gooey mess. One need only witness the traffic congestion on the N4 that has been caused by bad planning. There is no public transport infrastructure. Housing policy has gone mad and forces young couples to commute an irrational number of miles each year as they can only afford homes distant from the city. One also witnesses struggle for school places and other community facilities.

This is obviously the fault not only of the Minister, it has been going on for years but it has

deteriorated on his watch. Inside the Dublin ring there has been decades of house building but little development of communities. There is no infrastructure and no facilities. This has happened in Adamstown, Clondalkin and Lucan and was exacerbated by the activities of corrupt scumbags. A weakened and watered down planning and development Act has seriously undermined the business plans. Why are developers not forced to provide infrastructure when planning permission is granted? Why should the Department of Education and Science have to purchase or lease land from a developer? Why can this not be provided as part of the infrastructure? Is it because developers would no longer make as many donations?

I want to point out some positive green solutions the Minister could have adopted. There could be a zero waste strategy, increased fines and prosecutions for illegal littering and dumping or the introduction of a system of money back bottles and cans that would halve the litter problem overnight.

**Mr. Cullen:** It has not worked in Germany and the EU has blocked it. We cannot do this under EU law. The cans are back on the shelves in Denmark.

**Mr. Gogarty:** There could be progressive tax and funding policies to discourage energy wastage and pollution and encourage job creation. An end should be brought to the practice of land hoarding and paper profits for developer friends. If the Minister cares to read our policy document he will see that we have plenty of positive solutions for the 21st century. The Minister could even read the newspaper reports from our Ard-Fheis.

For years now we have made constructive suggestions to enable Ireland to develop in a sustainable manner, to preserve our environment and ecosystem and move forward with renewable alternatives to the destructive energy guzzling policies that are currently followed. The Government does not have a plan B — the Minister does not even have a plan A. Our positive message has fallen on deaf ears. This is why my party has no confidence in the Minister. Confidence must be earned and, politically speaking, the Minister has not earned a cent.

**Mr. Cullen:** I thank the Deputy. His comments are much appreciated.

**Mr. Gormley:** It is with regret that I must inform the Minister for the Environment, Heritage and Local Government, Deputy Cullen, that he fails to measure up to the high standards the Green Party expects of a Minister with responsibility for the environment. Even by average standards, his tenure has been an abysmal failure.

**Mr. Cullen:** I take that as a compliment coming from the Green Party.

**Acting Chairman:** The Minister should restrain himself.

**Mr. Cullen:** I am trying to liven it up for them.

**Mr. Gormley:** His contribution to this debate showed he knows even less about the Green Party than he knows about the environment. This is a shocking level of ignorance. I will give the Minister and his colleague, the Minister of State, Deputy Noel Ahern, a crash course in environmentalism and Green Party politics.

**Mr. Cullen:** I have met Green Party Ministers at the European Council and know what real Green Party ministers do and say. They are not idealists who talk off the top of their heads.

**Mr. Gormley:** The Green Party was the first party to object to nuclear power and call for the closure of Sellafield when the Minister's party colleagues wanted to build a nuclear power plant at Carnsore Point.

**Mr. Cullen:** The Green Party in Europe is embarrassed by the Green Party in Ireland.

**Mr. Sargent:** We are embarrassed by the Minister.

**Mr. Gormley:** The Green Party was the first party to call for a tax on plastic bags when the Minister's colleagues said it would cost jobs.

**Mr. Cullen:** The Green Party now wants to snatch the plastic bags initiatives from the former Minister for the Environment and Local Government, Deputy Noel Dempsey.

**Acting Chairman:** The Minister should allow the Deputy to speak without interruption.

**Mr. Gormley:** Ours was the first party to call for the introduction of pay by weight for waste management. Ours was the first party to speak about ozone depletion and global warming and, unlike the Minister, we knew the difference between them. The Green Party spoke of "reduce, reduce and recycle" in the 1980s when the concept was alien to Fianna Fáil. The Green Party has always been to the fore and ahead of the posse while Fianna Fáil has had difficulty keeping up. Perhaps we should be flattered that the Minister now seeks to imitate us and borrow our clothes. However, we are not flattered because we know the Minister takes a cherry-picking window-dressing approach to environmentalism. As Jonathon Porritt said this is a case of: "Having your cake and greening it".

**Mr. Cullen:** The Deputy must have spent several nights working out his script.

**Mr. Gormley:** It is about spin doctors, consultants and photo opportunities — sometimes with glamorous models to spice it all up. That is all the Minister has to offer.

**Mr. Cullen:** Once in 15 years I had my photograph taken with a model and now everybody thinks I do it every day.

**Mr. Gormley:** It lacks substance, particularly when it comes to waste management.

**Mr. Cullen:** Now they all want to be photographed with me and be on the front pages of magazines.

**Mr. Gormley:** The Minister's policies are based on knee-jerk, end-of-pipe, redundant ideas. A number of months ago, students in the politics department of Trinity College under the direction of Professor Michael Laver had the innovative idea of holding a citizens' jury in a hotel in Dublin. They invited 80 members of the public, who had been scientifically chosen, to debate the issue of incineration. The Minister was invited but refused to attend.

**Mr. Cullen:** That is not true.

**Mr. Gormley:** Yes, it is. The Minister refused because he knew would be exposed. His hollow arguments and soundbite politics would crumble under cross-examination.

**Mr. Cullen:** I have no difficulty with the issue. Unlike the Deputy, I do not have time to waste by talking nonsense.

**Mr. Gormley:** It is all about bluster and he is continuing with it this evening. When he does not have the facts he continually interrupts as he is doing now.

**Mr. Cullen:** It is pathetic to watch them.

**Acting Chairman:** Deputy Gormley is entitled to his time.

**Mr. Gormley:** I thank you, a Chathaoirligh. You might consider throwing the Minister out at this stage. He does not want to know and does not want to engage in argument. The audience decided unanimously in our favour because, with regard to the Ringsend incinerator, total household waste for the four Dublin areas according to the latest Environmental Protection Agency figures comes to 441,000 tonnes. The residual fraction is 22%. Household residual waste is therefore 97,000 tonnes.

**Mr. Cullen:** The Deputy is inaccurate as usual.

**Mr. Gormley:** The Minister wanted to introduce a 750,000 tonne incinerator to burn 97,000 tonnes of household waste.

**Mr. Cullen:** The Deputy is being disingenuous as usual. I would not expect anything else from him.

**Mr. Gormley:** These are the facts.

**Mr. Cullen:** The Deputy has the wrong facts and has pulled figures from the back of his head.

**Mr. Gormley:** These are the EPA figures.

**Mr. Cullen:** The Deputy must lay awake at night dreaming these matters up.

**An Ceann Comhairle:** The Minister should allow Deputy Gormley to conclude.

**Mr. Cullen:** I would hate him to put incorrect facts on the record.

**Mr. Gormley:** The Minister comes along with his facts indicating dioxins are caused by smoking. Perhaps he is a major contributor to dioxins because of his smoking habit. He has told us that dioxins are formed by people burning rubbish in their back gardens. The Minister frequently holds up Denmark as an example. However, the majority of airborne dioxins in Denmark are caused by municipal incinerators. These are the facts the Minister chooses to ignore.

**Mr. Cullen:** Unfortunately I do not.

**Mr. Gormley:** Unfortunately the truth hurts. The Minister was appointed to his portfolio, not because he knows much about the environment, but because he does not care about the environment and does not like environmentalists. He was brought in as the Government's hard man, the "Chopper" Harris or Norman Hunter of the Government to take the legs from under the environmental movement, and he has succeeded in a very short time. For the sake of the environment and sustainability, and for the sake of ordinary people, the Minister should resign.

**Mr. Sargent:** Ar son an Chomhaontais Ghlais, the Green Party, gabhaim buíochas le Fine Gael, Páirtí an Lucht Oibre, Sinn Féin, leis an Pháirtí Sóisialach agus le Teachtaí Neamhspleácha a thug tacaíocht don rún easpa muiníne seo san Aire Comhshaoil, Oidhreacht agus Rialtais Áitiúil. Clearly the Progressive Democrats Members do not give a damn for the environment as they have not shown up to speak in this debate.

We thank the Minister and other Members for their acknowledgement of the merits of Green policies. The Minister referred to his support for the plastic bag levy. I was the first Deputy to propose such a levy in 1994. He also recognised the merits of the pay-by-weight or volume system for waste collections, again a crude version of a long-standing Green policy. He tried to claim credit for ending the dual mandate, but then acknowledged the Green Party implemented this policy as far back as 1993.

**Mr. Gogarty:** Without the sweetener.

*(Interruptions).*

**An Ceann Comhairle:** Deputy Sargent should be allowed to speak without interruption.

**Mr. Sargent:** In recognising the merits of Green Party policy, the Minister exposes the hollowness of his own knee-jerk tirade. However, the Minister did nothing convincing to defend his record other than delude himself that his failure to tackle climate change is acceptable. It is not. Ireland is the worst performing country in the EU in its compliance with the Kyoto Protocol. He believes that it is acceptable for Ireland to generate three times as much waste *per capita* as the Netherlands. It is not.

**Mr. Cullen:** The economy in Europe means nothing to the Green Party. We have the lowest unemployment.

**Mr. Boyle:** The Minister should become Minister for Enterprise, Trade and Employment.

**An Ceann Comhairle:** The Deputy should allow his colleague to continue without interruption.

**Mr. Sargent:** The Minister believes that the failure to commence even one of the 10,000 affordable houses promised in the partnership agreement is acceptable. It is not. Is the Minister saying it is acceptable that the Dublin homelessness action plan has been under-funded by €6 million, according to the Simon Community? We say it is not. Is he saying that spending €50 million on electronic voting, which is less verifiable than the existing system, is acceptable? It is not.

**Mr. Cullen:** That is rubbish.

**Mr. Sargent:** It is not verifiable. Does the Minister believe dropping the 20% rule for the provision of local authority housing is acceptable? This too is unacceptable. Does he believe the national spatial strategy without the western rail corridor is either workable or acceptable? It is neither. Is the Minister saying that damaging production of safe food and preventing waste minimisation measures by pushing incineration is acceptable? We say it is not. Is he saying that reducing the autonomy of local authorities is acceptable? We say it is not. Disbanding Dúchas and watering down special areas of conservation are not acceptable. Is the Minister suggesting that the failure to release funds this year for the environmental non-governmental organisations is acceptable? Certainly it is not.

**Mr. Cullen:** I increased the funding substantially.

**An Ceann Comhairle:** Allow Deputy Sargent to continue.

**Mr. Sargent:** The Minister has not given anything out yet. Perhaps the cheque is in the post. Is the Minister saying that needless blood sport cruelty such as terrorising tame deer, hares and foxes is acceptable? We say it is not. The Minister, by dragging his heels on the nitrates, birds and habitats directives, is costing Ireland

dearly and ruining her clean and green marketing image. These actions are not just unacceptable, but illegal. By acting beyond his powers and breaking the law by frustrating the protection of national heritage, this Minister is as bad a holder of this office as one can imagine. His behaviour is not acceptable to this House, the High Court or the European Court of Justice.

As has already been said, the Minister may be green in one way. He is green with envy at the strong international movement of which the Greens in Ireland form a part. The Green Party is delivering in government elsewhere and providing valuable lessons on what works to bring about a sustainable, healthy and equitable communities empowered to enrich both cultural diversity and biodiversity. The Minister said he admired the Green ministers.

**Mr. Cullen:** While I agree I said that, it has nothing to do with the Irish Green Party. They told me they regard the Green Party in Ireland as a joke.

**Mr. Sargent:** While the Minister, Deputy Cullen, derided the sunflower, the symbol of the international Green movement, one wonders what symbol Fianna Fáil would have waved at its Ard-Fheis—

**Mr. Gogarty:** The envelope.

**Mr. Sargent:** —to celebrate its involvement with the post-fascist elements in the European Parliament. Would it be the swastika, a brown paper bag or a bit of both?

This motion is not about Fianna Fáil, it is about a Minister who had at this disposal enormous public goodwill as well as record revenue to allow him to embrace waste minimisation measures. Thanks, however, to his jackboot arrogance in forcing incineration on local communities, this goodwill has effectively gone up in smoke.

**Mr. Cullen:** The only thing going up in smoke is the Deputy's motion.

**Mr. Sargent:** On the other hand, the waste minimisation powers available to the Minister in the Waste Management Act 1996 remain largely unused. That is the truth.

This is a Minister who has squandered opportunities. He has had access to unprecedented resources to end homelessness, to ensure effective regional development to stem the sprawl of Dublin—

**Mr. Cullen:** The Deputy should sit down before he embarrasses himself.

**Mr. Sargent:** —to counteract the worst car dependency in the world and to implement environmental directives. If he was interested, he would save our country a fortune in the future by tackling climate change effectively. The bottom line is that the Minister does not care; he wants to be leader of Fianna Fáil.

**Mr. Gilmore:** God help us.

**Mr. Sargent:** He is a creature of smoke filled rooms and the Custom House is merely a rung on his rickety ladder of blind ambition. The environment needs better, politics deserves better and Ireland demands better. The Minister, Deputy Cullen, must go.

I commend the motion to the House.

**Mr. Gilmore:** Will the Minister resign before he is voted out?

Amendment put.

The Dáil divided: Tá, 63; Níl, 50.

Tá

Ahern, Noel.  
Andrews, Barry.  
Ardagh, Seán.  
Aylward, Liam.  
Brady, Johnny.  
Brady, Martin.  
Browne, John.  
Callanan, Joe.  
Callely, Ivor.  
Carey, Pat.  
Carty, John.  
Cassidy, Donie.  
Collins, Michael.  
Cooper-Flynn, Beverley.  
Cregan, John.  
Cullen, Martin.  
Curran, John.  
Davern, Noel.  
de Valera, Síle.  
Dempsey, Tony.  
Dennehy, John.  
Devins, Jimmy.  
Ellis, John.  
Finneran, Michael.  
Fitzpatrick, Dermot.  
Fleming, Seán.  
Glennon, Jim.  
Grealish, Noel.  
Hanafin, Mary.  
Harney, Mary.  
Haughey, Seán.  
Hector, Máire.

Jacob, Joe.  
Keaveney, Cecilia.  
Kelleher, Billy.  
Kelly, Peter.  
Killeen, Tony.  
Kirk, Seamus.  
Lenihan, Brian.  
Lenihan, Conor.  
McDowell, Michael.  
McEllistrim, Thomas.  
McGuinness, John.  
Moynihan, Donal.  
Moynihan, Michael.  
Mulcahy, Michael.  
Ó Cuív, Éamon.  
Ó Fearghaíl, Seán.  
O'Connor, Charlie.  
O'Donovan, Denis.  
O'Malley, Fiona.  
O'Malley, Tim.  
Power, Peter.  
Power, Seán.  
Sexton, Mae.  
Smith, Brendan.  
Smith, Michael.  
Treacy, Noel.  
Wallace, Dan.  
Wallace, Mary.  
Walsh, Joe.  
Wilkinson, Ollie.  
Woods, Michael.

Níl

Allen, Bernard.  
Boyle, Dan.  
Breen, Pat.  
Broughan, Thomas P.  
Bruton, Richard.  
Burton, Joan.  
Connaughton, Paul.  
Costello, Joe.  
Coveney, Simon.  
Crawford, Seymour.  
Cuffe, Ciarán.  
Deenihan, Jimmy.  
Durkan, Bernard J.  
Enright, Olwyn.  
Ferris, Martin.  
Gilmore, Eamon.  
Gogarty, Paul.  
Gormley, John.  
Hayes, Tom.  
Healy, Seamus.  
Higgins, Michael D.  
Howlin, Brendan.  
Kehoe, Paul.  
Lynch, Kathleen.  
McCormack, Padraic.

McGrath, Finian.  
McGrath, Paul.  
McManus, Liz.  
Mitchell, Olivia.  
Morgan, Arthur.  
Naughten, Denis.  
Neville, Dan.  
Ó Caoláin, Caoimhghín.  
Ó Snodaigh, Aengus.  
O'Sullivan, Jan.  
Pattison, Seamus.  
Penrose, Willie.  
Perry, John.  
Rabbitte, Pat.  
Ring, Michael.  
Ryan, Eamon.  
Ryan, Seán.  
Sargent, Trevor.  
Sherlock, Joe.  
Shortall, Róisín.  
Stagg, Emmet.  
Stanton, David.  
Timmins, Billy.  
Twomey, Liam.  
Upton, Mary.

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

Amendment declared carried.

Question put: "That the motion, as amended, be agreed to."

The Dáil divided: Tá, 63; Níl, 50.

Tá

Ahern, Noel.  
Andrews, Barry.  
Ardagh, Seán.  
Aylward, Liam.  
Brady, Johnny.  
Brady, Martin.  
Browne, John.  
Callanan, Joe.  
Callely, Ivor.  
Carey, Pat.  
Carty, John.  
Cassidy, Donie.  
Collins, Michael.  
Cooper-Flynn, Beverley.  
Cregan, John.  
Cullen, Martin.  
Curran, John.  
Davern, Noel.  
de Valera, Síle.  
Dempsey, Tony.  
Dennehy, John.  
Devins, Jimmy.  
Ellis, John.  
Finneran, Michael.  
Fitzpatrick, Dermot.  
Fleming, Seán.  
Glennon, Jim.  
Grealish, Noel.  
Hanafin, Mary.  
Harney, Mary.  
Haughey, Seán.  
Hector, Máire.

Jacob, Joe.  
Keaveney, Cecilia.  
Kelleher, Billy.  
Kelly, Peter.  
Killeen, Tony.  
Kirk, Seamus.  
Lenihan, Brian.  
Lenihan, Conor.  
McDowell, Michael.  
McEllistrim, Thomas.  
McGuinness, John.  
Moynihan, Donal.  
Moynihan, Michael.  
Mulcahy, Michael.  
Ó Cuív, Éamon.  
Ó Fearghail, Seán.  
O'Connor, Charlie.  
O'Donovan, Denis.  
O'Malley, Fiona.  
O'Malley, Tim.  
Power, Peter.  
Power, Seán.  
Sexton, Mae.  
Smith, Brendan.  
Smith, Michael.  
Treacy, Noel.  
Wallace, Dan.  
Wallace, Mary.  
Walsh, Joe.  
Wilkinson, Ollie.  
Woods, Michael.

Níl

Allen, Bernard.  
Boyle, Dan.  
Breen, Pat.  
Broughan, Thomas P.  
Bruton, Richard.  
Burton, Joan.  
Connaughton, Paul.  
Costello, Joe.  
Coveney, Simon.  
Crawford, Seymour.  
Cuffe, Ciarán.  
Deenihan, Jimmy.  
Durkan, Bernard J.  
Enright, Olwyn.  
Ferris, Martin.  
Gilmore, Eamon.  
Gogarty, Paul.  
Gormley, John.  
Hayes, Tom.  
Healy, Seamus.  
Higgins, Michael D.  
Howlin, Brendan.  
Kehoe, Paul.  
Lynch, Kathleen.  
McCormack, Padraic.

McGinley, Dinny.  
McGrath, Finian.  
McGrath, Paul.  
McManus, Liz.  
Morgan, Arthur.  
Murphy, Gerard.  
Naughten, Denis.  
Neville, Dan.  
Noonan, Michael.  
Ó Caoláin, Caoimhghín.  
Ó Snodaigh, Aengus.  
O'Sullivan, Jan.  
Pattison, Seamus.  
Penrose, Willie.  
Perry, John.  
Rabbitte, Pat.  
Ring, Michael.  
Ryan, Eamon.  
Ryan, Seán.  
Sargent, Trevor.  
Sherlock, Joe.  
Shortall, Róisín.  
Stagg, Emmet.  
Twomey, Liam.  
Upton, Mary.

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

Question declared carried.

### **Electoral (Amendment) Bill 2004: Second Stage (Resumed).**

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

**Mr. Cassidy:** I was welcoming the Bill on electronic voting and saying how it is a great step forward that, in the 21st century, Ireland is a nation admired for its advancement in technology and a shining example of what EU membership

[Mr. Cassidy.]

can do. It has achieved much over the past 15 years. I also welcomed the fact that, until recently, such voting was in operation in the Meath constituency, that next to my own. We listen to senior citizens in particular, who came back to us and said that it should have been introduced many years ago. Thousands of votes are cast by people who really care, going to the bother of arranging travel and everything else to do with one casting one's vote, only for their wish to be deemed ineligible for counting because of various little difficulties, perhaps to do with eyesight or breaching the line of the box in which they want to indicate their preference for a candidate.

If one considers the number of votes cast in the last general election and the small number of votes that caused Fianna Fáil narrowly to miss out on an overall majority, one sees that there were six or seven times more not included. I am convinced that we could have had an overall majority. However, be that as it may, and now that the opportunity is before us here today——

**Mr. Penrose:** The Deputy should dream on.

**Mr. Cassidy:** It is nice to see Deputies McGrath and Penrose coming into the House as they are constituency colleagues. Having said that, the people of Westmeath have spoken.

It is nice to be here after 20 years standing for election before the people of County Westmeath and to be given an opportunity to address the House on this extremely important issue. As someone defeated in a recount, I would not wish it on my worst enemy. Deputy Gormley spoke earlier, and we can all recall the difficult count that he had to go through with the present Minister for Justice, Equality and Law Reform, Deputy McDowell. Doing things electronically is certainly a much more efficient and effective way of tabulating votes. I recall going home on a Friday evening in 1979 and being defeated by 12 or 14 votes, then coming back for a recount on the Saturday. When one comes back for a recount, naturally enough, the great excitement and large attendance of the previous day are no longer there. Most important of all, one raises the hopes of so many of one's supporters and those who cast their first-preference votes for one, the local parish, one's family and neighbouring parishes. Then the inevitable happens. Ninety per cent of the time the result announced on the day of the count stands. The electronic voting system will eliminate all those difficulties.

It will also be far more accurate. As I said, imagine the people of Ferbane who went out and cast their votes — all 300 of them. Not one of them was included at the last local elections. I know that was human error, but with the new electronic system before us for consideration, that will not be the case in future. As I said, 40 councillors in the last local elections were elected by a majority of fewer than 50 votes over their

nearest rival. In Borris-in-Ossory two colleagues whom I knew fairly well from having been in the Seanad for so long finished on an equal number of votes. One can imagine the understandable trauma which candidates can suffer. That can all be eliminated if we complete our business this evening.

I do not wish to be long-winded, since I know that very many colleagues wish to make a contribution. I spoke before Private Members' business. However, I fully support the proposal before the House. As I said, it is a great step forward and something that the Minister should advertise heavily on television, which has 70% penetration, to show the people of Ireland the new system and how it operates. Those who have the pleasure and opportunity of exercising their democratic right will be very gratified when they realise how the new system works. Those in the Meath constituency were really pleased and delighted. As I said, as senior citizens, they could not understand why it had not been brought in many years ago.

Confidentiality of the vote is essential, and it is only right that it be the order of the day. However, I know an individual not too far from me in my own county who used to have a quiet word with some people so he would know who voted for him. This new formula will allay that fear on the part of the voter. No one will ever have any chance of knowing who cast their preferences or in what order under the new system.

A very important part of the whole democratic system is the build-up to the election day and the vote count. The whole theatre of the count should be retained and I congratulate the Minister for adding this provision, since it was not the case during the 2002 three-constituency general election trial. The theatre of the count must be retained, since that is where all our organisations can look back and play a part. It is also very important, regarding the counting of votes cast, that we will be able to check the result through our own tally systems ten or 14 days after it has been declared. We go out and work as hard as we can for the people of all parishes. It is nice and comforting to note that one got support in the areas for which one worked hardest.

I happen to be a good friend of a member of the Opposition on the Independent benches who worked extremely hard. I know, because my office was next door to his for quite a number of years. In one area not even 20% of the turnout had cast their votes for him. He got about 57% of the vote, but someone who works so hard for his constituents deserves better. Everyone comes in here with his or her credibility and integrity and has one thing in mind. He or she wants to be able to do something for the constituency.

Party politics are played across the House for one reason or another. That is understandable and is the order of the day. However, the bottom line is that the 166 Members in the House are elected to Dáil Éireann by the people to help

make the areas they represent into better places and provide a better future for their constituents. I wish the Bill a happy passage through the House and have great pleasure in supporting it.

**Mr. P. Breen:** The Electoral Amendment (No. 2) Bill 2004 has caused much controversy and is of great importance. Much has been said already in the many hours of debate and questions on electronic voting in the Seanad and the Dáil. The Government will hear many of the same concerns raised again until the debate finishes. It is important for democracy that the debate continues and that the Government listens to our concerns. Up to now it has not been listening. On Leaders' Questions, my party leader, Deputy Kenny, Deputy Rabbitte and Deputy Sargent have raised the issue on many occasions and have succeeded somewhat in getting the Government to move. If we have to debate this matter for weeks to get the Government to listen, we will do so. The issue of electronic voting strikes at the heart of our democratic system. That said, I reiterate a comment made some time ago by my party's spokesman on the environment, Deputy Allen, when he said the Bill flew in the face of democracy.

Our democracy is based on the ability of voters to choose whom they want to represent them, with the confidence their votes will be counted in the way they want. Polling day belongs to the people. It is their day out. It is a day when every citizen over the age of 18 has his or her say. It is important that we listen to what they are saying. After all, they elect us and give us the privilege of sitting in Dáil or Seanad Éireann. The new system does not have the backing of a majority of the people. That is evident from a recent opinion poll carried out by a Sunday newspaper which showed that 58% of the people want to see the system scrapped and 41% are concerned their votes will be tampered with. The latter is close to half, a large percentage, showing that the people do not trust what is being proposed by the Government. The current Bill does not include the required assurances. Fine Gael and other parties and individuals in the House, along with the public, have asked for openness and transparency over and over again and are fed up with the Government's arrogance and stubbornness in forging ahead with this venture without adequately addressing the concerns raised.

While sections 8 to 11 outline some of the security measures that will be included to protect the integrity of the votes, the Bill still ignores the central concerns, namely the need for a paper trail and the availability of the source code for independent scrutiny. I know the source code will be held in Holland, but if there is some problem in the courts, it may not be capable of proper assessment for this reason.

With the number of reports produced over the past year that have raised concerns over the

security of an electronic voting system, it is baffling why the Government will not address these issues. To date it has brushed aside reports filed during the trial use of electronic voting in the 2002 general election. A report by two leading computer scientists based at the National University of Ireland, Maynooth, suggested that electronic voting is potentially open to abuse and could threaten the integrity of democracy. A report in *The Economist* on the problems with electronic voting in the United States concluded that even sophisticated systems would not improve the reliability of the American elections if the other problems were not fixed as well. On 10 December last the Joint Committee on the Environment and Local Government heard a number of experts raise serious concerns about the Nedap-Powervote system. I have to commend the work done by the committee. It has highlighted the problems with electronic voting. I am not a member of the committee, but I was disappointed that the external group of witnesses was not able to raise its concerns because the Government parties cut short the debate at the committee and forced a vote which prevented the issues from being dealt with adequately. Cross party agreement on the issue of electronic voting was spurned. It is important that there should be cross party agreement, particularly if there is to be trust.

The appointment of the Minister for the Environment, Heritage and Local Government, Deputy Cullen, as Fianna Fáil's director of elections, again fuels suspicion on this issue. That a PR company with a close political adviser on the panel was hired for the campaign as it was being launched in the Mansion House, at a cost of €4.5 million, did not help matters either. That the Government refused to answer some 41 questions on the electronic voting systems shows there are problems. The same individuals tell us the system is safe and that a paper trail is not needed; neither is there a need for a source code to be made available for independent scrutiny. How can the public trust a system whose promoters cannot sufficiently answer the questions raised by this independent group.

Deputies Allen and McCormack have done much work on the Joint Committee on the Environment and Local Government and continue to highlight the concerns the public and the Opposition parties have as regards the proposed system. Trust is at stake including that of the voting public. Without public confidence in the election system, democracy will fail. That is worrying. In addition, €45 million is a great deal of money for an unreliable system that will replace something that generations of voters have come to know and trust. The Minister refers to this as an investment that will save money over the next 20 years. However, with the rapid rate at which computer software becomes outdated, I do not understand how the Minister can be sure the system will not prove expensive for democracy and for the taxpayer. Systems change

[Mr. P. Breen.]

quickly and computers are out of date virtually within a year of being sold. All IT and computer products quickly become outdated. In five years and at the next general election, that system may not be suitable and will probably need to be upgraded.

Why do we go down this road so hastily on the assumption that the system will be safer, cheaper and more efficient, when we find that this is not always the case? The old style of counting worked well in the past and is trusted by most people. Deputy Cassidy referred to an incident in 1979 when there were seven votes in the difference, and he was recalled, after which 22 postal paper votes which had not been counted were found. Those paper votes were at least there and were found. In the electronic system, 22 such votes could be lost. Paper provides accountability.

Many people enjoyed the suspense of the tallies. In my own area in County Clare, tallies were always an exciting element of general and local elections. This was a time when Fianna Fáil and Fine Gael united, providing joint teams to give accurate tallies of the election. This went on for days, with great excitement. Tallies were an indicator for future elections of how people voted. I am not sure how far down the electronic voting road the Minister proposes to go. Will the system be used in small polling stations where there might be only 100 people voting?

Fewer Irish people vote in elections in recent times. In the 1987 general election there was a 73.33% turnout. In the 1997 general election the turnout was 65.92%, and in the 2002 general election it was 62.57%. Young people are distrustful of Government, politicians and the electoral processes. Not addressing the electronic voting concerns will merely alienate those people currently most engaged by the electoral process, and will further diminish the numbers voting because of those concerns. A Sunday newspaper poll showed that 41% of people are concerned with the issue and fewer people will vote if the system is not seen as trustworthy.

Like so many of the Government's proposals this year, the proposal on electronic voting is an attempt to re-invent the wheel and show that Ireland is a modern nation on the cutting edge of legislation and technology. Why did the Government feel the need to demonstrate this by means of electronic voting? There is a laundry list of other more important issues which the Government could address to show that Ireland is among the top nations of the world. There is a shortage of hospital beds. In County Clare, one of the Hanly report proposals is to close the 24-hour accident and emergency service. Money could be spent on upgrading our health services rather than on electronic voting.

Last week the Dáil debated the cutbacks in social welfare entitlements for widows which were introduced to gain a mere €5 million. We are spending €40 million on electronic voting machines and €5 million on publicity promoting

electronic voting. Many elderly people who come under the housing aid for the elderly scheme are awaiting house improvements. We also need to upgrade our roads and transportation systems. In my own area, the west rail link needs to be built up. There is also the technological and individual divide between Dublin and the west, whereby the east coast is developing much quicker than the west. While there is an urgent need to improve health services, decentralisation is also important, as is the nation's infrastructure.

There is no need to steamroll this legislation through without properly responding to the Opposition's concerns. If Ireland wants to be seen as forward-thinking, electronic voting can wait until we have sorted out the problems raised. We all know the ongoing problems in the US with electronic voting and what happened in the last presidential election. The Americans are supposed to be the IT experts. We look at Bill Gates, Microsoft and Silicon Valley. Many of our young people go to America to be trained by American companies, particularly those working in the electronic systems. Nevertheless, the Americans have many problems in the IT area. CNN Television continually highlights the electronic voting problems in most American states. We should keep these in mind. The United Kingdom conducted a pilot trial in 2002 for the local elections, after which the relevant commission concluded that further pilot trials were necessary to tease out a number of issues and better establish the security measures necessary to protect the systems from attack, and ensure confidence.

Public voting is all about public confidence. The commission also wanted to ensure there would be a proper audit trail to verify that elections were conducted in a secure and robust fashion. If our neighbours in the UK are going down that road and looking at the system in this way, we should wait a little longer to see if can have proper paper trails and accountability.

Fine Gael does not oppose electronic voting. We all feel it will arrive at some stage. However, there is a need for openness, accountability and consultation. The latter is very important. Only then will people trust the system. In my own constituency in County Clare, the position of county registrar has been vacant for nearly two years. The Government has still not made an appointment. One begins to wonder why it is so slow to appoint a county registrar yet in a rush to introduce an electronic voting system. The acting county registrar has stated that Clare will be ready for electronic voting, but we will have to wait and see.

In my constituency, as in others, there will be town council, county council and European elections all on one day. Deputy Cassidy said that television has 70% penetration, but no matter how much instruction is given to people by means of television, people will be confused with the three electronic screens on polling day.

**Mr. N. Ahern:** They are all in the one. There is only one screen.

**Mr. P. Breen:** That may be so. However, elderly people come to my office regularly who have forgotten to renew their driving licences. They are scared of the driving test theory and the van that travels about with the test screen. People have had to accompany elderly people to the test centre to show them how the screen works, and they were still scared by the idea of pressing buttons. No doubt they will succeed with one ballot paper, but where there are three ballot papers there is a danger that people may vote in only one election.

**Mr. N. Ahern:** What did they do up to now? They voted one, two, three.

**Mr. P. Breen:** Yes, but with three papers in their hands, they were able to put down one and fill in another. Elderly people are scared of the new system. It could happen that people will not vote in more than one election. The Opposition is not scaremongering or creating trouble to gain political opportunity on this issue, as Deputy Kelleher claimed. The Opposition is fighting for the security of an essential part of our democratic system. The Government cannot brush it aside as if it was an insolent child. In every step of the process, the Government has ignored the Opposition.

On 17 February, Fine Gael issued a joint statement with the Green and Labour parties. The Government then assured us that our concerns would be addressed, despite a contract for €20 million with a private company having already being signed. That was done before the whole system was addressed.

**Mr. N. Ahern:** There were no objections in the last election.

**Mr. P. Breen:** When the Government finally appointed the independent panel on 3 March to look into the concerns raised, the Opposition, again, was not consulted as to who should be on it. I agree the commission contains a High Court judge, the Clerk of the Dáil, the Clerk of the Seanad and two IT experts. However, the Ombudsman is not on it, despite the fact that she sits on the Standards in Public Office Commission, the Referendum Commission and the Constituency Commission.

I cannot accept the Government's efforts in addressing the Opposition's concerns about electronic voting in good faith. The Bill is frustrating. The Opposition has not asked much of the Government but a paper trail and the availability of the source codes for independent scrutiny. Granting these will restore people's confidence in the system and the democratic process. This is a confidence that will be sorely undermined if the Government does not listen before the June local and European elections.

I will conclude with a quote from Thomas Paine that will restate the importance of what we are fighting for today: "The right of voting for representatives is the primary right by which other rights are protected." It is for this reason that the Government will continue to hear the same concerns until it is willing to ensure the safety of that most basic right to vote.

**Mr. McGuinness:** During Private Members' Business, I listened carefully to the Opposition's comments on the issue of electronic voting. Now, having listened to the debate inside and outside the House, I cannot see a credible argument being put forward by any of the Opposition parties. I have respected their viewpoints but I have reached the conclusion that there is no credibility in any of their arguments. Some of the points made are ridiculous in the context of what is happening in the real world. The arguments are not accepted just by the Government but by the public too. Reference was made to a recent survey poll, yet with the amount of misinformation peddled by the Opposition against e-voting, it is no wonder there is confusion among the public. The Opposition has become disconnected from the real direction people, regardless of age, are taking in their lives.

I have not received a single query or complaint from a constituent on how a vote might be cast or its security. People are now so used to information and communication technology that they understand the extent of errors that can occur and the integrity of any system they use. Over the past several years, they have built up a confidence in the technology use that is unmatched in the European Union or beyond. Comparisons have been made to e-voting systems in other countries but the Opposition is not comparing like with like. Has it ever stopped to listen to itself? These are different systems as there is different hardware, software and methodology involved. No one on the Opposition benches has bothered to analyse what is being said against the facts of the systems in those other countries. If they were examined, it would become clear that this system is different, well tried and trusted by other EU democracies.

To measure this against the backdrop of what is happening in information technology, when Deputy Martin, as Minister for Education and Science, rolled out PC use in schools, the delivery of education was attached to the use of technology. The demand for improved software and technology at every educational level was staggering to watch. How people embraced the technology was incredible. In the Oireachtas, we cast our votes by simply pressing a button. I am glad that the Minister for the Environment, Heritage and Local Government won the last division, taken on the screen, on the motion of confidence in his record. However, I am baffled by the Labour Party's attitude to e-voting in the Chamber. No sooner than a vote is taken electronically, it will ask for a traditional division

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through the lobbies. I accept it is a prerogative but how does the public view that? The public is confident in the technology used in this House. Members should not cod themselves because we have confidence in it too.

Recent Siemen's presentations on newly available information technology were well attended by Members. Every secretary and Member uses this technology. The question now is how it can be used more in the House. How can laptops be brought into the Chamber to assist us in various debates? How can wireless connections be brought in? That demand for new technology is being undertaken by ourselves. I do not understand the Opposition's introduction of the issue of the lack of confidence into debate. IT is well established and there is confidence in it right across the public and all ages.

The country's profile in terms of its connection to information technology was created not by Members but by public demand. The public demanded the technology, bought into it and we are now world leaders in delivering new software to the world market and the construction and export of computer hardware. We are showing the way in how society can embrace information technology.

In the past, numerous women stayed at home and were not engaged in the economy. They are now doing ECDL courses in preparation for going back into the workforce on a full-time or part-time basis. Marginalised communities decided to undertake the same courses in family resource centres. They are moving from ECDL to advanced ECDL and back into the workforce again. The significant movement that is taking place is based on information technology and the desire of informed members of society to embrace technology and to move back into the workforce.

If we acknowledge the technological changes that are taking place, surely we have to move forward by getting involved with technology, as we are doing with our work in this House. We have an obligation to examine the systems that are in place. We are not re-inventing the wheel; we are simply improving the model. I am confident that by the time the system we have proposed is rolled out on 11 June, the general public will show great confidence in it. I do not doubt that will happen. The demand that exists for broadband technology in homes and schools and at work underlines the fact that this system will be embraced like many new systems and technologies that have been put before the general public.

The change we are seeing is inevitable. We have reached the point at which demand means that change is inevitable. Members will recall similar debates in the 1990s, not in this House, but among the general public when people compared our systems with the advances that had been made elsewhere in the world. At the time, people asked why we were not making similar

progress. Public representatives did not ask such questions — it was the general public. People acknowledged that there was a need for change. Young voters who are slowly starting to participate in the democratic system by casting votes are also asking for such technological developments. People from all age groups, including elderly people, are asking for change and are willing to embrace it. I think we should do likewise.

When one considers the old system, it is clear that it was not perfect. I do not believe that any system will be 100% perfect, without a glitch. The old manual electoral system, which we are used to operating, had its glitches. It is a matter of history that a ballot box once went missing in Carlow-Kilkenny, only to turn up at the last minute, thereby changing the whole result. My father was one of many outgoing candidates to be beaten by a single vote. He did not ask for any further counts, but instead accepted the verdict of the electorate.

Some 20,000 votes were spoiled at the 2002 general election, 24,000 votes were spoiled at the 1999 local elections and 46,500 votes were spoiled at the 1999 European elections. Surely such figures place an obligation on us, as elected Members of Parliament, to examine the system. We are not re-inventing the wheel, but we are doing something to modernise the system and to make sure that such figures can be taken out of it, if possible. When one reaches that stage and decides to examine the technology and software that are available, one should ask a basic question of whether a change would interfere with the integrity of the system or of democracy. It is certain that the proposed change will not interfere in such a way.

The Opposition has asked whether Fianna Fáil gremlins will be installed in the hardware and software to manipulate the vote in our favour. Such a suggestion is a load of nonsense. I hope the Opposition does not think that anyone outside the House with a connection with technology will believe what it is telling them. Such people may be put astray for a while as they make up their minds, but they do not share the Opposition's notions and do not believe what the Opposition is telling them. They understand the integrity of any piece of software or hardware and are aware that certain things can go wrong. However, they are aware that the proposed new system is an attempt to move forwards, rather than backwards. That is generally accepted and will be embraced on 11 June.

A question was asked as to whether someone will take the electoral process out of the hands of the officials who normally deal with it. There is no support for such a suggestion, as it is not the case. The same staff are being trained, so that the same faces will be seen at polling stations. It is likely that the same people will probably be supervising the new system, so they will understand it and be able to engage with it, or with voters, if something goes wrong. Standby

computer arrangements have been made in case something goes wrong. Provision has been made for a back-up supply in the event of a power cut. The public's confidence in the new system will be reinforced by the fact that the same skilled people will be present to deal with issues that might arise.

I have asked myself if the new system is secure. Contrary to the line being spun by the Opposition, the system is secure. When one walks into the polling station, one will be faced with two or three on-screen ballot papers, depending on where one is located. People in Kilkenny city will be asked to vote in three elections — to the borough council, the county council and the European Parliament. One will see the ballot papers on screen as if one were holding them in one's hand, one will press buttons to state one's preference in the context of casting one's vote and one's name will be marked off the register as it always was. It is a secure and fair system. People of all ages understand that one will cast a vote by pressing a button. Regardless of the walk of life in which they are involved, they are used to doing business in that way. They understand technology because they are engaged with it. I believe that they will feel secure when they cast their votes.

Electronic voting has been used in the Netherlands for the last ten years. It has been used in certain parts of Germany. It is being examined in the United Kingdom and France. I do not think one could ask for much more in terms of security. The Minister said this morning that the German institute for science and technology has tested and approved the system. The Opposition has claimed that there will not be an audit trail — as if one's vote goes into limbo or floats in cyberspace — but there will be an audit trail. The record of one's vote will be contained within the system — in the voting machine — ready to be examined and counted. I understand that the audit system will be available for examination if there is a query in the courts and I feel confident in that regard. The opposite was the case in respect of the manual system — one cast one's vote, one walked away and that was the end of it. While the former system included a paper trail, those who advocated the electronic voting system did not say that one needs a paper trail as well. One can only have one system and one should express confidence in its integrity and security when one presents it to the public.

I would like to speak about the secrecy of the ballot. The ballot box, hardware and simplified software will be there to be used. It is a secret ballot, to which random numbers apply. It cannot be traced back to the name that is ticked off the register. That has always been the case. The secrecy of the ballot is maintained, therefore.

I am interested in the new count and tally systems. The provisions that can be made to retain the existing system are limited, as one must consider issues of secrecy and the question of

whether one is damaging the integrity of that aspect of the vote. Everyone who is involved in politics loves the buzz of the count and enjoys discussing whether the tallymen will be right or wrong. The Minister has promised that a certain amount of that excitement will be retained in the context of the movement to this system. A certain amount of information will be made available without damaging the secrecy of the casting of the vote. That will be sufficient for me — I will be quite happy about that. When the electorate, the tallymen and the parties begin to get used to the new system, they will find that it is enough for them.

I served with the former Deputy Nora Owen on the Joint Committee on Enterprise and Small Business. What happened to her was a shocking experience for anybody and I would not like such a system to remain in place. The count should be streamlined so there is a build-up to the announcement of the final count and candidates are told in a fair way whether they have been elected.

We would all wish to see at least that much. The Minister promised us in the course of his speech to the House that this would be dealt with.

We must show leadership. The Opposition has an obligation to examine its position and begin to show leadership and responsibility in this area. The idea of coming to the House and throwing one's hands up to heaven and shouting and breaking a sweat over the issue of e-voting is nonsense. We must reflect on what we are saying and be responsible about it. We must look beyond this House and into the real world, understand what is happening and begin to show leadership. The Minister has responded to the Opposition's points and has accepted some of its Members' suggestions. We should move along quickly in this fashion and then use the time of the House to better advantage than we are at the moment.

Two issues were referred to concerning the election itself. One was the checking of the register. I thought this would form a much greater part of the debate than some of the nonsense that we have heard up to now. The checking of the register is highly important. In the past this was normally carried out by political parties and county and borough council officials who were familiar with the changes in the area. However, with the recent increases in population, there is an even greater onus on political parties and on the officials in county councils who do this work to ensure there are the fewest possible mistakes in the register. After every election there is nearly always an outcry about the numbers who were left off the register of electors or were not able to cast their votes for various reasons. We must find some way to ensure throughout the country that people are included on the register.

This is a critical issue. It is particularly important that young people turning 18 are able to vote. We should consider implementing a greater examination of the register. Perhaps this

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could be done in collaboration with transition year students. It is important that we engage with students at school and college to ensure that the register becomes an important part of elections. I encourage the Minister to incorporate this in the roll-out of the e-voting arrangements so that we can begin to inform local communities of how the register is formed leading up to the introduction of electronic voting. We can show people how to get their names on the register and explain the changes that have taken place in recent years. I ask him to consider this in the context of the educational part of the process.

Non-nationals who are trying to put their names on the register are having difficulties because they cannot produce passports for one reason or another — when they are held by the State, for example. They have a right to be on the register. The cards issued by the Department of Social, Community and Family Affairs or the Garda national immigration bureau could be accepted as proof of identity when people present their application forms to Garda stations. I urge the Minister to deal with this problem now because time is of the essence. These people have a right to vote and they should be allowed to do so. I commend the Bill to the House.

**Ms McManus:** I have no doubt that Deputy McGuinness is an excellent Deputy and representative for his constituency, but his speech exemplified the extent of the complacency of those on the Government side. I ask him to consider the reality of electronic voting. It is not the case that wherever electronic voting has been introduced, everybody is happy with it. The opposite, if anything, is true. In the United States, growing concern is being expressed about electronic voting, not by politicians — we have all suddenly become experts in information technology — but by computer experts. People need to start paying attention to this.

The Labour Party commissioned a report on electronic voting which was published last November. This alerted people for the first time to the serious technical issues that need to be addressed. The concerns being expressed in other countries were underlined by a number of incidents that are worth mentioning. The report states:

Republican Senator Chuck Hagel (Nebraska) was discovered to have failed to declare his part-ownership in ES& S, the company which manufactured the voting machines which counted 85% of the votes in his 1996 & 2002 senate elections.

In Louisiana in 1999, an \$8m bribery scheme involving the purchase of Sequoia voting machines was uncovered and netted convictions against state elections commissioner Jerry Fowler and Sequoia's exclusive agent David Philpot.

In Sheffield UK in May 2003, many polling stations were without an Internet connection

on polling day. As a result voters could get a vote at a polling station while still being able to vote again online from home.

These are examples in which the experiment of electronic voting has been attempted in different forms. It shows one thing: that human nature does not change when new technology is introduced. We may become blinded by the great light of technology. This is not the first time this has happened. Many of the great dangers in today's world have arisen because of a blind faith in science and technology.

I support electronic voting, as do my Labour Party colleagues, but we must be realistic. I am extremely dismayed by the arrogance and ignorance of Government speakers in this debate. I can live with the arrogance but I find the ignorance deeply disturbing. There is a blithe dismissal of serious and objective criticisms of the system. These are criticisms that have been voiced by a wide range of experts in the field of information technology. The argument I have heard from Deputies such as Deputy Kelleher is one we hear quite often from those in Fianna Fáil: if something works in the USA or in the Netherlands we do not need to concern ourselves about it but just take it on.

Deputy McGuinness chided the Labour Party for periodically calling manual votes in the Chamber to make a point. This electronic system, which must be the simplest system imaginable and is visible to everybody, was struck by a virus within its first year. If this can happen to such a simple system operated among a small, concentrated group of people where everything is out in the open, should it not tell us something? Do we simply presume that it only happens in this Chamber? That is irresponsible. It was an irresponsible argument to make and I would expect better in this debate.

Let us imagine that voting is done in the following way. A person steps into a polling booth and is faced with a red curtain. Behind the curtain is a man who fills out one's ballot paper. The person tells him whom he wants to vote for and in which order. If the man follows the instructions correctly there is no problem, even though he cannot be seen. However, what happens if he writes the information down wrongly or switches the person's vote to another candidate or puts the votes in a different order? What if his pen breaks or he loses the ballot? The voter would never know because he does not see his ballot and there is no proof of the original vote. That is precisely what happens in electronic voting, where there is no verifiable trail. No paper record of the vote is kept. In a sense it is worse because at least there is someone behind the curtain and one can find out who it is. Here, however, we are being asked to trust a machine.

To give another example, who would use the services of a bank that did not keep a record of transactions but just told customers how much they had in their accounts? It would be unheard of. Every computer system has an in-built

recording apparatus. ATM machines have such systems to ensure that a record of transactions is kept. We are being asked, however, to entrust our democracy to a system that has been criticised repeatedly by experts in electronic voting who know more than we do about it. Both the examples I have cited come from the United States. If we are going to adopt something from that country, perhaps we should adopt their intelligence in assessing the result when electronic voting is introduced without proper preparation and safeguards. It seems the Government is intent on hurtling willy-nilly into this experiment without due consideration for what has occurred elsewhere.

Almost 30% of the population of the USA is now using electronic voting but it is the subject of considerable controversy. Bills have been published both in Congress and in state legislatures dealing with the concerns about and the flaws in verifiable information. In California the issue is about ensuring that a voting record is kept.

Just because electronic voting has been introduced somewhere else, it is not an argument for introducing it here. It is an argument for learning from what has happened elsewhere so that when we come to make the change, we can ensure there are in-built safeguards that will mean the system is a good one with which we can be satisfied. I have no doubt the Opposition would support such a measure.

Let us look at what one expert has had to say. Earlier today, I spoke to Professor David Dill of Stanford University to ensure that I would quote his remarks accurately in this debate. As Professor of Computer Science at Stanford, he is an acknowledged expert in this area. He has stated that "if the machine silently loses or changes the vote, the voter has no clue that that has happened". Voters in Meath or Dublin West may have thought electronic voting was a great experience but if they were asked whether they could be sure their votes were counted correctly, could they answer the question? Of course, they could not show the proof because there is no evidence.

Professor Dill argues that electronic voting machines should print a paper copy of each ballot, which the voter can inspect and which could be used in a recount. It is very simple. He also says that the person behind the curtain should show the voter the ballot he or she has cast. He uses this metaphor to illustrate his grievance with completely paperless electronic voting machines, such as the touch-screen machines. Professor Dill made the case for what he calls a "voter-verifiable paper audit trail" to a symposium on voting technology, held on 15 February, at the annual meeting of the American Association for the Advancement of Science. This is weighty stuff to which we should be listening.

I have great admiration for officials in the Department of the Environment, Heritage and

Local Government but no one expects them to be computer experts or to have professional qualifications in that regard. Professor Dill says that the old system of what he calls "optical scanning papers" is still the cheapest and most reliable method. He is very concerned about the fact that in the US, people are being encouraged to change the voting system. He also talks about the machine making mistakes. Because they are machines we do not expect them to make mistakes, but clearly that is not Professor Dill's experience. He says that "the technology is too immature for us to have trust in it". He is not talking about the specific technology of our proposed system, but about the technology *per se*, which, he says, is too immature not to have flaws in it. Professor Dill is an expert in dealing with computer bugs or what we call viruses. He cannot claim to develop a system that would be virus free because he knows it cannot be done. Even allowing for viruses, I hope that if we had a system with a verifiable record or paper trail, it would be possible for us to introduce electronic voting at some point in the future.

The point has been made that even a paper trail is not good enough. There has been a suggestion from another source that a recording should be made of the voter stating whom he or she is voting for, and that this voice record would be kept confidentially. It would be available in the event of a recount request or a legal challenge in court.

Professor Dill says that the software code should be openly available to anyone. Our party leader, Deputy Rabbitte, asked the Tánaiste and Minister for Enterprise, Trade and Employment if the electoral commission, that was established under pressure from the Opposition, could access the source code. Between the Tánaiste and the Minister for the Environment, Heritage and Local Government, we received a fuzzy answer that was not reassuring. At a time when clarity would be enormously convincing, we got a lot of fudge which tells its own story.

I am not a computer expert but it would be remiss of me to ignore the advice of such experts. That is why I am dismayed by the approach that is being adopted by the Government, which is hard to understand. There could be consensus on the issue but the Government is pursuing the matter in a bull-headed manner, regardless of any opposition or criticism. Irish experts in information technology have made strong arguments against the Government's proposed system for electronic voting.

I welcome the fact that an electoral commission has been established but its remit is extremely limited. It is worrying that the Ombudsman felt insulted by being excluded from it. I would have thought that the Ombudsman should be included automatically in the membership of the commission. That would have been entirely appropriate but she made the mistake of voicing her concerns about the electronic voting system. The Government does not brook criticism, it

[Ms McManus.]

decides what is good for the rest of us, which, in all cases, also happens to be good for the Government. That seems to be the ultimate justification for many of the Government's proposals. I have the highest regard for Danny O'Hare, who is a member of the commission, but he is not an expert in information technology. He has a great record in third level education but I wonder about the limitations on the commission both in terms of its terms of reference and its membership.

Electronic voting has great potential and I hope it can be introduced. I was disappointed when I realised what the Government meant by electronic voting because I had a different picture. I thought there would be much greater flexibility in that people would be able to vote at ATM machines or in supermarkets, if not immediately, at some point in the future. That is the argument in favour of electronic voting.

People would no longer have to attend draughty school halls that are awkwardly located, difficult to access and not necessarily comforting or welcoming. Such halls put elderly people and people with disabilities at a disadvantage, as many do not have proper car parking facilities. All these problems militate against people enjoying the act of voting, which should be made easier rather than more difficult. However, even with the introduction of electronic voting, we will still have to attend draughty school halls that are awkwardly located and difficult to access. The only difference is a machine will be put in front of us instead of a ballot paper. That is not progress.

One system will replace another and the operation of the machine will not be fundamentally different to what is done currently. The count will be quicker. The last general election count in my constituency went on for a week and the result was decided following many lengthy recounts. Elections are not held for our benefit. The people decide who will enter this House to represent them. No matter how long the count takes, the end result should be the same because it is a true reflection of the people's decision. However, we do not have that confidence in the proposed electronic system and it does not offer the flexibility that it should, if we are to reap the benefits of the system.

I do not know how the system will make it more attractive for people to come out and vote. However, a number of practical changes could be made to electoral procedures. The electoral register should be properly maintained and accurately reflect the electorate. That would be a first. I was elected to my local authority 25 years ago and I have never seen a comprehensive electoral register. Chunks of the population were always missing from the register for one reason or another and it caused a great deal of annoyance and grief. It became easier over the years to go on the supplementary register but it has become more difficult in recent years as one must appear at a Garda station and

so on to get on the register. It should be made easier to get on the register and the register itself should be more accurate.

I received a complaint from a non-national, EU citizen, who was told she would have to appear in front of a notary public to make a declaration that she was entitled to vote before she could register. I was not aware that was the case but that is an extraordinarily difficult procedure for those who want to register to vote.

**Mr. Fleming:** I welcome the opportunity to contribute to the debate. I would like to put the legislation in context and then refer to its detail. I supported electronic voting before it became a major issue.

**Mr. F. McGrath:** Surprise, surprise. The Deputy is a nerd.

**Mr. Fleming:** Laois County Council hired a person to make a video of the last general election count in the Laoighis-Offaly constituency because it was understood to be the last manual count of votes there. It was recorded for posterity so that the next generation could see the archaic procedures used to conduct elections. People went out to vote in my constituency on election day and the counting of votes began at 9 a.m. the following day but by 7 p.m. the result of the first count still had not been announced.

**Mr. Durkan:** An abacus should have been provided. There must have been a serious problem.

**Mr. Fleming:** We got the right result. Four Government Deputies were returned, even though it took a great deal of time to count the votes. The result was satisfactory from our point of view. However, when I reflected on the count, I recognised the mistakes that had been made. Many votes were discarded because the correct perforation was not applied in the polling station. That was an outrage. A total of 45,000 votes were cast aside at the last European Parliament election while 20,000 votes were discarded at the last general election because they were spoiled. That was enough votes to elect three Members. Many were spoiled because of mistakes made by the voter or by the staff in the polling station. A number of people deliberately spoil their votes but the old system was full of flaws and an overhaul was long overdue.

I have often turned on the 10 p.m. news programme on Sky News or another channel in recent months to find that one of the accession states has held a referendum on whether to join the EU. They think they are joining the EU because it comprises a good, vibrant economic community. However, when I turned on the 11 p.m. news bulletin, the result of the referendum had been announced. It took one hour following the close of the polls to produce a result. We think we are progressive but many of the

10 o'clock

accession states could teach us a great deal about running elections.

**Mr. F. McGrath:** What about the tallymen and women? Those states miss the action and the drama.

**Mr. Fleming:** When the polls close, the count should be conducted and the results made known quickly. That is the way we should proceed. The unnecessary labour of love, which involves poring over ballot papers, has long passed its sell by date. People will miss the fun, action and craic of the count but that is not what elections are about. That is similar to somebody not watching the All-Ireland final when their team is playing because he or she is only interested in the celebrations afterwards.

**Mr. Durkan:** If the score was counted electronically and one only got the result, it would not be interesting.

**Mr. F. McGrath:** It is like an All-Ireland final without the match.

**Mr. Durkan:** The Deputy should start again.

**Mr. Fleming:** I would prefer if the numerous tally men and party activists canvassed during the election campaign rather than appearing on the day of the count. I would be happier to meet them on my travels knocking on doors to convince the public to vote for candidates of their choice. Too many of them are seen only when the election is over. They are too late to do anything for any candidate. They show up for the craic and the count.

**Mr. Durkan:** I am confused.

**Mr. Fleming:** The old system is overdue an overhaul.

**Mr. Durkan:** They had a paper vote, but the Deputy's lads are not counting them quickly enough.

**Mr. Fleming:** Given that it takes so long to get an election result under the old system, reform is long overdue. During the recent Spanish election, the new Government was announced early the following morning. We should be aspiring to that mechanism here.

**Aengus Ó Snodaigh:** Was that electronic?

**Mr. Fleming:** During the last local elections in Laois, we had a dead heat on the final count which resulted in a petition in the court.

**Aengus Ó Snodaigh:** What will happen now?

**Mr. Fleming:** I will deal with that and one can still have a petition.

The tragedy of that count was that several ballot papers were not properly stamped and those votes were ruled ineligible. That was an outrage to the candidates who were due those votes. I am not commenting on the outcome as there were loses on both sides. However, it was an outrage that votes were mish-mashed when people had gone to the trouble to vote. I have seen counts going on for days and recounts taking a week. On every television news bulletin, announcements were made of new votes being found. That is a farce which undermines the political system. The electorate expects the votes to be counted in an efficient manner and the idea of it taking a week makes some people give up, as party colleagues do not wish to prolong the agony, regardless of the outcome.

**Mr. Durkan:** There was no prolonged vacancy.

**Mr. Fleming:** That happened in the last general election also.

When one plays quick pick lotto numbers at 7.30 p.m. on a Saturday evening, one has the results at 7.55 p.m.

**Mr. Durkan:** What we are discussing is more serious than quick pick lotto numbers.

**Aengus Ó Snodaigh:** One has a paper trail.

**Mr. Fleming:** One has instant access from an ATM machine in any part of the world to one's bank account.

We should have an electronic voting mechanism. There are probably people who still think that officials at the count centre should not use adding machines. A computer only adds up figures more quickly and in a clearer manner than a person with an adding machine. If I was being political, I would not make these points but I cannot help being honest. I am looking forward to the debate in the next two months when the Government Deputies will be talking up electronic voting and convincing our voters that it is a good idea and the Opposition parties are busily talking down the system and their supporters will end up believing them and stay at home.

**Mr. Durkan:** Will the Fianna Fáil Deputies go to the plinth where they normally would go?

**Mr. Fleming:** I hope the Opposition keeps up this debate and continues to tell its supporters that this is a flawed system. I hope the Opposition can convince members and supporters of that nonsense and if they believe it, their supporters will stay at home, as directed. I hope that Government supporters will listen to us and realise it is the way to go. We should keep it up and not let up on telling the Opposition supporters to have nothing to do with electronic voting. However, we will tell our lads to get out and vote.

**Mr. Durkan:** How about a visit to the plinth for the Deputy?

**An Ceann Comhairle:** Deputy Fleming, without interruption.

**Mr. Fleming:** Deputy McManus referred to them as IT specialists, but Labour Party activists wrote this report. I have spoken to her colleagues who said that five party members got together and two of the five came up with a clever idea. They are Labour Party members who were identified as such by members of the Labour Party. They are not international, independent experts

**Mr. F. McGrath:** Deputy Fleming should not worry. I will give him an independent view in a short while.

**Mr. Fleming:** People believe there is a trail from when one casts one's vote to the count under the present system. There is no verifiable proof of how one votes.

**Mr. Durkan:** That is wrong. One can identify the votes that came out of every box.

**Mr. Fleming:** If a person can identify his or her vote at a count, it is an invalid vote because it is clear there should be nothing on a ballot paper to identify it. If somebody is able to identify a particular vote, it is an invalid vote.

**Mr. Durkan:** That is not true.

**Mr. Fleming:** The Opposition is spinning a yarn that one can see where one's vote goes during the count. That does not happen. It would be a breach of confidentiality.

This legislation is good. It was piloted in four constituencies during the last general election and in seven constituencies for the referendum and it gave the results very quickly. Several Deputies were elected to this House by margins greater than the number of spoiled votes in their constituency. Many constituencies had from 400 to 600 spoiled votes in the last general election and there are several Deputies who are here by margins less than the number of spoiled votes in their constituency. That is an absurdity. We should not tolerate a system that had hundreds of spoiled votes in every constituency.

**Aengus Ó Snodaigh:** That is democracy. The Deputy should ask Dustin.

**Mr. Fleming:** That is not democracy. Administrative mistakes or mistakes by the elector casting his or her vote can be prevented by the electronic machine. I am very disappointed at the allegations against Members on this side of the House. We do not run the election, The returning officer in every constituency office together with staff from the council and health boards are engaged in the counts. It is a

disgraceful slur to cast on people's work when one says that they will not continue to do their work in a proper manner because they will be working with an electronic system.

**Aengus Ó Snodaigh:** The computer will do the work.

**Mr. Fleming:** It is nonsense to cast one's vote electronically and be able to walk out with what has been called a lotto-type receipt. There would be no secrecy in the ballot paper. There is one party which would like that system. It could have its supporters bring out ballot papers to show how they voted, together with a blank ballot paper which will be filled in and given to a supporter who will put it in the box and bring out the next blank paper and keep recycling it. That is what happens when paper is taken out of the polling station. It is subject to abuse. I would never tolerate a system where a person can walk from a polling station with such a record because he or she could be intimidated to show people how he or she voted and it would be the most serious abuse. I am stunned but I am genuinely not surprised that people suggest that should happen. I am aware that some know how to abuse the system. If Members ponder on this they will know what I am talking about. Let us hope that never happens.

**Mr. F. McGrath:** The Deputy seems to know a great deal about it.

**Mr. Fleming:** Section 16 of the Bill provides a verifiable paper trail on all the votes cast in an election in an electoral area or using particular voting machines. In the event of a petition to the courts, the presiding judge can insist that the software shall include the capability of providing a table of the preferences recorded for each vote cast at the poll in the election. That can be done under section 16 for all the votes cast at an election in a local electoral area or in respect of particular voting machines. If there is a query involving one, two or three polling stations, the judge can order a print-out of each individual vote and the preferences. It will not be possible to identify the voter from the print-out, but it will be proved to a judge that a ballot box has a verifiable paper trail. If 636 votes are cast, a judge can establish from a print-out the preference of each voter. It would be a nonsense to have a printer in every polling station. Inevitably, it would run out of ink or paper and bring a useful electronic system into disrepute. A verifiable paper trail will be available to a judge if a petition is ever made. That is as it should be. Presumably, Opposition Deputies will say we will rig that too.

**Mr. Durkan:** That is like the Florida system.

**An Ceann Comhairle:** Allow Deputy Fleming to continue.

**Mr. Fleming:** If Deputies opposite had taken the trouble to read the Bill, they would know that on the opening of a poll a candidate's agent can verify that no votes have been cast. Obviously, they have not or they would not be making the outlandish statements they are. A person can press a button and see that the ballot paper on screen corresponds with a print-out from the machine before the vote starts.

**Aengus Ó Snodaigh:** A print-out.

**Mr. Fleming:** That provision is made in section 9 for those who wish to read it. At the close of polling, the number of votes printed out will correspond to the number of people whose names have been crossed off the voter register. The numbers can be verified as happens under the existing system. According to section 13, after votes have been counted an accurate tally can be produced without compromising the secrecy of the ballot. The votes will be randomised to establish surpluses in the event that there is a surplus at a particular count.

**Mr. Durkan:** There will be fun when the machine is set to randomise votes.

**Mr. Fleming:** The machine can print the numbers on the ballot papers to allow a judge, if necessary, to order a reprint of the randomised numbers in the sequence in which they were printed in the first place. A judge can have a print-out in front of him which shows the details of every preference in respect of every vote cast.

It might be a shock and a disappointment to some that it will be possible to have no spoiled votes in a constituency in which up to 50,000 people have voted. I look forward to the day on which spoiled votes are eliminated from our system. They are a blight and it is amazing we have tolerated them for so long. I hope we learn sound lessons from a number of the countries joining the EU on 1 May which are able to count their votes in a smart, efficient manner. I hope we do the same.

**Mr. Durkan:** They did it in Russia.

**Mr. Fleming:** I can understand the Opposition throwing in red herring. The last speaker complained that we were moving too far only to complain subsequently that we were not moving far enough. She said we should be voting from automated teller machines and the Internet. We have not gone that far as we are moving one step at a time. That is how it should be.

**Mr. Durkan:** We should be able to invent democracy, but we have not.

**Mr. Fleming:** I look forward to a demonstration by the people that they are happy with the electronic voting system after they have left the Opposition parties behind them. In due course, we will move on to greater advances in the voting system at locations which are much easier for voters to access. Once proper controls are in

place, voters may be able to vote at shopping centres. That is not before us today and that is something about which we have been criticised. We have been criticised by people who say we have introduced a form of calculator when we should be using paper and quills and spending week after week carrying out a count. The Irish people have moved on.

**Mr. Durkan:** Deputy Cullen has indoctrinated the Deputy well. Indoctrinating young lads should not be allowed.

**Mr. Fleming:** There has been no indoctrination. I have had no discussion with the Minister on this issue. I am reading the Bill for myself. At the count in Laoighis-Offaly during the last election, I recorded publicly the hope that I would never see another manual count. It took a day and a half to count votes for five seats.

**Mr. F. McGrath:** That is sad.

**Mr. Durkan:** The Deputy should not admit that outside the House.

**An Ceann Comhairle:** Allow Deputy Fleming to speak without interruption.

**Mr. Fleming:** If Deputies opposite wish to live in the 19th century, they are welcome to do so. The people have moved on and they have much more faith in their future.

**Mr. Durkan:** Will the Deputy give way?

**An Ceann Comhairle:** Deputy Durkan will have 20 minutes to expound on his theory.

**Mr. Fleming:** I would like to see the effort which goes into the count used to ensure that there is an accurate voter register in place in each constituency. That is where the mistakes are made and it is where we should aim our next phase of activity to improve the electoral system. I look forward in future legislation to new arrangements which allow us to put in place an accurate voter register.

I thank Deputies opposite for contributing to the debate. We will convince our people that electronic voting is a good idea while they keep telling theirs that it is not. I hope the Opposition is believed and that they and their supporters stay at home.

**Mr. Durkan:** The counters in Laoighis-Offaly are not that bad. I apologise to them on Deputy Fleming's behalf.

**Mr. F. McGrath:** I wish to share time with Deputies Ó Snodaigh and Boyle.

**An Ceann Comhairle:** Is that agreed? Agreed.

**Mr. F. McGrath:** While I enjoyed Deputy Fleming's contribution, I wish to present an opposing view from this side of the House. I welcome the opportunity to record my views on voting machines and electronic counting. I have

[Mr. F. McGrath.]

major concerns about the Bill before us. I reject the waste of taxpayers money it implies, which is an issue about which I feel very strongly. It is not good enough, particularly when there are priorities to address in health, education, disabilities and the 70,000 families living in severe poverty. These are the issues on which we should be concentrating public funds.

It will be a sad day for this country when we do away with tallymen. A manual count is healthy for democracy and positive for the political process. It energises the political system and wakes the people, particularly that 35% which is not directly involved in the electoral process. Sadly, that percentage seems to increase every day. It is a major problem in this State that a section of our society does not actively participate in the democratic process. The introduction of the electronic voting system will take away the drama, the life and the energy which is produced at traditional election counts. This is a valid argument. Have people considered the South African elections which brought Nelson Mandela and the ANC to government? People queued in the heat for seven or eight hours to take advantage of the right to vote, as they have in other parts of Africa. Many western societies have become very smug and electronic voting is a symptom of that.

We should examine the facts when considering the dangers of electronic voting. Many people have concerns that the system might represent a threat to democracy. This is a serious issue. Members opposite should suppose the Government were to employ a private company to bundle up our paper ballots, haul them to an unknown location for counting in secret before emerging with just the final, unverifiable result. Would Deputy Fleming be happy with or trust that result? He should consider that scenario. Computers obey coded instructions yet the source code of the machines in question will not be open to independent, specialist scrutiny due to commercial copyright. The count result produced by the machines will not be open to independent verification because, astonishingly, no means to make such verification is built into the system.

If one does something as mundane as book an airline ticket or make a banking transaction, a paper trail will be available in the event that someone mucks up. When one presses a button to vote, there will be nothing anywhere to prove one's vote did not go to one's candidate of choice. These are serious democratic issues. Deputy Fleming spoke about a paper trail, but we should consider the facts and the evidence. People should listen to Ms Margaret McGale, a scholar working on a PhD on electronic voting. She has told a committee of the Houses that the system as planned poses a genuine threat to democracy. She is not a member of the Technical Group or the Labour Party but an independent person with expertise on electronic voting. We should also consider the evidence of Rebecca Mercuri, an American professor and world expert.

## Adjournment Debate.

### Animal Diseases.

**Mr. Crawford:** I thank the Ceann Comhairle for affording me the opportunity of raising this important issue. I thank the Minister of State for coming to the House — I hope he can give me a positive reply.

There is an urgent need to re-examine and change the way the Department of Agriculture and Food deals with BSE cases. It is impossible to understand or justify why the Department should continue with a total herd slaughter policy when it is clear from all evidence that this disease does not affect the rest of the herd. I welcome the drop in the number of herds that are being slaughtered owing to the presence of BSE. However, the loss of a total herd to any disease is traumatic for any farm family and is almost akin to a family death. To lose a herd because of one BSE-infected animal, when there is no scientific or other evidence to justify it, is unfair and entirely irresponsible. Other EU countries have re-evaluated their structures and only slaughter the infected animal and cohorts. Ireland needs to satisfy health and export regulations and that is what this is about.

The three wise men who advise the Minister for Agriculture and Food advised that the process be re-examined — they obviously saw room for major savings as that was their brief. This was the only aspect of the report the Minister ignored. It is unfair that farmers, many of whom had closed herds before BSE struck, are forced into the open market where, even arising from the Department's advice, they have found other serious disease problems.

More than ten years ago, Fine Gael warned the then Minister about the dangers of Johne's disease and other problems imported into this country. Are depopulated farmers advised of these potential problems? A number of farmers whose herds have been depopulated and restocked have found their animals have serious disease problems for which they can get no compensation.

I know of a farmer whose farm was destocked for a second time. He was unhappy about this and requested that only the diseased animal be taken out. He is now under all sorts of investigation and he still has not been paid even though 15 months have passed. We must be sensible about this.

I know of a farmer, not from my constituency, whose farm was involuntarily depopulated in 1997. He made all kinds of efforts with his DVO in seeking personal and health advice. He bought animals under the DVO's regulations. At no time was he advised of a problem such as Johne's disease. He now finds that his herd is suffering from this serious disease. While a number of his animals have been disposed of and others are locked up, he cannot get compensation. The moneys being wasted on the destruction of entire herds should be used to evaluate the problems presented by the other disease. Another farmer in my constituency was forced to restock. He has

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incurred enormous veterinary bills arising from the diseases he found in his herd.

I urge the Minister of State to reconsider this scheme. If other EU countries have re-evaluated their schemes it is time we reconsidered ours. As president of the European Council on Agriculture, the Minister, Deputy Walsh, is in the strongest position he has ever been in. Surely he will have an opportunity to re-evaluate this to ensure people understand what it is all about. If other EU countries that do not depopulate can sell their products in the same markets as we sell to, surely we can do the same.

Depopulation is traumatic for farmers. I spoke to a woman yesterday whose herd is under investigation but has not yet been deemed to be BSE-infected. She begged me to raise this matter in a positive way.

**Minister of State at the Department of Agriculture and Food (Mr. Aylward):** I thank Deputy Crawford for raising this matter. Having had private conversations with him, I know of his personal interest and concern in this matter. The Deputy will be aware that since 1989, all Irish Governments have implemented a whole herd depopulation policy where BSE is confirmed. This approach was introduced in the context of concerns about the potential impact of the disease on human health, uncertainty about the epidemiology of the disease, and for market reasons that are in turn related to public sentiment in various importing countries. Since 1989, this policy has been the cornerstone of the Irish control system and, with other measures, has been used to underpin sales of meat and dairy products in a variety of overseas markets. Such markets are worth €1.4 billion annually.

Under current EU legislation on BSE, member states are obliged as a minimum to slaughter feed cohorts and progeny of affected animals. I am well aware that many member states operate this approach. However, we do not propose to discontinue the whole herd depopulation approach for a variety of reasons, including its value in the marketplace, particularly consumer perception of its benefit, the declining costs of the system and the potential difficulties which individual farmers would face in disposing of cattle and milk from their herds where BSE had been confirmed. It would be difficult to find any co-op in Ireland that would purchase meat from an infected herd. One must consider the potential damage to the market in, for example, baby food products. Unlike other EU countries, Ireland exports a minimum of 90% of its agricultural products. This is a consideration other EU countries do not have to make.

**Mr. Crawford:** Denmark is an exporting country.

**Mr. Aylward:** The EU supports the whole herd depopulation policy by funding 70% of compensation costs involved.

When restocking after depopulation, farmers must of course take appropriate precautions against introducing diseases. In particular, they

should take care in sourcing replacement stock and subsequently follow calf rearing and management practices to avoid diseases such as Johne's disease. I am concerned about the level of this disease and the manner in which it has come into the country. The Department is actively pursuing this.

I am pleased to report that the outlook on BSE is positive. Numbers last year at 182 were down by 45% on 2002 and the reduction is continuing this year — to date 47 cases have been confirmed compared with 69 in the same period in 2003. Moreover, in both 2002 and 2003, 2% of cases were identified in animals aged six years or less at the time of diagnosis, compared with 16% and 40% of animals in that age category in 2001 and 2000 respectively. The increasing age profile of animals in which the disease is confirmed and the declining number of BSE cases are positive indications that the enhanced controls in relation to meat and bonemeal, specified risk material and the processing of mammalian waste products introduced in 1996 and 1997 are having the desired effect and that the incidence of BSE will continue to decline as older animals leave the system.

I assure the Deputy that the Department keeps this matter under constant review and this will continue.

### Schools Building Projects.

**Mr. Gilmore:** I thank the Ceann Comhairle for permitting me to raise the needs of the Monkstown Educate Together national school in my constituency. The Dalkey school project, which has been in existence for some time, is bulging and has a long waiting list. The Bray school project, which draws students from the southern end of my constituency, is also full and has a long waiting list.

The Monkstown Educate Together school was established seven years ago in response to the growing demand for places in such schools and has grown dramatically in the interim. It has grown dramatically over the seven years to the position whereby it now has eight full classes with more than 240 students and a long waiting list. However, it has no permanent school building and is housed in temporary buildings at the rear of Monkstown House community centre in Monkstown Grove. The temporary buildings are unsuitable, the site is very cramped and in recent times it has been subject to some vandalism. In a recent letter to me the chairman of the board of management stated:

The lease on our current site is not secure and we have only a temporary planning permission to operate from the site. The portacabin classrooms are too small. This is unhealthy and uncomfortable and restricts implementation of the curriculum. There is no assembly hall or sports facility of any kind. Rental on the portacabins on site is expensive and wasteful of the resources of the Department of Education and Science and of the parents, and the existing portacabins are not secure and subject to vandalism.

[Mr. Gilmore.]

About four years ago, a site was identified for this school. The site is currently leased by the Department of Education and Science. Matters do not seem to have been progressed. The school has yet to get confirmation from the Department as to the site and when a permanent school building will be provided for this growing school. There is now considerable frustration and anger on the part of parents who saw their children enter the school seven years ago on a temporary basis and there is still no sign of a permanent school building. They are beginning to wonder aloud whether they are being discriminated against. A number of parents have put it to me that if this were a denominational school, they would not have had to wait this long for confirmation of a site and for school building to proceed.

There is a belief that because the cost of land, sites and buildings is particularly expensive in my constituency, the Department of Education and Science is reluctant to commit to expenditure. Every child in my constituency has a right to education. Children who have no option but to avail of the free education system are entitled to get the support from the Department of Education and Science and should not find themselves condemned to unsuitable buildings and school locations. They need to be allowed to avail of their constitutional right to free education in an area where the cost of sites, land and buildings happens to be expensive. The Department of Education and Science should not withhold from committing to provide the site and build the school on the basis of cost.

I thank the Minister of State for coming to the House to respond to me on this matter. I hope she has good news for me this evening. However, if that is not the case I ask her to use her good offices to ensure this issue is progressed as soon as possible so the parents and children at that school can have good news allowing them to see where they will be going well before the commencement of the new school year.

**Minister of State at the Department of Education and Science (Miss de Valera):** I thank the Deputy for giving me the opportunity to outline my Department's proposals for the provision of a new school building for Monkstown Educate Together national school.

The school is currently accommodated in prefabricated buildings on a site adjoining Monkstown Community Centre. The school was granted permanent recognition in September 1998. The cost of site and portacabin rental is grant aided by the Department at the rate of 95%. The school had an enrolment of 243 pupils at September 2003 and a staffing of a principal teacher and nine assistant teachers. In addition, the school has three resource posts. Enrolments at Monkstown Educate Together national school have been increasing to the current figure of 243. The area from which the school draws its pupils is wider than the Monkstown area, where enrolments in other schools have declined in recent years.

The property management section of the Office of Public Works which purchases sites for new schools on behalf of my Department, submitted a report on the issue of site acquisition for Monkstown Educate Together national school. However, due to the commercial sensitivity of the process involved, it would be inappropriate for me to comment on any individual aspect of the report at this time. My Department intends to secure a site for the school as soon as possible. When this has been done the question of the architectural planning of a new school building will be examined as a matter of urgency.

In the meantime, my Department will continue to grant aid the use of temporary accommodation by the school at a rate of 95% of the cost pending the delivery of permanent accommodation.

### Special Educational Needs.

**Dr. Cowley:** I am very grateful for the opportunity to raise this matter on the Adjournment, namely, why a child assessed as "moderate Down's syndrome" has been refused entry to St. Dymphna's special school, Ballina. Little Breege Molloy turned five years of age on 1 February and has attended playschool for the past two years. She has a support worker for two hours every day from the Western Care Association and spends the other hour in the playschool. She also gets two hours every Friday with her in-house adviser who does excellent work.

Her mother began to consider Breege's schooling commencing in September 2004, as she believes that Breege has spent enough time at playschool and it is time for her to move on. As her mother thought Breege would not be ready for mainstream school, she considered another option, St. Dymphna's special school. Mrs. Molloy approached the principal at St. Dymphna's school and the home adviser visited on another occasion. The plan was that Breege would attend St. Dymphna's for a year and would then be ready for the local school at Beheymore.

The psychologist carried out an assessment and assessed her as having a moderate disability. While all the details went to the Department of Education and Science, the application for entry to St. Dymphna's was turned down. Mrs. Molloy was given the option of sending Breege to a mainstream school with a support worker or to send Breege to the school for moderate to severe disability. Mrs. Molloy believes this is the first time St. Dymphna's school has had to refuse a moderate Down's syndrome child and that this refusal is due to cutbacks.

Both Mrs. Molloy and her husband are extremely disappointed at the decision to refuse Breege entry to St. Dymphna's. They feel that as parents they were making an informed choice which has unfairly been taken away from them. The school principal was happy to take Breege into St. Dymphna's school. The home adviser was very pleased that this was happening. The principal at St. Dymphna's school is trying to fight the decision of the Department to exclude Breege, as is the psychologist who has written to

the Department of Education and Science, pleading the case for Breege to be admitted to St. Dymphna's school.

As a parent, Mrs. Molloy feels her decision was undermined and the choice of where to send Breege to school was removed from her husband and her. She states that the local school informed her that it was not prepared to teach a child with Down's syndrome. If Breege were to go there it would be the first time the school had taught a child with Down's syndrome. This is the first time that St. Dymphna's has had to refuse a child. While St. Nicholas's school down the road is for children with moderate to severe disability, the psychologist felt that Breege's disability is milder than moderate and she would do better at St. Dymphna's than at St. Nicholas's special school.

The Western Care Association also felt that St. Dymphna's was the best school for Breege. The psychologist had written to the Department asking that Breege be sent there and the headmistress was happy with this decision. The headmistress of St. Dymphna's met Breege and was hoping to take her into St. Dymphna's. She has also written to the Department of Education and Science requesting that Breege be admitted there. The St. Dymphna's curriculum of swimming and gymnastics would suit Breege very well.

Breege's mother feels that she was undermined in making her decision and is supported by the Western Care Association and by the Down's syndrome association in her decision. Mrs. Molloy feels this is blatant discrimination against disabled people. Mrs. Molloy makes the case that if she brought her other daughter who is not disabled to the local convent school and if she was accepted by the principal there, it would not be fair for the Department of Education and Science to then refuse her. If it is not right and fair for her daughter who is not disabled, why is it right and fair that it should happen to her disabled daughter? She feels that this represents discrimination against disabled people.

As a parent, Mrs. Molly has done her best. However, she believes that the system has failed her and her daughter. She worked hard for 19 years and paid PAYE and all her other taxes. She cared for her elderly parents but never received, or for that matter sought, carer's allowances.

The Special Olympics took place last year. Everyone wanted to be associated with the games and people were filled with joy and wonder about the contribution disabled people were making. Everyone was so helpful. The Government was associated with the Special Olympics but, less than a year later, we are hearing about cutbacks being made. Why should parents be obliged to go to court to fight for basic rights, particularly those for their disabled children, to which they should have access?

**Miss de Valera:** I am pleased to have the opportunity to clarify the position concerning the enrolment of Breege Molloy in St. Dymphna's special school, Ballina, County Mayo, on behalf of the Minister, Deputy Noel Dempsey.

I understand that Breege has been assessed by a psychologist as coming within the moderate range of general learning disability. Parents of a child with such an assessment have the option of seeking a placement for their child in either a special or mainstream national school. Where a special school placement is the preferred choice, the usual option would be a school dedicated to providing for children such as Breege with a moderate general learning disability. There is such a school, St. Nicholas's special school in Ballina. In this case, however, Breege's parents have sought to have her enrolled in St. Dymphna's special school, which is designated as a school for children with mild general learning disability. A preliminary investigation has been carried out by my Department and I can confirm that St. Dymphna's is not refusing to enrol Breege due to cutbacks or for any other reason. Rather, it is seeking advice on the appropriateness of Breege's placement in the school.

The issue for my Department is to find an accommodation between parental choice, on the one hand, and appropriate educational placement, on the other. The matter is being given immediate attention with a view to bringing about an early resolution. I thank the Deputy for bringing the matter to my attention and I assure him that the Minister, Deputy Noel Dempsey, will advise him of the outcome as soon as it is known.

### **Hospital Staff.**

**Mr. Durkan:** I thank the Ceann Comhairle for affording me the opportunity to raise this important matter. When I was a member of the Eastern Health Board, a great deal of time, effort and energy was invested in a programme to restore, revive and refurbish Naas General Hospital. The matter had been on the stocks for in the region of 16 years without progress being made. I was glad to have been able to play some small role in this affair when in Government for a short period. I spoke with officials of the then Eastern Health Board, brought forward the plans which had remained on the shelf for so long and eventually ensured that the then Minister for Health, Deputy Noonan, kindly made available the necessary funds to carry out a development plan. That plan was ambitious in nature and was sufficient to ensure the future of the hospital at the highest level.

The Government that took office in 1997 delayed the proposals for two years, a period during which the costs involved doubled from £21 million to £42 million. However, construction work commenced and the hospital was eventually completed. It is a fine building but the final two phases contained in the original plan remain to be completed. However, the hospital is a credit to everyone involved, including the architects, engineers, contractors, the health board and the then Minister, Deputy Noonan. However, since works were completed in September last, there has been little effort made to provide the necessary staff to ensure that the hospital is fully and properly utilised. The fact that this has not

[Mr. Durkan.]  
happened to date is sad. The new state-of-the-art theatres are under-utilised and the clean-air theatre, which is one of the most modern in the world, is not used. No orthopaedic procedures are taking place at the hospital because of a turf war in the region which has not been resolved.

The great investment in the state-of-the-art facilities at the hospital has been to no avail because of insufficient staffing at almost every level. The high number of beds that are occupied by long-stay patients because of a lack of proper subvention for beds in nursing homes, where there are plenty of spaces available, means that the hospital is being slowly strangled. This is unacceptable.

During the past six months I tabled a series of questions to the Minister for Health and Children. On 30 September 2003, I tabled a question which inquired about the extent to which it is intended to put place the necessary resources for accident and emergency staff at Naas General Hospital and I was informed that it is a matter for the Eastern Regional Health Authority. I tabled the same question on 9 October, 19 November, 17 February, 18 February and 3 March and received the same reply on each occasion.

I do not know how to put it as emphatically as it should be put at this stage, but I have no doubt where responsibility for the funding of the hospital lies. It lies with the Department of Health and Children and its Minister who provides funding through the regional health authority or the health boards. The time has long since passed to bring an end to the ridiculous situation which prevails at present whereby services at the hospital will be brought to a halt and standards will fall due to a lack of adequate staffing and resources. Unfortunately, the major, worthwhile and necessary investment that has been put in place will go down the drain unless action is taken soon.

I am aware that the Minister of State has only a passing responsibility for this matter. However, I know that, in her heart of hearts, she agrees with what I have said. Bureaucracy has brought this project to a halt and I ask her to do what she can to ensure that the funds are released and that people can go to work in the facilities that were provided for them.

**Miss de Valera:** The Minister for Health and Children apologises for not being present and has asked me to read the following statement on his behalf.

Responsibility for the provision of services at Naas General Hospital rests with the Eastern Regional Health Authority, ERHA. Naas General Hospital has a 193 bed complement and provides general, medical and surgical services, acute psychiatric services and medical and social assessments for patients aged over 65 years and caters for 180,000 people in the Kildare-west Wicklow catchment area.

A major development programme, phase 2, commenced at Naas General Hospital in November 1999. In addition, phase 3A, which includes accommodation and enabling works for future phases 3B and 3C commenced on site in April 2002. Phases 2 and 3A were completed in September 2003. The additional revenue and staffing required to fully commission this development are the subject of ongoing discussion between the ERHA and the Department. It is anticipated that the remainder of the development, phases 3B and 3C, will be procured on a phased basis, with construction planned for commencement in late 2004 and completion planned for 2005-07. 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 dependent and awaiting placement in the sub-acute setting.

Measures aimed at addressing these issues include 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, 253 of which are in the eastern region. Of these, 61 have been commissioned at Naas General Hospital. Revenue funding of approximately €40 million has been made available to the ERHA under this initiative.

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 beds. It allows for funding through the subvention system of additional beds in the private nursing home sector and ongoing support in the community. To date, this funding has resulted in the discharge of more than 220 patients from acute hospitals in the eastern region, including Naas General Hospital.

The ERHA is actively monitoring the situation and working with hospitals, including Naas General Hospital, and the area health boards to ensure every effort is made to minimise the number of delayed discharges from acute hospitals. It is in consultation with the South Western Area Health Board and management at Naas General Hospital regarding the alleviation of accident and emergency pressures at the hospital through the opening of beds under the bed capacity initiative.

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 continue to receive timely and appropriate care.

The Dáil adjourned at 11.05 p.m. until 10.30 a.m. on Thursday, 1 April 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 10, inclusive, answered orally.*

### European Neighbourhood Policy.

11. **Mr. English** asked the Minister for Foreign Affairs if he will report on the progress being achieved on the European Union near neighbour policy; and if he will make a statement on the matter. [10039/04]

**Minister for Foreign Affairs (Mr. Cowen):** At its meeting in October 2003, the General Affairs and External Relations Council invited the Commission and the High Representative, Mr Solana, to present detailed proposals on “action plans” early in 2004 under the European Neighbourhood Policy, ENP, in order to take the matter forward by June 2004. The Council decided that the first package of “action plans” would cover Ukraine, Russia and Moldova to the east and Morocco, Tunisia, Jordan and Israel, as well as the Palestinian Authority.

The Commission has held the first technical consultations with some partner countries in January-February 2004 on the key features and goals of the “action plans”. These will be agreed political documents with partner countries and joint ownership of the plans is a key element for their success.

The guiding parameters for the ENP are now being finalised by member states and the Commission, in close co-operation with the High Representative. The Commission intends to adopt a further strategy paper in May and further discussion on the “action plans” is envisaged in the relevant Council bodies. Further consultations with partner countries will be held as appropriate.

Once these discussions have concluded, it is intended to have those “action plans” which are ready and the overall ENP strategy approved by the Council in June 2004.

### Foreign Relations.

12. **Mr. Neville** asked the Minister for Foreign Affairs if he will make a statement on the bilateral economic relations between Chile and Ireland; and if he will make a statement on the matter. [9995/04]

**Minister for Foreign Affairs (Mr. Cowen):** Ireland’s bilateral economic relations with Chile are well established and continue to evolve. Chile, like Ireland, is a small open economy that has enjoyed increasing prosperity driven by the strong promotion of trade. Ireland and Chile are both very dependent on foreign trade, and

growing economic links are an important part of developing a mutually beneficial relationship.

In 2003 Ireland’s total merchandise trade with Chile was worth just over €80 million. This is the highest level of trade ever reached between Ireland and Chile and represents a more than four-fold increase in trade since 1990. The balance of trade in 2003 was slightly in Ireland’s favour with exports to Chile valued at just over €42 million and imports from Chile worth just over €38 million.

President McAleese has just completed a State visit to South America which included Chile. The President was accompanied by a trade mission organised by Enterprise Ireland. The mission was comprised of 14 companies from a variety of sectors, all of whom were eager to develop business relationships with their Chilean counterparts.

In addition to Irish companies increasing their sales to Chile, there is also scope for Irish and Chilean companies to join forces in opening up new market opportunities both across South America and in other regions where Chile is successfully doing business. Similarly, Ireland offers excellent opportunities to Chilean companies which are seeking business partnerships in product development, marketing and sourcing in the newly expanded European Union.

The visit of President McAleese follows the State visit of President Lagos of Chile to Ireland last summer. These visits are important steps in forging new business partnerships between our two countries.

Ireland is looking to conclude a double taxation agreement with Chile. At present a team from the Revenue Commissioners is in Chile conducting the opening round of negotiations on such an agreement. The existence of a double taxation agreement will encourage both trade and investment between our two countries.

### British-Irish Agreement.

13. **Caoimhghín Ó Caoláin** asked the Minister for Foreign Affairs when the British-Irish interdepartmental co-ordinators group last met; its purpose and functions; its programme of work for 2004; and if he will make a statement on the matter. [4776/04]

**Minister for Foreign Affairs (Mr. Cowen):** I assume the Deputy is referring to the group which meets to co-ordinate the Irish position on the work of the British-Irish Council. In this context officials from relevant Irish Government Departments meet as appropriate to consult and liaise on the ongoing programme of work of the BIC, established under Strand Three of the Good Friday Agreement. The group is chaired by officials of the Department of Foreign Affairs. The Department of the Taoiseach and other Departments which are involved in the Council’s programme, including the Departments of Community, Rural and Gaeltacht Affairs, Social

[Mr. Cowen.] and Family Affairs, the Environment, Heritage and Local Government and Health and Children, are represented. The most recent meeting of the group took place in February 2004.

The British-Irish Council's current programme of work includes a number of priority areas as agreed at the inaugural BIC summit in December 1999. These include the important area of misuse of drugs where the Irish Government takes the lead role, with the Department of Community, Rural and Gaeltacht Affairs co-ordinating the work.

The Government also participates in all of the other areas of work within the British-Irish Council including environment, social inclusion, knowledge economy, transport, health — telemedicine, tourism, and minority and lesser-used languages. The next BIC summit is currently scheduled to take place later this year in Guernsey, focusing on tourism. Ministerial and official meetings in a number of other priority areas are also planned in the coming months.

The Government remains committed to the full implementation of the Good Friday Agreement and to the successful operation of all of its institutions.

### Dialogue Among Civilisations.

14. **Mr. Costello** asked the Minister for Foreign Affairs if Ireland, as President of the EU, or in its own right, will be holding a regional conference on Islam and the western world as part of its preparation for the Dialogue Between Civilisations initiative of the United Nations. [9898/04]

**Minister for Foreign Affairs (Mr. Cowen):** There are no plans to organise such a conference. The Government favours continuing dialogue among cultures in order to improve mutual understanding. The United Nations General Assembly designated 2001 as the United Nations Year of Dialogue among Civilisations. Ireland played its part in this initiative when it hosted in Dublin on 30 and 31 May 2001 a meeting of the group of eminent persons who had been appointed by the United Nations Secretary General to report on the dialogue among civilisations process. Important progress was made by the group at its Dublin meeting in preparing the groundbreaking report that was submitted to the United Nations General Assembly. This report led to the General Assembly adopting a global agenda for dialogue among civilisations unanimously in November 2001. This agenda is intended to promote dialogue so as to reduce misunderstandings and mistrust and bring about the basis for non-violent resolution of disagreements and potential conflicts.

In November 2001, the group of eminent persons that Secretary General Annan had appointed to consider this matter issued a report, *Crossing the Divide: Dialogue Among*

*Civilisations*. This was not a UN document *per se* and did not contain recommendations but rather observations about new trends which would assist the process of dialogue. The report contended that diversity was an aspect of humanity to be celebrated and urged that dialogue be seen as a soft tool of diplomacy. As noted by the Secretary General's Personal Representative on the issue, Giandomenico Picco, dialogue was an opposing force to terrorism which equated diversity with enmity. Subsequently Secretary General Annan issued his own report to the General Assembly which *inter alia* restated the critical importance of dialogue among civilisations as a means of preventing conflict.

The General Assembly discussed the report on 8-9 November 2001 and on 9 December adopted Resolution 56/6 on the Global Agenda for Dialogue Among Civilisations which *inter alia* stated the valuable contribution that dialogue among civilisations could make to improved awareness and understanding of common values shared by all mankind and set out a general programme of action. Secretary General Annan is to report later this year on the implementation of this programme of action. The work begun by that initiative has since been carried through in other fora. The EU has played its part in furthering dialogue. One specific initiative being undertaken by the EU is the Euro-Mediterranean Foundation for a Dialogue of Cultures. One of the foundation's guiding principles notes that "the values of dialogue, tolerance and respect for the other, which are common to all religions, constitute an important factor in bringing closer together cultures and civilisations." Ireland announced at the sixth Euro-Mediterranean meeting of Foreign Ministers, held in Naples on 2 and 3 December, a financial contribution of €100,000 to the Euro-Mediterranean Foundation for the Dialogue of Cultures.

In addition, Ireland has carried forward the EU's proposed Strategy on the Mediterranean and Middle East. Last week in Brussels, the Presidency presented to the European Council an interim report on the policy. The principles outlined in this report will form the basis of consultations with the countries of the region in coming weeks, which have begun with the visit to the region by me this past Monday. We will continue to build on these contacts at opportunities such as the Euro-Mediterranean Partnership Mid-Term Ministerial Meeting on 5 and 6 May and the EU ministerial meeting with the Gulf Co-operation Council, GCC, on 18 May.

Our relations with our partners in the region have been built on consultation. I believe that for this policy to succeed, it must be based on transparency, dialogue and consultation. The Union must work in full partnership with the countries of the region to help it meet the challenges facing it. Our goal should be to create a common zone of peace, prosperity and progress.

### Foreign Conflicts.

15. **Mr. M. Higgins** asked the Minister for Foreign Affairs if he will make a statement on the necessity of differentiating between the war in Iraq and multi-lateral support within the European Union and the United Nations community for a concerted approach towards dealing with terrorism on the world scale. [10105/04]

**Minister for Foreign Affairs (Mr. Cowen):** For Ireland, as indeed for several other members of the EU, it was a matter of greatest regret that the Iraqi crisis reached a point where military conflict began. This is exactly the outcome which we had worked to avoid during our time on the Security Council. The Government has consistently opposed the use of force, except as a last resort after all other possible means have been tried and failed.

There are different viewpoints on the compatibility of the war on Iraq with United Nations resolutions. The letter of 20 March 2003 from the US Permanent Representative to the President of the Security Council stated that “in view of Iraqi material breaches, the basis for the ceasefire has been removed and the use of force is authorised under Resolution 678”. There is, therefore, no international legal consensus on this issue. Hence, the Government underlined at the time the overriding political need for a further resolution and for absolute clarity that the way forward was, to partially quote from the Deputy’s question, through multilateral support within the United Nations community.

In the wider context of dealing with terrorism, the Government strongly supports a concerted approach within the EU and the broader international community in tackling the problem of terrorism as an issue in its own right

### Middle East Peace Process.

16. **Mr. Connaughton** asked the Minister for Foreign Affairs his views on the assassination of Sheikh Ahmed Yassin; and if he will make a statement on the matter. [9990/04]

58. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs his views on whether the Israeli assassination of Sheikh Yassin constitutes a breach of the human rights clause contained in Article 2 of the EU Association Agreement with Israel; if he has raised or will raise this issue with his European colleagues; the action he proposes to be taken by the EU; the action he proposes to be taken by the Government; and if he will make a statement on the matter. [9966/04]

103. **Ms Burton** asked the Minister for Foreign Affairs if he is concerned at the failure of the Government of the United States to condemn the assassination by Israeli forces of the Hamas leader, Sheik Ahmed Yassin. [9893/04]

**Minister for Foreign Affairs (Mr. Cowen):** I propose to take Questions Nos. 16, 58, and 103 together.

The position of Ireland on the assassination of Sheikh Ahmed Yassin was fully reflected in the statement agreed by the Foreign Ministers of the European Union and acceding countries during their meeting on the day of the killing. Foreign Ministers condemned the particular killing and recalled the position of the European Union on extra-judicial killings in general. In their statement they said:

The European Union has repeatedly condemned the terrorist atrocities committed by Hamas which have resulted in the deaths of hundreds of Israelis. The EU recognises Israel’s right to protect its citizens against terrorist attacks. Israel is entitled to do this under international law. Israel is not, however, entitled to carry out extra-judicial killings. Furthermore, the assassination which has just been carried out has inflamed the situation. The Council called on all sides to exercise restraint and to refrain from acts of violence, which will only lead to more deaths and will put a peaceful settlement still further from reach.

The contents of the Foreign Ministers’ statement were conveyed to the Israeli authorities immediately.

The complete opposition of Ireland to extra-judicial killings is well known. Extra-judicial killings are in contravention of international law and do nothing to increase security or advance the peace process and this is also the position of the European Union. The Association Agreement between the European Union and Israel commits both sides to conduct their relations on the basis of respect for human rights and democratic principles. The policy of extra-judicial killing calls into question Israel’s commitment to this element of the Association Agreement. The concerns of the European Union about Israeli conduct were raised by the Foreign Ministers of the European Union with Israel during the last Association Council in November.

I have noted the reactions of a number of United States representatives to this assassination. Like the European Union, the United States is firmly opposed to extra-judicial killings. As far as I am aware there has been no change in that position. It is the sovereign right of each country to decide how it wishes to express its position.

### Spanish Elections.

17. **Mr. Gilmore** asked the Minister for Foreign Affairs his views on the attempts by pro-militaristic tendencies in the European Union and the media to construe the democratic victory of Senor Zapatero in Spain as appeasement of terrorism; and if he will make a statement on the matter. [9899/04]

**Minister for Foreign Affairs (Mr. Cowen):** The elections in Spain were undoubtedly free and fair and the outcome reflects the democratic will of the Spanish people. Ireland's approach to the savage attack on Madrid was one of sympathy and solidarity with the people of Spain, reflected in particular in the attendance by the Taoiseach at the service of remembrance in Madrid on 23 March. Our response to this attack, which was not just an attack on Spain but all our democracies, was to ensure that there was a comprehensive response at EU level. To this end, the Presidency proposed a package of measures for consideration by our partners and the Minister for Justice, Equality and Law Reform convened a special meeting of Justice and Home Affairs Ministers on 19 March to take this work forward. This was followed by further work on the proposals by Foreign Ministers under the Minister for Foreign Affairs' chairmanship on 22 March, which resulted in final agreement on the very substantive declaration on counter-terrorism at the specially scheduled discussion of EU Heads of State or Government at the European Council on 25 March under the Taoiseach's chairmanship.

By these actions Ireland, as EU Presidency, and all our EU partners demonstrated our solidarity with the people of Spain in response to this terrorist attack. The Government rejects the cheap and misleading suggestions to which the Deputy is referring, as I am sure do most Members of the House. The people of Spain have endured much over the years and to falsely attribute such motives to their free and fair democratic decision does them and democracy a serious disservice.

We look forward to working with the new Spanish Government when it takes office and to continuing the good relations that we enjoy with Spain.

#### **Northern Ireland Issues.**

18. **Mr. Noonan** asked the Minister for Foreign Affairs the outcome of peace process talks held at Hillsborough Castle on 23 March 2004; if he will make a comment on the position with regard to the Northern Ireland peace process; and if he will make a statement on the matter. [9977/04]

**Minister for Foreign Affairs (Mr. Cowen):** Following a meeting between the Taoiseach and Prime Minister Blair at Farmleigh on 11 March, the two leaders met with the political parties elected to the Northern Ireland Assembly at Hillsborough Castle on 23 March in an effort to collectively find a way to resolve the current political impasse. Trilateral meetings were held with the DUP, the SDLP, the UUP, Alliance, the PUP and Sinn Féin. The Government also held a bilateral meeting with Sinn Féin. During our meetings we listened carefully to the views of each of the parties and their proposals for addressing the current difficulties. Both Governments also made it clear that there were two crux and related issues which needed to be

resolved in order for progress to be made. As we have stated on a number of occasions in recent months, these outstanding issues are: the achievement of final closure in relation to all forms of paramilitarism from all quarters and a commitment from all the parties to the full operation of stable and inclusive political institutions.

In addition, both Governments have acknowledged the need to continue to meet their commitments in regard to the full implementation of the Agreement, particularly in the areas of rights and equality. Work on this agenda is being actively advanced through the framework of the British-Irish Intergovernmental Conference.

Mindful of the need to restore confidence in the process, the Taoiseach and Prime Minister Blair at Hillsborough clearly stated their preference to see early progress on the key issues, and preferably before the local and European elections in June. Both Governments will remain in close contact with all the parties over the coming weeks to advance all opportunities for progress, including through the ongoing review of the operation of the Agreement.

#### **Middle East Peace Process.**

19. **Mr. McCormack** asked the Minister for Foreign Affairs his views on the recently published Amnesty International report, Israel and the Occupied Territories — the Place of the Fence/Wall in International Law; and if he will make a statement on the matter. [10000/04]

68. **Ms Lynch** asked the Minister for Foreign Affairs when he expects that the International Court of Justice will issue its advisory opinion as requested by the General Assembly of the United Nations in regard to the construction of a wall by the Israeli authorities in the occupied Palestinian territories; and if he will make a statement on the matter. [9903/04]

**Minister for Foreign Affairs (Mr. Cowen):** I propose to take Questions Nos. 19 and 68 together.

The International Court of Justice has now received all written submissions from interested parties and has heard the oral submissions. The court has indicated that it will deliver its advisory opinion expeditiously, due to the importance of the matter. It is for the court alone to determine the schedule of its deliberations. No date for delivery of the opinion has been set but my understanding is that it may be delivered to the General Assembly of the United Nations some time between the end of May and the middle of July.

I am aware of the Amnesty International report to which the Deputy refers. The question of the consequences of the construction of the separation barrier in international law is the subject of deliberation by the International Court of Justice at present.

Ireland's views on the illegality of the construction are well known. In October 2003 Ireland and our European Union partners sponsored a resolution in the General Assembly of the United Nations demanding "that Israel stop and reverse the construction of the wall in the occupied Palestinian Territory, including in and around East Jerusalem, which is in departure of the armistice line of 1949 and is in contradiction of relevant provisions of international law."

Ireland also made a written submission to the International Court of Justice to assist in its deliberations on the advisory opinion sought by the General Assembly of the United Nations. In our submission we argued that the construction of the wall in departure from the armistice line was illegal.

#### **Northern Ireland Issues.**

20. **Mr. Quinn** asked the Minister for Foreign Affairs the report he has received from the British authorities of the circumstances in which a person was kidnapped from a public house in Belfast and violently assaulted on Friday, 20 February 2004; and if he will make a statement on the matter. [9910/04]

**Minister for Foreign Affairs (Mr. Cowen):** As the Taoiseach informed the House on 25 February, it was the view of the Northern Ireland security forces that by ramming the vehicle the PSNI had saved the individual's life. At that time it was the clear view of the Chief Constable that the people involved in the incident were members of the Provisional IRA. This view was subsequently confirmed at senior official level at a meeting convened by the secretariat of the British-Irish Intergovernmental Conference. Four individuals are now before the courts facing serious criminal charges as a result of this incident.

In response, and reflecting its seriousness, the Irish and British Governments issued a joint statement which expressed our deep concern at the serious impact it had on the Review of the Good Friday Agreement. Both Governments made clear that the achievement of a sustainable basis for political progress in Northern Ireland requires a full and a permanent cessation of all paramilitary activity. We also made clear that the core issues of completion of the transition to exclusively democratic means and securing the commitment of all parties to stable political institutions are inextricably linked. Both Governments are now determined to intensify our engagement with the parties to achieve this end.

In the joint statement the Governments reported that they had asked the Independent Monitoring Commission to examine these events in the context of its first report and to bring that report forward from July. As the Deputy is aware, the two Governments established the Independent Monitoring Commission with the

purpose of ensuring compliance with a number of key commitments to the Agreement. The two Governments have asked the IMC to consider the events of 20 February in the context of the preparation of its first report. This report is expected to cover all incidents and activities within its remit since the commission was established in early January, and will now be issued early next month.

#### **Diplomatic Representation.**

21. **Mr. Hogan** asked the Minister for Foreign Affairs the reasons Ireland has established diplomatic relations with Burma; and if he will make a statement on the matter. [9979/04]

66. **Mr. Crawford** asked the Minister for Foreign Affairs the matters discussed recently at meetings held between the Government and Dr. Sein Win, Burmese Prime Minister in exile; and if he will make a statement on the matter. [9980/04]

73. **Mr. Gogarty** asked the Minister for Foreign Affairs the reasons underlying the Government's decision to establish diplomatic relations with the military regime in Myanmar/Burma; and if he will make a statement on the matter. [10077/04]

**Minister for Foreign Affairs (Mr. Cowen):** I propose to take Questions Nos. 21, 66 and 73 together.

The decision to establish diplomatic relations with Burma/Myanmar was taken in the context of Ireland's current Presidency of the European Union, and the need for Ireland, as EU Presidency, to be in a position to deal directly with the Burmese authorities. Of the other EU member states, only Luxembourg does not have diplomatic relations with Burma.

Our previous reticence over appointing an ambassador to Burma, however satisfying it may have been as a gesture of disapproval, manifestly had no effect on the behaviour of the Burmese authorities. As Presidency of the EU we have both the opportunity and the responsibility to speak to the Burmese authorities on behalf of the EU. We will in particular demand the release of Daw Aung San Suu Kyi, and other political prisoners, the participation of the National League for Democracy in the forthcoming national convention, a timetable for progress towards democracy and an improvement in the human rights situation in Burma.

Our ambassador designate visited Burma from 23 to 25 February. The ambassador used this opportunity to convey our views to the Burmese Deputy Minister for Foreign Affairs, whom he met along with other EU heads of mission. He also met with five members of the central executive committee of the National League for Democracy and with representatives of Burma's ethnic nationalities. This visit, and the access the ambassador gained, confirmed the practical value of the Government's decision to establish diplomatic relations.

[Mr. Cowen.]

Both Ireland and the EU are strongly critical of serious and persistent human rights abuses, the lack of fundamental freedoms and the absence of political progress in Burma. The EU Common Position on Burma, which provides for a visa ban on members of the regime and a freeze on all their financial assets in the European Union, is due to expire on 29 April 2004. Ireland, together with our EU partners, will discuss in due course what revisions in the Common Position, if any, may be necessary in view of developments in Burma.

On 26 March, Mr. Paulo Sergio Pinheiro, the UN Special Rapporteur on the situation of human rights in Myanmar, addressed the current session of the Commission on Human Rights. Mr. Pinheiro, who said that he had been unable to visit Burma before the session, confirmed that the authorities have now agreed in principle to his next visit. In his statement, he recalled the events of 30 May 2003 as a setback for the overall human rights situation in Burma and called for the immediate and unconditional release of all those detained or put under house arrest. In particular Mr. Pinheiro sought the restoration of freedom for Aung San Suu Kyi and the three members of the NLD Central Executive Committee.

Ireland continues to work with Burma's Asian neighbours to encourage them to bring their influence to bear on Rangoon. For example, the question of Burma was on the agenda for the EU Ministerial Troika to India of 16 February and was discussed during the troikas at political director level with China on 26 February and Japan on 27 February. The EU's concerns will feature in discussions at the ASEM Foreign Ministers' meeting in April 2004, which the Minister for Foreign Affairs will host in Kildare.

At the request of Burma Action Ireland, I met with Dr Sein Win, head of the National Coalition Government of the Union of Burma, who was in Ireland from 4 to 8 March 2004 as part of a tour of European cities. I took the opportunity that our meeting provided to update Dr. Win on the background to the establishment of diplomatic relations with Burma/Myanmar and I undertook to keep Burma Action Ireland informed of any further developments in our diplomatic relations with Burma/Myanmar. We discussed the best way to promote a return to democracy in Burma/Myanmar, including through the European Union's relations with Burma/Myanmar's neighbours, and in this regard I noted that Burma/Myanmar had been on the agendas of Troika meetings with India, China and Japan in the first two months of Ireland's Presidency. Dr. Win raised the possibility of engagement with education projects for Burmese children and I invited him to contact my officials in this regard.

Our goals continue to be the return of democracy to Burma, an end to human rights violations, and the realisation of peace and prosperity for the long-suffering people of

Burma. We believe that the appointment of an ambassador to Burma enlarges the platform from which Ireland can and will seek to promote these goals, goals which are also shared widely in the international community.

### Foreign Conflicts.

22. **Mr. S. Ryan** asked the Minister for Foreign Affairs the Government's view of recent developments in Haiti and the ousting of President Aristide; if the Government has recognised the new regime; and if he will make a statement on the matter. [9919/04]

79. **Mr. McCormack** asked the Minister for Foreign Affairs if he will provide an account of the situation in Haiti; and if he will make a statement on the matter [10021/04]

**Minister for Foreign Affairs (Mr. Cowen):** I propose to take Questions Nos. 22 and 79 together.

The parliamentary elections of May 2000, which returned a majority for President Aristide's Lavalas party, were judged by international observers to be marred by fraud and consequently the opposition declined to participate in the presidential elections of November 2000. President Aristide was returned by default for a second term. As a result of the fraudulent elections, all EU aid, with the exception of aid for strictly humanitarian purposes, was suspended under Article 96 of the Cotonou Agreement between the EU and the Africa, Caribbean and Pacific (ACP) Group. The EU considered that Haiti had violated democratic principles, an essential element of the agreement and indicated that it was not prepared to resume aid until Haiti had met the conditions established by the Organisation of American States, OAS, which was closely involved in attempts to facilitate discussions between the Government and the opposition.

The political stalemate between President Aristide and the constitutional opposition continued. In February 2004 violent disturbances broke out. The Caribbean Community, CARICOM, with the support of the OAS, the US, Canada and the EU, led high-level efforts to restore stability and governability through a "Prior Action Plan" which involved a series of confidence-building measures. Unfortunately, these efforts failed. On 29 February President Aristide signed a letter of resignation and left the country. In accordance with the Haitian constitution, the Chief Justice of the Supreme Court, Boniface Alexandre, was sworn in as interim head of state. He immediately asked the UN Security Council to deploy an international security force. On the same day the Security Council adopted Resolution 1529, which *inter alia* authorised the deployment of a multinational interim force, MIF, for no more than three months; declared its readiness to establish a follow-on United Nations Stabilisation Force; and called on UN member states to support the

constitutional succession and political process underway in Haiti and requested the Secretary General to elaborate a program of action to assist the constitutional political process, support the humanitarian and economic assistance and promote human rights and the rule of law.

A 3,400-strong force is currently deployed in Haiti, composed of troops from the USA, France, Canada and Chile. Following an initial focus on securing key sites in Port-au-Prince, troops have now begun to move beyond the capital. The security situation is slowly stabilising but remains very difficult because of the absence of an effective local police force.

Political progress is under way. On 9 March, a seven-member council of elders — composed of representatives of civil society, the churches and the political parties — nominated Gérard Latortue, a former Foreign Minister, as interim Prime Minister. Mr Latortue then appointed his interim government which was sworn in by President Alexandre on 17 March.

Ireland and its EU partners have welcomed the formation of the interim Government, which now gives reason to hope for substantial progress in establishing democracy and the rule of law, so that the country can break out of the political deadlock experienced in recent years and regain the stability for which it yearns. We have also welcomed Prime Minister Latortue's statements in support of national reconciliation, which we consider to be essential to Haiti's development. Ireland and its EU partners are also working to alleviate the humanitarian situation in Haiti, in close co-operation with the UN Office for the Co-ordination of Humanitarian Affairs. The UN has sought the assistance of the international community in raising the budget of \$35 million which it has identified as being necessary to meet urgent humanitarian needs and to establish the basis for recovery for the Haitian people over the next six months. The Government has announced a contribution of €500,000 in response to this.

The challenge now for Haiti is to organise free and fair elections for a government which will be not only elected democratically but will also then go on to govern with full respect for democratic norms and the rule of law. Ireland and its EU partners will support all measures that seek to promote and uphold democratic principles, working in close co-operation with other interested states and organisations such as the UN, the OAS and CARICOM. The European Commission is expected to shortly examine whether conditions are appropriate for a progressive reactivation of all instruments of development co-operation.

#### **Arms Trade.**

23. **Ms Burton** asked the Minister for Foreign Affairs if the Government is in favour of the adoption of an international arms trade treaty at the UN Arms Conference in 2006, in view of the fact that such a treaty would prevent the export

of arms where they might contribute to violations of human rights and humanitarian law. [9894/04]

33. **Mr. Murphy** asked the Minister for Foreign Affairs if the Government will endorse the Control Arms joint campaign of Oxfam and Amnesty International; and if he will make a statement on the matter. [9984/04]

**Minister for Foreign Affairs (Mr. Cowen):** I propose to take Questions Nos. 23 and 33 together.

I understand that the primary objective of the Control Arms campaign launched by Amnesty International, Oxfam and International Action Network on Small Arms, IANSA, is to take action to prevent the proliferation and misuse of arms, through the adoption of minimum standards for the control of arms transfers.

I support the principle of having legally binding international agreements on the control of arms exports, with as wide a participation as possible. This is particularly important with respect to small arms and light weapons. Ireland is committed to working with others to ensure that the illicit trafficking of such weapons is dealt with effectively by the international community.

While work on the drafting of the text of the proposed international arms trade treaty is still ongoing, it is a promising initiative and I commend the NGOs concerned for their efforts. 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 proposed treaty. I understand that the text is currently being re-examined from a legal perspective by those NGOs involved in the arms control campaign who met last month in Costa Rica and that as a consequence of those discussions revisions to the text may be made.

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, which was agreed in 2001. The remit of the proposed international arms trade treaty is 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 proposed treaty is currently under discussion within the EU. Discussions have taken place at working group level, most recently earlier this month, and will continue during Ireland's Presidency of the EU.

#### **Situation in Uganda.**

24. **Mr. Kehoe** asked the Minister for Foreign Affairs his views on the findings of an investigation by the International Criminal Court

[Mr. Kehoe.]  
into serious crimes committed in Uganda; and if he will make a statement on the matter.  
[10006/04]

**Minister for Foreign Affairs (Mr. Cowen):** I take it the Deputy is referring to the recent announcement by the Prosecutor of the International Criminal Court, Mr Luis Moreno Ocampo, that Uganda has referred to him the situation concerning the activities of the Lord's Resistance Army in northern Uganda. In accordance with the provisions of the Rome Statute, it now falls to the prosecutor to evaluate the information made available to him, and then to decide whether to initiate an investigation. The prosecutor has indicated that a formal announcement of the initiation of an investigation, which will concern all relevant crimes allegedly committed in the territory of Uganda, will take place shortly. As yet, however, no "findings" have been made by the ICC in relation to crimes allegedly committed in Uganda.

In investigating a situation, the prosecutor will seek to establish whether there is sufficient evidence to charge particular persons with crimes falling within the scope of statute. Any decision as to guilt or innocence of any individuals charged is then a matter for the judges of the International Criminal Court in accordance with the Rome Statute of the ICC.

In view of the likelihood of an investigation being undertaken, it would not be appropriate for me to comment further on the situation in northern Uganda. However, I express my conviction that any investigation conducted by the Prosecutor of the ICC will illustrate the integrity and independence of that institution.

#### **General Affairs Council.**

25. **Mr. S. Ryan** asked the Minister for Foreign Affairs if he will make a statement on his participation in and the outcome of the General Affairs Council in Brussels on 22 and 23 March 2004. [9920/04]

**Minister for Foreign Affairs (Mr. Cowen):** On behalf of the Presidency I chaired the General Affairs and External Relations Council in Brussels on 22 March 2004. The Minister of State at the Department of Foreign Affairs, Deputy Roche, attended the Council as the Irish national representative.

In advance of the Council, the Minister of State appeared before the Joint Committee on European Affairs on Friday, 19 March 2004, to review the Council's agenda. Following the Council, my Department forwarded the relevant conclusions prepared by the Council Secretariat to the committee for information. These are also available on the following Internet address: [www.ue.eu.int/newsroom/indexem.htm](http://www.ue.eu.int/newsroom/indexem.htm).

In accordance with its usual practice, the Council met in two sessions, one dealing with general affairs and the other dealing with external

relations. During the session on general affairs, the Council took note of the resolutions, decisions and opinions recently adopted by the European Parliament and also took note of the standard Presidency report on the progress of work in other Council configurations. The Council also considered the Presidency's draft annotated agenda for the European Council of 25 to 26 March. The principal items in the draft annotated agenda were the Lisbon Strategy, the IGC, terrorism and the international situation.

The Council addressed a wide range of issues in the session on external relations and adopted conclusions in relation to the Middle East, the EU Strategic Partnership with the Mediterranean and the Middle East, Iran, the United Nations Commission on Human Rights and the Western Balkans. Ministers had an in-depth discussion on the situation in Kosovo following the recent outbreak of ethnically-motivated violence. The Council reiterated its commitment to the development of a stable, democratic and multi-ethnic Kosovo, and its support for the efforts of the Special Representative of the UN Secretary General, Harri Holkeri, and the Standards before Status process.

Ministers adopted an interim report on the EU Strategic Partnership with the Mediterranean and the Middle East. They condemned the extra-judicial killing of Hamas leader, Sheikh Ahmed Yassin, and seven other Palestinians by Israeli forces. The Council held a discussion on Iran in light of the recent meeting of the board of governors of the International Atomic Energy Agency, or IAEA. Ministers considered the approach which the Union will adopt at the 60th session of the UN Commission on Human Rights in Geneva. Ministers reviewed the preparations for the forthcoming Asia-Europe Foreign Ministers' meeting in Ireland. In addition, the Partnership and Co-operation Agreement with Russia and the situation in Haiti were discussed under any other business.

A ministerial meeting with the Council of Europe took place in the margins of the General Affairs and External Relations Council at which a number of issues of interest to the EU and the Council of Europe were discussed.

#### **European Constitution.**

26. **Mr. P. Breen** asked the Minister for Foreign Affairs his views on the outcome of the tripartite summit of France, Germany and the United Kingdom on 18 February 2004; if he is concerned at the development of a two-speed Europe; and if he will make a statement on the matter. [10009/04]

42. **Mr. O'Shea** asked the Minister for Foreign Affairs if he will give his assessment of the prospects of concluding negotiations 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. [9908/04]

48. **Mr. Sargent** asked the Minister for Foreign Affairs if he will report on the progress made in negotiations on an EU constitution, in particular the 20 outstanding issues that he recently cited for the negotiations on the EU constitution; and if he will make a statement on the matter. [5891/04]

64. **Mr. R. Bruton** asked the Minister for Foreign Affairs his views on the proposals put forward by the de Borda Institute towards a preference voting system for the Council of Ministers; and if he will make a statement on the matter. [10014/04]

84. **Mr. J. Higgins** asked the Minister for Foreign Affairs if he will argue for the retention of the national veto in international trade agreements in the fields of health, education, cultural and audio-visual services, to be included in the draft EU constitution; and if he will make a statement on the matter [4403/04]

97. **Mr. Durkan** asked the Minister for Foreign Affairs if he has satisfied himself that the EU is progressing in a cohesive manner with the various treaties and that a two speed or inner core Europe is not emerging; and if he will make a statement on the matter [10051/04]

131. **Mr. Boyle** asked the Minister for Foreign Affairs if his attention has been drawn to the views on Mr Jean-Didier Hache, executive secretary of the Conference of Peripheral and Maritime Regions' Islands Commission, who has said that the rights of 13 million people living in offshore and remote locations must be recognised in the proposed constitution for the European Union. [7722/04]

135. **Mr. Durkan** asked the Minister for Foreign Affairs the position with regard to ratification of a European Constitution; and if he will make a statement on the matter. [10288/04]

**Minister for Foreign Affairs (Mr. Cowen):** I propose to take Questions Nos. 26, 42, 48, 64, 84, 97, 131 and 135 together.

For my general assessment of the situation in the Intergovernmental Conference, I refer Deputies to my reply to Question No. 5.

A major outstanding question in the IGC is the definition of qualified majority voting. A wide range of proposals has been put forward on this issue from member states and third parties, including that advanced by the de Borda Institute, on a preference voting system for the Council of Ministers. In our Presidency report to the European Council, we made clear our belief "that a solution, if it is to command consensus, must be based on the principle of double majority, must allow for greater efficiency in decision-making than the provisions in the current Treaties, and must have due regard to balance among all Member States and to their specific concerns."

As a participant in the IGC, the Government has, with a small number of other member states,

supported the retention of unanimity in decision-making on international agreements under the Common Commercial Policy in the areas of health, education and social services. The draft constitutional treaty as it stands provides for unanimity in respect of culture and audio-visual services. As Presidency, it is our task to seek to achieve an overall balanced outcome which is acceptable to all member states.

The Government is aware of the views expressed by the Conference of Peripheral and Maritime Regions on the rights of those living in offshore and remote locations. The draft constitutional treaty includes a number of provisions both of a general and specific nature that can help address the concerns expressed. In particular Article III-116, which deals with economic, social and territorial cohesion, states that: "the Union shall aim at reducing disparities between the levels of development of the various regions and the backwardness of the least favoured regions or islands, including rural areas".

The question of the ratification of the constitutional treaty will be for each member state to decide in accordance with its constitutional requirements. In the case of Ireland, I expect that ratification of the constitutional treaty will require a referendum.

My strong view is that as the European Union continues to enlarge, moving forward together is the best way for Europe to advance. This view is widely shared across the Union and is reflected both in the positive outcome of the European Council and in the collegiate spirit of that meeting.

As was made clear at the time, the Government had no difficulty with the tripartite summit between France, Germany and the United Kingdom on 18 February. It should be noted that the meeting was not the first such summit between the three states and that there are also a number of other groups of member and accession states that meet on a regular basis. As the Union grows, the importance of such bilateral and multilateral contacts will grow. There is also scope in the treaties for enhanced co-operation among groups of member states. What is important is that the structures and procedures of the Union and the interests of all member states are respected.

#### **EU-US Summit.**

27. **Mr. Boyle** asked the Minister for Foreign Affairs the issues on the agenda for the EU-US Summit in June 2004; and if he will make a statement on the matter. [10073/04]

85. **Mr. O'Dowd** asked the Minister for Foreign Affairs the approach that he will take to improve the EU-US relationship; and if he will make a statement on the matter. [9997/04]

90. **Mr. Howlin** asked the Minister for Foreign Affairs if details have now been confirmed for the planned EU-US summit to be attended by

[Mr. Howlin.]

President Bush at the end of June 2004; if a location has been agreed; the likely agenda; and if he will make a statement on the matter. [9901/04]

**Minister for Foreign Affairs (Mr. Cowen):** I propose to take Questions Nos. 27, 85 and 90 together.

I refer the Deputies to my reply to Questions Nos. 2, 4 and 6 today on the same issue.

#### **Irish Citizenship.**

28. **Ms B. Moynihan-Cronin** asked the Minister for Foreign Affairs if he has received any representations from any other EU country suggesting that the current right to Irish citizenship of anyone born on the island of Ireland was being abused by residents of their country or that the law or the Constitution should be changed; and if he will make a statement on the matter. [9906/04]

**Minister for Foreign Affairs (Mr. Cowen):** I have not received any such representations. The substantive issues referred to by the Deputy are matters for the Minister for Justice, Equality and Law Reform.

#### **EU-US Summit.**

29. **Mr. Eamon Ryan** asked the Minister for Foreign Affairs if the US authorities have requested permission to bring special weapons, such as the so-called mini-gun, to accompany President Bush on his visit here; and if so, the Government's views on the request. [9302/04]

104. **Mr. Costello** asked the Minister for Foreign Affairs if his Department has received any request for diplomatic immunity for US personnel who may visit here as part of the entourage of President George Bush during the planned EU-US summit; if any such request has been for security personnel; the terms of the immunity sought; and if the Government intends to provide it. [9902/04]

**Minister for Foreign Affairs (Mr. Cowen):** I propose to take Questions Nos. 29 and 104 together.

The security of visiting heads of State is the responsibility of the Garda Síochána and it would not be appropriate for me to comment on operational security issues. I can confirm that no such requests have been received or are expected to be made for immunity.

#### **EU-China Relations.**

30. **Mr. Stanton** asked the Minister for Foreign Affairs his views on whether Tibet is an integral part of China; if the pursuit of a one-China policy has been discussed by the EU in the context of Ireland's Presidency; and if he will make a statement on the matter. [9982/04]

**Minister for Foreign Affairs (Mr. Cowen):** The European security strategy was adopted by the

European Council on 12 December 2003. It includes a recommendation that a strategic partnership be developed between the EU and China. In view of our respective international roles and increasing political and economic weight, it is important that the Union and China work together to promote global stability, peace and sustainable development. We must also engage with China on issues such as human rights, on which we have had traditionally differing views.

In 1971 Ireland voted in favour of UN General Assembly Resolution 2758. Since then we have recognised the Government of the People's Republic of China as the sole legitimate Government of China. Ireland, together with our EU partners, adheres to the one-China policy and recognises Tibet as an integral part of China.

Discussions on EU relations with China, and the situation in Tibet, have been ongoing at every level in the first three months of our Presidency. Most recently I held useful discussions on these issues with Mr. Zhang Yesui, Vice-Foreign Minister of China, on the occasion of his visit to Dublin on 12 March 2004.

The Union's long-standing one-China policy was discussed among EU Foreign Ministers in October 2003. The General Affairs and External Relations Council welcomed and generally endorsed the Commission policy paper entitled *A Maturing Partnership — Shared Interests and Challenges in EU-China Relations*. It clearly and expressly reaffirmed that the EU continues its one-China policy. The continuing commitment of the EU to the policy was also reiterated at the most recent EU-China Summit that took place in Beijing last October.

In the course of the GAERC discussions last October, the Council welcomed recent efforts by the Chinese Government to put stronger emphasis on sustainability and social issues. At the same time, while acknowledging improvements in relation to the establishment of the rule of law and the development of the legal system, the Council noted that we remained concerned about the significant gap that continues to exist between the human rights problem in China and internationally accepted standards.

Ireland, together with our EU partners, encourages the continuation of the dialogue between the Chinese authorities and representatives of the Dalai Lama. I welcome the statement issued on 10 March 2004 by the Dalai Lama. He expressed the hope that this year may see a significant breakthrough in relations with the Chinese Government. He has instructed his envoys to continue the process of dialogue with Beijing at an early date. Similarly, it is encouraging that the Chinese delegation at the most recent session of the EU-China human rights dialogue, held in Dublin on 26 to 27 February 2004, indicated a willingness, in principle, to continue to meet representatives of the Dalai Lama.

During the recent discussions with Vice-Minister Zhang, we emphasised the importance of dialogue between Beijing and the Dalai Lama on the Tibet issue. We also noted our strong desire for progress and positive developments on this matter given that both sides are now expressing themselves ready to talk.

### **Nuclear Weapons.**

31. **Ms O. Mitchell** asked the Minister for Foreign Affairs his views on the possible development of weaponry with a nuclear capability within Iran; and if the matter was discussed during Ireland's Presidency of the EU. [9988/04]

**Minister for Foreign Affairs (Mr. Cowen):** Discussion by the EU on Iran and its nuclear programme took place on a number of occasions during Ireland's Presidency. Last January the General Affairs and External Relations Council had an exchange of views on developments in Iran following a briefing by High Representative Solana on his visit to the country on 12 and 13 January. The Council also examined the matter in February.

Earlier this month Iran was on the GAERC agenda. On 13 March the Council welcomed the adoption, without a vote, of an IAEA board of governors' resolution on Iran's nuclear programme and called on Iran to comply with its provisions.

The Council also welcomed Iran's signature of the IAEA Additional Protocol, recalled that Iran committed itself to act in accordance with its provisions, pending its entry into force, and urged its implementation of an early ratification. The Council also welcomed the decision by Iran on 24 February to extend the scope of its suspension of enrichment related and reprocessing activities, and its confirmation that the suspension applies to all facilities in Iran. Ministers called on Iran to start, in accordance with the decision, immediately, comprehensively and verifiably the full suspension of all such activities and to refrain from all fuel cycle activities that can also be used to produce fissile material for nuclear weapons.

At the same time the Council expressed serious concern that a number of questions on Iran's nuclear programme remain outstanding. It urged Iran to provide full and proactive co-operation with the agency in resolving all such questions in a spirit of full transparency. Ministers agreed to continue their discussions in light of the IAEA Director General El Baradei's next report that is due in May. The report is scheduled for consideration at the meeting of the IAEA board of governors in June.

Ireland supports the EU position on Iran's nuclear programme. It will, with our EU partners, continue to closely monitor the situation.

### **International Conventions.**

32. **Mr. Morgan** asked the Minister for Foreign Affairs the reason Ireland did not sign the

International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families; and if the Government is considering signing it. [8022/04]

**Minister for Foreign Affairs (Mr. Cowen):** Ireland has not signed the convention. In December 1990 it was adopted by the UN General Assembly and it entered into force on 1 July 2003, following its ratification by the requisite 20 states. To date only 22 states have ratified or acceded to it. No EU member state has signed, ratified or indicated an intention to ratify it. The convention has not acquired universal recognition as a standard for the protection of the rights of migrant workers.

Ireland's position on the ratification of international instruments generally, including the convention, is kept under review in light of prevailing circumstances. There is also an ongoing assessment and prioritisation of Ireland's international commitments.

Where Ireland wishes to ratify or accede to an international instrument, the Government must first ensure that our domestic law conforms with the agreement. It must make any necessary legislative changes or be satisfied that none are required before ratification takes place. As signature of an instrument is an indication of an intention to ratify it, the Government would also intend to ratify, and take steps to do so, before signing an international instrument.

My Department examined the convention. In order for Ireland to ratify it significant changes must be made across a wide range of existing legislation, including legislation addressing employment, social welfare provision, education, taxation and electoral law. These changes would have implications for our relations with our EU partners and the acceding states, none of whom have signed or ratified the convention. They have not signalled an intention to do so. There would possibly be implications for the operation of the common travel area between Ireland and the UK. At present there are no plans to introduce changes in the necessary areas before Ireland could ratify or consider signing the convention.

Existing legislation protects the rights of migrant workers and their families. The human rights of migrant workers and their families are also protected under the Constitution and by Ireland's commitments under international human rights instruments to which the State is party.

*Question No. 33 answered with Question No. 23.*

### **Foreign Conflicts.**

34. **Mr. P. McGrath** asked the Minister for Foreign Affairs if he will provide an update on the situation in Iraq; and if he will make a statement on the matter. [10005/04]

**Minister for Foreign Affairs (Mr. Cowen):** Security in Iraq remains bleak. I condemned the

[Mr. Cowen.]

recent terrorist attacks that caused so many deaths and I reiterate my condemnation. They are an attempt to disrupt the process of restoring sovereignty and stability to Iraq. Recent attacks focused on vulnerable targets with a high risk of civilian casualties, including religious ceremonies, and tried to promote sectarian violence.

Recently there have been some positive political developments. On 8 March Iraq's governing council signed an interim constitution, The Transitional Administrative Law. It will be the supreme law of Iraq during the transition period. It sets out a number of key elements on issues such as religion, fundamental rights and the transitional system of government.

Following this, and in response to the UN Secretary General's report on the holding of elections, the Iraqi governing council invited the UN to assist with the transition process. In a letter dated 17 March the it welcomed UN help with the formation of an interim Iraqi Government to which sovereignty will be transferred on 30 June. Preparations for direct elections will be held before the end of January 2005. Secretary-General Annan replied to the invitation saying that he asked his special adviser, Lakhdar Brahimi and an electoral assistance team to return to Iraq as soon as possible to lend the advice and assistance required. On 24 March the Security Council adopted a presidential statement welcoming the missions of both teams and called on all parties in Iraq to give their co-operation and support.

I support the rapid transfer of power to a democratically elected Iraqi Government. I hope that agreement on the transitional administrative law will lead to the transfer of power to a sovereign Iraq. I welcome the invitation to the UN. A UN role in the transition process is an essential element in its success. I hope that the political transition process will lead to peace and stability in Iraq.

#### Services for Emigrants.

35. **Mr. Quinn** asked the Minister for Foreign Affairs if, in regard to the Taoiseach's statement to the Dáil on 10 March 2004, he will give the number of development officers placed in Irish emigrant communities abroad; the regions to which they have been appointed; the total funding or resources available to the development officers; and if he will make a statement on the matter. [9913/04]

**Minister for Foreign Affairs (Mr. Cowen):** In 2003, 16 welfare organisations primarily in London, Manchester, Liverpool and Leeds, received Díon grants as contributions towards the salaries of development workers.

A total of €886,890 in Díon grants was paid to these 16 organisations in 2003. Of this amount, approximately €584,359 was allocated to support the employment of these development workers.

My Department has also provided additional funding to the Federation of Irish Societies in Britain to support a five year capacity building project. This will involve the creations of three posts for community development regional workers, one covering London and the South East, one covering the midlands and the west and the third covering the north and the east.

#### Foreign Conflicts.

36. **Mr. J. O'Keeffe** asked the Minister for Foreign Affairs the extent of the Government's support for Kosovo and its political future. [10125/04]

96. **Mr. Kehoe** asked the Minister for Foreign Affairs his views on the increasing tensions in Kosovo. [10024/04]

107. **Mr. Sherlock** asked the Minister for Foreign Affairs the Government's view of the current problems in Kosova, particularly for minorities, in view of the recent outbreak of ethnic violence. [9917/04]

141. **Mr. Durkan** asked the Minister for Foreign Affairs the steps he has taken to influence EU policy in regard to the ongoing Albanian-Serb-Kosovar tension and violence. [10295/04]

**Minister for Foreign Affairs (Mr. Cowen):** I propose to take Questions Nos. 36, 96, 107 and 141 together.

Kosovo has stabilised since the violence of 17 and 18 March when at least 19 people were killed and hundreds wounded. It remains very tense. On 23 March two policemen, one an officer serving with the UN in Kosovo and one a member of the Kosovo police service, were shot dead. Over 3,000 people were displaced from their homes, mostly ethnic Serbs, and there has been widespread destruction of property, including private homes and places of worship. The KFOR international peacekeeping force in Kosovo was strengthened significantly in response to the violence. I pay tribute to the Irish contingent in KFOR for its efforts to stabilise the problem and to restore calm.

The EU remains committed to the development of a secure, democratic and multi-ethnic Kosovo, in line with UN Security Council Resolution 1244 of 1999. As Presidency, Ireland reacted strongly to the recent violence. On 17 March I contacted the Special Representative of the UN Secretary General in Kosovo, Harri Holkeri, and immediately issued an EU Presidency statement calling for calm. This was followed by a statement on behalf of the EU at the UN Security Council public meeting on 18 March. On 22 March I chaired a meeting of GAERC in Brussels and Kosovo was one of the main items on its agenda. The Council condemned the violence and asked High Representative Solana to visit Kosovo as soon as possible and to assess the problem.

On 25 and 26 March the European Council reaffirmed the EU's strong support for Special Representative Holkeri, the UN Mission in Kosovo and KFOR in their determined efforts to stabilise the situation and to ensure the implementation of UN Security Council Resolution 1244. It also reconfirmed its support for the policy of standards before status. We must now reassert the primacy of politics in Kosovo and ensure that there is no further descent into ethnic violence.

The EU is agreed that political leaders in Kosovo, especially the Kosovo Albanian leadership, need to take responsibility for the problem and ensure that there is not a repeat of ethnically motivated violence or threats of violence. Those responsible for it must be brought to justice. Kosovo's provisional institutions of self-Government must demonstrate their commitment to a multi-ethnic country. Last week's European Council called on them to take an immediate step in this direction by allocating resources for the urgent reconstruction of damaged property, including places of worship, to ensure that internally displaced persons can return to their homes in safety. Political leaders in Kosovo must now work closely with the UN Mission in Kosovo and with KFOR to ensure the physical security and the protection of the rights of all sections of the population, including members of minority communities.

Under Ireland's Presidency, the EU is considering how it can strengthen its role in support of the UN led policy of standards before status. Over the coming weeks the Government, as EU Presidency, will remain in close contact with Special Representative Holkeri, High Representative Solana and the Commission and other member states to ensure that the EU makes an effective contribution to the restoration of a political process for Kosovo. It is clear that the future for the people of Kosovo lies in the eventual integration of the countries of the western Balkans region into European structures, as agreed at the EU-Western Balkans Summit in Thessaloniki last June. The issue of the final status of Kosovo can only be addressed once sufficient progress has been made on the implementation and review of standards. Despite the recent violence and continuing tensions, this must include the resumption of progress in the direct dialogue on practical matters between Belgrade and Pristina.

Kosovo has been under UN administration since the end of the conflict in 1999. The EU has specific responsibility as part of the UN Mission for reconstruction and economic development in Kosovo. In the four years to the end of 2003 the EU provided almost €960 million in assistance to Kosovo. The Government, through Development Co-operation Ireland, is also providing bilateral assistance to support health, education, employment generation and democratisation in Kosovo. Almost €1 million was provided in direct

bilateral assistance in the period 2002-03. Ireland has also provided funding for the UN Office of Missing Persons and Forensics. It identifies body remains and has helped to address one of the most sensitive post-conflict issues in the region. Ireland has assisted the UN refugee return programme for Kosovo and provides support for the privatisation process through the European Bank for Reconstruction and Development. Ireland also contributes to the regional activities of several multilateral agencies active in the western Balkans, including the Council of Europe, the OECD and the Stability Pact for South Eastern Europe.

37. **Mr. Gilmore** asked the Minister for Foreign Affairs his views on the recent attempts by mercenaries operating in the interests of multinational oil interests to destabilise the Government of Equatorial Guinea; and if he will make a statement on the matter [9900/04]

**Minister for Foreign Affairs (Mr. Cowen):** Reports indicate that foreign nationals were involved in a plot to overthrow President Teodoro Obiang Nguema. The alleged plot involved 67 alleged mercenaries and on 7 March they were arrested in Harare when their plane landed. I and my EU partners are concerned about attempts to overthrow a government by force.

Ireland, as Presidency of the EU, will continue to monitor the problem in Equatorial Guinea, in consultation with EU partners and it will make known its concerns, as appropriate.

#### HIV-AIDS Crisis.

38. **Mr. Timmins** asked the Minister for Foreign Affairs if he will provide an update on the progress of Ireland's Presidency of the EU in highlighting the spread of HIV-AIDS and in presenting the EU with solutions to combat the problem; and if he raised the issue of crippling debt on third world countries during the Presidency. [10049/04]

**Minister of State at the Department of Foreign Affairs (Mr. Kitt):** The Government made the HIV-AIDS pandemic one of its priorities for our Presidency of the EU. The fight against HIV-AIDS is a major imperative of Ireland's development policy and we are using our Presidency to advance it. We want to see the disease mainstreamed into EC development policy.

Three key related events have been or will be hosted during our Presidency. On 23 and 24 February an interministerial conference on HIV-AIDS was held in Dublin. There were representatives from over 50 countries from the EU, Eastern Europe and Central Asia. We secured an agreement set out in the Dublin Declaration that will provide a basis for stronger regional co-operation across 55 countries to fight AIDS. A meeting between European and African parliamentarians on the challenges the disease

[Mr. Kitt.]

presents to governance in Africa will be held in Dublin in April. In June the Government will host a meeting on the importance of investing further in the development of an effective vaccine against the disease.

The EU collectively increased funding to combat the spread of HIV-AIDS and accounts for 55% of all resources pledged to the Global Fund for AIDS, TB and Malaria. We want to see the disease mainstreamed in EC development policy. We have chosen HIV-AIDS as a topic for the open discussion between Ministers and representatives of civil society at the ACP-EU Council of Ministers meeting in Gaborone in May.

The Government continues to use whatever opportunities that arise during its Presidency to promote our national debt strategy. While members states have agreed to contribute generously to debt relief from the EU budget, there is no common position on debt relief policy. It is the Government's view that there is no scope at present for securing a common EU position that would go beyond the current heavily indebted poor country initiative of the World Bank.

The Presidency has been engaged with the Commission in its study on the issue of debt relief for poor countries and the adequacy of the HIPC initiative. We are determined to continue to work closely with the Commission on this issue and to work with the Commission in giving practical effect to the conclusions of this study.

As part of that approach, we intend to keep HIPC debt at the top of our political agenda in discussions with our EU and developing country partners. During my address to the European Parliament's development committee I highlighted aspects of our policy on debt relief to the parliamentarians. On 15 and 16 February we discussed and reached significant agreement on the issue of debt relief during high level discussions with our African partners.

In April development Ministers will participate in the GAERC Council meeting. Again, we will consider debt relief in the context of the EU's commitments to financing development.

### Common Foreign and Security Policy.

39. **Mr. Sargent** asked the Minister for Foreign Affairs if he will report on his efforts to implement the draft EU Constitution's solidarity clause prior to an agreement on an EU Constitution; and if he will make a statement on the matter. [9108/04]

55. **Mr. Boyle** asked the Minister for Foreign Affairs if he will report on the EU Solidarity Protocol; if it will not involve EU troops being sent outside of the EU's border. [10071/04]

93. **Mr. J. Higgins** asked the Minister for Foreign Affairs if he has sought the support of EU leaders for the implementation of a clause contained in the draft EU Constitution that

would commit all member states to help each other in response to terrorist threats. [9095/04]

**Minister for Foreign Affairs (Mr. Cowen):** I propose to take Questions Nos. 39, 55 and 93 together.

Last week a Declaration on Solidarity Against Terrorism was adopted by the Heads of State or Government of the EU member states at a meeting of the European Council. It formed part of the EU's response to the terrorist attacks in Madrid on 11 March.

The declaration calls on member states to act in the spirit of the solidarity clause of the draft treaty establishing a constitution for Europe. The declaration clearly states that each member state must determine its response to a request for assistance. It does not commit member states to help each other. Any decision that has military implications under the solidarity clause would be taken by unanimity.

The declaration was based on the solidarity clause of the draft treaty establishing a constitution for Europe. The clause does not affect Ireland's traditional policy of military neutrality. It should not be confused with the mutual defence clause of the draft treaty. Our response to a situation covered by the solidarity clause would be consistent with relevant national constitutional and legislative provisions.

Any action taken under the terms of the declaration will not involve troops being sent outside the borders of the EU. In accordance with the Union's European security and defence policy, military personnel under EU auspices can only be deployed outside the borders of the EU to undertake humanitarian, peacekeeping and crisis management tasks. This is known as the Petersberg Tasks.

### Foreign Conflicts.

40. **Ms Enright** asked the Minister for Foreign Affairs if he will provide an update on the political problem in Kashmir; and if he will make a statement on the matter. [9993/04]

**Minister for Foreign Affairs (Mr. Cowen):** There is a long history of conflict between India and Pakistan. These nuclear armed countries came close to the brink of war on two occasions in 2002. The problem in Kashmir remains serious. Recently there have been encouraging political developments. Both countries began a composite dialogue that included the Kashmir issue. A ceasefire along the control line has existed since 25 November.

Following the talks between the President of Pakistan and the Prime Minister of India, the 5 January South Asian Association for Regional Co-operation Summit took place and the President of Pakistan and the Prime Minister of India attended. Since then they made a joint statement announcing that they had agreed to commence a process of composite dialogue. On 18 February the foreign secretaries of the Foreign Ministries of India and Pakistan met and agreed

to modalities for the composite dialogue and their foreign ministers will meet in August. The foreign secretaries are expected to meet again in May or June for talks on security, confidence building measures and Kashmir.

Ireland, together with our EU partners, and the international community attaches the greatest importance to these significant and positive developments between India and Pakistan. This new process has raised a shared hope that it will lead to progress in resolving this long-standing dispute. We hope that it will lead to improved relations between India and Pakistan and advance peace and stability in the region.

The EU is ready to support both countries in their efforts to reduce tension and to seek a lasting solution to their outstanding differences, including the issue of Kashmir. Last September Ireland participated in an EU Troika visit to Kashmir at the level of Heads of Mission in New Delhi. An EU Troika to Islamabad on 21 October 2003, in which Ireland also participated, included a discussion of the Kashmir issue as a core element of the mission. At the fourth EU-India summit, held in New Delhi on 29 November 2003, the EU welcomed recent steps and expressed the hope that differences could be resolved peacefully through dialogue.

As Presidency, I led an EU Troika mission to India on 16 February and to Pakistan on 18 February. The Troika welcomed the composite dialogue between Pakistan and India. It also welcomed the agreement of a timetable for further discussions with a view to reaching a peaceful settlement between the two sides on a range of issues including Kashmir. The Troika conveyed the Union's willingness to assist the process in any way considered appropriate by both parties.

Following the Troika missions the General Affairs and External Relations Council adopted conclusions on India and Pakistan on 23 February. The Council welcomed the start of composite dialogue and indicated that the EU is ready, at the request of the parties, to assist in appropriate manner.

The question of Kashmir is regularly discussed by officials of EU member states. EU heads of mission in New Delhi and Islamabad also regularly engage with Indian and Pakistani officials on the issue. Ireland, along with our EU partners, remains committed to supporting every advance in this critical dialogue.

#### State Visits.

41. **Mr. Deasy** asked the Minister for Foreign Affairs his views on the recent visit of the Vice-President of Colombia to Ireland; and his views on the matters discussed with him during his visit. [10044/04]

**Minister for Foreign Affairs (Mr. Cowen):** Mr. Francisco Santos Calderón, Vice-President of Colombia, visited Ireland on 22 and 23 March as part of a tour of a number of European countries

in preparation for the current session, from 15 March to 23 April, of the UN Commission on Human Rights in Geneva. He also wanted to discuss overall EU relations with Colombia.

The Taoiseach, the Tánaiste and officials in my Department met him during his visit. I was unable to meet him because of my participation in the General Affairs and External Relations Council on 22 March and meetings in Northern Ireland on 23 March. He also met the Oireachtas Joint Committee on Foreign Affairs, a number of non-governmental organisations working in Colombia, representatives of the Bring Them Home campaign and family members of the three Irishmen on trial in Colombia.

In the course of the official meetings with Vice-President Santos, the key matter for discussion was the human rights problem in Colombia. He outlined the significant improvement in the security situation in 2003 as evidenced by: a significant reduction in the overall murder rate; in murders of trade unionists and other particularly vulnerable groups; massacres of civilians; forced displacements; attacks against towns; kidnappings and hostage taking. The Vice-President acknowledged that the level and frequency of such grave crimes continues to be extremely high.

The Irish Government took the opportunity to impress upon him our concern at some aspects of the Colombian Government's policies, in line with EU policy, as set out in the conclusions of the GAERC's meeting on 26 January. In the context of the current session of the Commission on Human Rights, we raised, *inter alia*, EU concerns at the granting of judicial powers to the security forces and the failure by the Colombian Government to implement the specific recommendations on human rights of the UN High Commissioner for Human Rights.

The Taoiseach also took the opportunity of his meeting with the Vice-President to raise the case of the three Irishmen on trial in Colombia. He reiterated his concern for their safety and security and conveyed our hope that the trial would be concluded as expeditiously as possible.

*Question No. 42 answered with Question No. 26.*

#### EU-Ukraine Relations.

43. **Mr. Naughten** asked the Minister for Foreign Affairs his views on the upcoming EU-Ukraine Troika at foreign ministerial level on 30 March. [9996/04]

**Minister for Foreign Affairs (Mr. Cowen):** The EU-Troika with Ukraine has been postponed. At present we are actively seeking an alternative date.

When an new date has been arranged we anticipate that the troika discussion will be wide-ranging. Key issues to be addressed are: democratic and economic reform in Ukraine; internal developments in the EU; ensuring stability and security and meeting common

[Mr. Cowen.] challenges in the European continent; and strengthened co-operation between the EU and the Ukraine in the European neighbourhood.

The Presidency work plan for the Ukraine was adopted by GAERC at its meeting on 26 January. It highlights the importance of an action plan for the Ukraine under the European Neighbourhood Policy. Support for the Ukraine's integration into the European and world economy and the further enhancing of EU-Ukraine co-operation in the field of justice and home affairs are also important elements of the work plan.

The Troika meeting will offer both sides an opportunity to discuss the reform process in the Ukraine. The process is a fundamental element in the successful development of relations between the EU and Ukraine. A meeting will provide an opportunity for the Ukrainian side to update the EU on progress made in addressing the concerns highlighted by the Presidency in a declaration made on 18 March. We requested media freedom and democratic standards in the Ukraine. This would allow a fair presidential election to be held in the Ukraine in the autumn.

#### Death Penalty.

44. **Mr. Ring** asked the Minister for Foreign Affairs his views on the use of the death penalty in Turkey; and if he will make a statement on the matter. [9998/04]

**Minister for Foreign Affairs (Mr. Cowen):** The death penalty has not been carried out in Turkey since 1984.

Over the past two years Turkey has enacted a wide range of legislative reforms as part of its efforts to fulfil the Copenhagen political criteria for EU candidate countries. The third major package of legislation was enacted on 9 August 2002. It provided for the abolition of the death penalty except in times of war, the imminent threat of war and for crimes of terrorism. The sixth package, which entered into force on 19 July 2003, removed the exemption for crimes of terrorism.

Protocol No. 6 of the European Convention on Human Rights deals with the abolition of the death penalty in times of peace. It was enacted in Turkey on 1 December 2003 following completion of the ratification procedures. On 9 January 2004 Turkey signed Protocol No. 13 of the European Convention on Human Rights that prohibits the death penalty in all circumstances, including times of war.

The EU is opposed to the death penalty in all cases and aims at its universal abolition. The Government warmly welcomes the decision of Turkey to abolish it in all circumstances. This represents a significant step towards full respect for European human rights standards.

#### EU Summits.

45. **Mr. Allen** asked the Minister for Foreign Affairs if he will report on the outcome of the

EU Spring Summit meeting held at Brussels on 25 and 26 March 2004; and if he will make a statement on the matter. [10011/04]

53. **Ms Shortall** asked the Minister for Foreign Affairs if he will make a statement on his participation in and the outcome of the Spring European Council in Brussels on 25 and 26 March 2004. [9921/04]

**Minister for Foreign Affairs (Mr. Cowen):** I propose to take Questions Nos. 45 and 53 together.

The Taoiseach, the Minister for Finance, the Minister of State for European Affairs and I attended the European Council in Brussels on 25 and 26 March 2004.

The Deputy will be aware that the Taoiseach made a detailed statement to the Dáil yesterday, 30 March, 2004, on the outcome of the European Council. The European Council conclusions and the declarations adopted have been forwarded to the Oireachtas Joint Committee on European Affairs. The European Council focused on a range of issues, including the Intergovernmental Conference, terrorism, the Lisbon Strategy and the international situation.

On the IGC, the Government's report was warmly welcomed by partners. The European Council requested the Presidency to continue its consultations and as soon as appropriate to arrange for the resumption of formal negotiations. It also committed itself to agreement on the constitutional treaty no later than the June European Council. This is a very significant step forward.

The European Council discussed the European Union's response to the terrorist attacks in Madrid on 11 March. The Presidency brought forward a package of measures designed to enhance the capacity of the European Union to meet the threat of terrorism. These were adopted by the Council as the Declaration on Combating Terrorism, a comprehensive document which balances the need for effective action to protect the security of EU citizens, including the accelerated implementation of already agreed measures, with the need for a longer-term counter-terrorism strategy. The declaration also includes provision for the establishment of the position, within the Council Secretariat, of a counter-terrorism co-ordinator. Former Dutch Interior Minister and MEP, Dr. Gijs de Vries, has been appointed to the role. A related Declaration on Solidarity against Terrorism, which calls on member states to act jointly in the spirit of the solidarity clause of the draft constitution if a member state is the victim of a terrorist attack, was also adopted by the European Council.

As Presidency, Ireland proposed to partners that discussion of the Lisbon strategy should centre on the themes of sustainable growth and more and better jobs. Discussions on the sustainable growth theme focused on maintaining sound macro-economic policies and promoting competitiveness and innovation, while ensuring

that social cohesion and environmental sustainability would also remain centre stage.

The European Council agreed, in the context of an overall employment strategy, that member states should give urgent attention to four particular structural challenges: adaptability, attracting more people into the labour market, improving the quality of employment and investing in human capital. The European Council agreed that a high level group would be established under the chairmanship of Mr. Wim Kok to carry out an independent review to contribute to the mid-term review of the Lisbon strategy next year.

The European Council also addressed a number of important international issues. It adopted conclusions on the Middle East peace process, Iraq, the strategic partnership with the Mediterranean and the Middle East, Russia, Côte d'Ivoire, Afghanistan and Cyprus. It reviewed the situation in Kosovo following the recent outbreak of ethnically motivated violence. It is essential that the primacy of the political process be reasserted and to this end the European Council reiterated its full commitment to the development of a stable, democratic and multi-ethnic Kosovo as well as the EU's continued support for the work of the Special Representative of the UN Secretary General, Mr. Harri Holkeri, and the standards before status process.

On Afghanistan, the European Council looked forward to the international conference on Afghanistan, taking place in Berlin on 31 March and 1 April, and reaffirmed the Union's commitment to assisting the people of Afghanistan in the reconstruction of their country. The European Council also considered the current state of negotiations on a Cyprus settlement. It reiterated the European Union's support for the UN-led negotiations and reaffirmed its readiness to accommodate the terms of a settlement in line with the principles on which the EU is founded. The European Council also welcomed the interim report on the EU strategic partnership with the Mediterranean and the Middle East which was adopted by Foreign Ministers at the General Affairs and External Relations Council the previous Monday, 22 March. On the margins of the European Council, EU Foreign Ministers also discussed the situation in the Middle East and the current state of relations with Syria.

**46. Mr. Naughten** asked the Minister for Foreign Affairs if he will report on the outcome of a recent EU-Canada summit; and if he will make a statement on the matter. [10030/04]

**Minister for Foreign Affairs (Mr. Cowen):** The EU-Canada Summit which took place in Ottawa on 18 March 2004 provided an opportunity to deepen our partnership across the full range of foreign policy and economic and trade issues. The summit meeting was divided into three parallel meetings of Heads of State or Government,

Foreign Ministers and Trade Ministers, followed by plenary discussions on important issues such as globalisation and multilateralism.

The outcome of the summit was very positive with a high level of convergence on most issues. The summit identified a clear determination on both sides to translate this convergence into tangible results. International issues such as counter-terrorism, non-proliferation, issues in the Middle East and the World Trade Organisation received significant attention. The summit adopted three important documents: the EU-Canada Partnership Agenda, the framework for the EU-Canada Trade and Investment Enhancement Agreement, and a Declaration on EU-Canada relations. All three documents encapsulate the willingness of both the EU and Canada to enhance our close relationship. I have asked for copies to be placed in the Dáil Library.

### EU Presidency.

**47. Mr. Hayes** 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. [10042/04]

**Minister for Foreign Affairs (Mr. Cowen):** The Prime Minister of the former Yugoslav Republic of Macedonia, Mr. Branko Crvenkovski, led a high level political delegation which visited Dublin on 22 March for the presentation of the country's application for membership of the European Union. The Taoiseach accepted the application in his capacity as President of the European Council. The Government welcome the Macedonian application and especially the presence on this occasion of a delegation which was so clearly representative of the two main communities in the country and of the cross-party support for the development of closer relations with the EU. The Taoiseach confirmed to Prime Minister Crvenkovski that the next step will be the consideration of the application by the Council of Ministers. The Council is likely to request the European Commission to prepare a formal opinion, in line with the practice adopted for the application submitted by Croatia in February 2003.

Deputies will be aware that Prime Minister Crvenkovski had to cut short his earlier visit to Dublin, on 26 February, because of the tragic death of President Boris Trajkovski in a plane crash in Bosnia. The Government have conveyed condolences on this tragic loss. I would like to pay tribute to the enormous contribution which the late President made to peace, stability and reconciliation in his country, and throughout the region of the western Balkans. He was committed to his country's European future and it was one of his last official acts to sign the application for EU membership. Presidential elections will now be held on 14 April.

The EU has worked closely with the authorities in the former Yugoslav Republic of Macedonia to consolidate peace and stability following the

[Mr. Cowen.] conflict of 2001. That conflict was brought to an end by the Ohrid Framework Agreement, brokered by the EU. 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 in the 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 currently before Parliament. The main political challenges in the period ahead will be 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 the former Yugoslav Republic of Macedonia will formally enter into force on 1 April, the first of these agreements with the countries of the region to do so. In co-operation with the Macedonian Government, the EU is helping to address the continuing security challenges in the country, 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 in to EU structures. Progress towards this goal will be made through implementation of the detailed and wide-ranging reforms required under the EU's Stabilisation and Association Process. The Macedonian application for membership of the EU is an important step for all the people of the country. The Taoiseach and Prime Minister Crvenkovski agreed last week that progress in the European integration process would be directly linked to continued progress on the full implementation of all aspects of the Ohrid Framework Agreement.

*Question No. 48 answered with Question No. 26.*

#### **International Criminal Court.**

49. **Mr. G. Mitchell** asked the Minister for Foreign Affairs if he has had contact with the US administration with regard to their difficulties in becoming signatories of the statutes that established the International Criminal Court; and if he will make a statement on the matter. [10018/04]

**Minister for Foreign Affairs (Mr. Cowen):** The United States of America signed the Rome Statute of the International Criminal Court 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.

As I have stated previously, while I recognise 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. 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.

This view is shared by our EU partners. In recent years, approaches have been made to the US on behalf of the EU, outlining the EU position on the court and urging US support for it. In addition, the EU Council Conclusions on the ICC of 30 September 2002 recall the shared objective of the EU and US of individual accountability for the most serious crimes of concern to the international community, and call for a broader dialogue between the EU and US on all matters relating to the ICC. I wish to reiterate my hope that, in time, the ICC will come to enjoy universal support, based on the common interest of all states in seeing that the most heinous crimes of international concern do not go unpunished.

#### **Middle East Peace Process.**

50. **Ms Lynch** asked the Minister for Foreign Affairs the matters discussed and conclusions reached at his recent meeting in Dublin with the Israeli Foreign Minister, Mr. Silvan Shalom; and if he will make a statement on the matter. [9904/04]

54. **Mr. Eamon Ryan** asked the Minister for Foreign Affairs his assessment of the Arab-Israeli conflict and the Government's approach to that conflict; the Government's views on the Israeli Government's targeting of Hamas leaders for assassination; and if he will make a statement on the matter. [10081/04]

75. **Mr. Noonan** asked the Minister for Foreign Affairs if he will advise on the current situation in the Middle East; if he has had recent contact with the Government of Israel; and if he will make a statement on the matter. [9994/04]

**Minister for Foreign Affairs (Mr. Cowen):** I propose to take Questions Nos. 50, 54, and 75 together.

Israeli Foreign Minister Mr. Silvan Shalom visited Dublin on 27 February for discussions on the Middle East Peace Process. In the course of our discussions, he briefed me on developing Israeli ideas on a withdrawal from the Gaza Strip. I outlined for him the five criteria which the European Union Foreign Ministers had agreed on 23 February which must be fulfilled for such a move to attract international support. For the information of the House, these are that it must take place in the context of the road-map; it must be a step towards a two state solution; it must not involve a transfer of settlement activity to the West Bank; there must be an organised and negotiated hand-over of responsibility to the Palestinian Authority; and Israel must facilitate the rehabilitation and reconstruction of Gaza.

We also discussed the lack of progress in implementation of the road-map. I stressed the fact that the road-map contains all the elements which will have to form part of any comprehensive peace settlement. I suggested that, if the first phase of the road-map was proving too difficult to implement, then the parties should proceed by implementing a series of small, concrete and visible measures to build confidence.

The situation in the Middle East remains a major source of concern. The cycle of violence must be broken and a cease-fire implemented and observed by both sides. Clearly, a policy of extra-judicial killing does nothing to help the situation. Ireland's position on this matter was clearly set out in the statement adopted by European Foreign Ministers on 22 March, the day of the Yassin assassination. The situation in the Middle East remains a major source of concern. The cycle of violence must be broken and a cease-fire implemented and observed by both sides. Clearly, a policy of extra-judicial killing does nothing to help the situation. Ireland's position on this matter was clearly set out in the statement adopted by European Foreign Ministers on 22 March, the day of the Yassin assassination, to which I have referred earlier.

### Foreign Conflicts.

51. **Mr. Durkan** asked the Minister for Foreign Affairs if he and his EU colleagues have reviewed the situation in the Balkans with particular reference to recent developments there; if he has satisfied himself that adequate resources are available to meet all possible eventualities; and if he will make a statement on the matter. [10050/04]

99. **Ms O. Mitchell** asked the Minister for Foreign Affairs the nature of the continued work of Ireland's EU Presidency with the western Balkans; his views on the steps towards EU membership being taken by Croatia; and if he will make a statement on the matter. [10017/04]

134. **Mr. Durkan** asked the Minister for Foreign Affairs the extent to which he and his EU colleagues can prevent further outbreaks of

violence in the Balkans; and if he will make a statement on the matter. [10287/04]

142. **Mr. Durkan** asked the Minister for Foreign Affairs the extent to which he, through the EU, can prevent human rights violations in the Balkans; and if he will make a statement on the matter. [10296/04]

**Minister for Foreign Affairs (Mr. Cowen):** I propose to take Questions Nos. 51, 99, 134, and 142 together.

During Ireland's Presidency, the Government are committed to maintaining the priority attached by the EU to the development of relations with the countries of the western Balkans. The situation in the region is reviewed every month by the General Affairs and External Relations Council. The most recent meeting of the Council, which was chaired by me on 22 March, and the European Council in Brussels on 25-26 March considered recent developments in the region, especially the situation in Kosovo and the political situation in Serbia and Montenegro. The EU has taken the lead role in working with the countries of the western Balkans to consolidate peace and stability in the region, and to promote economic development and respect for human rights and the rule of law. EU assistance to the region in support of these objectives will amount to €4.65 billion over the period 2000 to 2006.

The EU-Western Balkans Summit, which was held in Thessaloniki last June, confirmed that the future of the region lies in its eventual integration into European structures. The achievement of this objective will involve the fulfilment of clear and objective political and economic criteria by the democratically-elected Governments of the countries of the region, under the EU's Stabilisation and Association Process. As Presidency, Ireland will ensure that the commitments made in the Thessaloniki agenda, which was agreed at the summit, will be fully implemented on the EU side. This will include the agreement by the Council on European partnerships for each of the countries of the western Balkans, outlining the specific progress required for further movement in the integration process.

The December 2003 European Council requested the incoming Irish Presidency and High Representative Solana, in co-ordination with the Commission, to present concrete proposals for the implementation of the European security strategy in a number of areas, including the elaboration of a comprehensive policy towards Bosnia and Herzegovina. Work on the comprehensive approach is going well and I expect that it will be considered by the General Affairs and External Relations Council in June. As Presidency, Ireland is also facilitating practical steps for the possible transition from the NATO-led SFOR peacekeeping force in Bosnia to an EU-led force. The EU Police Mission has made good progress in co-operation with the Bosnian

[Mr. Cowen.]

authorities since it was launched in January 2003. The General Affairs and External Relations Council on 23 February 2004 appointed Assistant Garda Commissioner Kevin Carty as head of the police mission.

Croatia formally applied for membership of the European Union in February last year. The Commission opinion on the application is expected in the near future. The opinion will be based on an assessment of Croatia's progress towards fulfilment of the Copenhagen political criteria for candidate states. Issues of particular importance in Croatia's case will include progress in wide-ranging institutional reforms, minority rights and the implementation of measures to enable the return of refugees who had to leave their homes during the conflicts of the 1990s. The assessment of Croatia's co-operation with the International Criminal Tribunal for the former Yugoslavia will be crucial. If the Commission opinion is positive, Ireland as Presidency will facilitate its consideration by member states with a view to a possible decision on candidate status by the June European Council.

The Prime Minister of the former Yugoslav Republic of Macedonia, Mr. Branko Crvenkovski, presented his country's application for EU membership to the Taoiseach in Dublin on 22 March. The next step will be for the Council to consider the application. It is probable that the Council will request the Commission to prepare its formal opinion. I believe that the progress being made by both Croatia and the former Yugoslav Republic of Macedonia in their relations with the European Union should act as an encouragement to neighbouring countries in their own reform processes and as a contribution to peace and stability across the region.

The situation in Kosovo has been of particular concern in recent weeks. It has stabilised following the violence of 17 and 18 March, but remains very tense. The immediate EU reaction to the violence was to encourage the restoration of calm and to support the work of the Special Representative of the UN Secretary-General in Kosovo, Mr. Harri Holkeri. The European Council last week reiterated the EU's commitment to the creation of a secure, democratic and multi-ethnic Kosovo. It called on Kosovo's political leaders to take immediate, practical steps to enable the return of displaced persons to their homes. It underlined the need for Kosovo's leaders to develop, together with UNMIK and KFOR, security and other institutional arrangements to ensure the protection of the rights of members of all communities in Kosovo. The European Council reaffirmed the Union's strong support for Special Representative Holkeri, for UNMIK, and for KFOR in their determined efforts to stabilise the situation and to ensure the implementation of UN Security Council Resolution 1244. It confirmed the EU's support for the policy of standards before status.

In Serbia, a new Government, headed by Prime Minister Vojislav Kostunica, was formed on 2 March. The EU has stated clearly that it is ready to work with the new Government, on the basis of its policies and actions. The General Affairs and External Relations Council on 22 March urged the Government to make clear its commitment to political and economic reform and the fulfilment of international obligations. These include full co-operation with the tribunal in The Hague, the fight against organised crime, and continued reconciliation and co-operation with neighbouring countries. It is important that the Government resume co-operation with the Government in Montenegro on the harmonisation of the two economies of the state union of Serbia and Montenegro. This will enable further progress towards the completion of the Commission's feasibility study on the possible opening of negotiations with Serbia and Montenegro for a Stabilisation and Association Agreement.

#### EU Presidency.

52. **Mr. P. McGrath** asked the Minister for Foreign Affairs when the next ASEM meeting will take place; the agenda for this meeting; the views that the Asia member states of ASEM have communicated to EU member states of ASEM regarding the political situation in Burma; and if he will make a statement on the matter. [10047/04]

**Minister for Foreign Affairs (Mr. Cowen):** As EU Presidency, Ireland will host the 6th meeting of ASEM Foreign Ministers on 17 and 18 April 2004. ASEM, the Asia-Europe Meeting, is an informal multilateral process of dialogue and co-operation, bringing together the 15 EU member states and the European Commission, with ten Asian countries — Brunei, China, Indonesia, Japan, South Korea, Malaysia, the Philippines, Singapore, Thailand, and Vietnam.

The ASEM process was established in 1996 as a forum for informal dialogue between European and Asian partners to facilitate an open exchange of views and discussion of political, economic and cultural issues of concern to the two regions. It was formed with the objective of strengthening the relationship between Europe and Asia, in a spirit of mutual respect and equal partnership. ASEM has now grown into a process of ongoing and useful dialogue, which includes summit-level meetings every second year, annual meetings of Foreign and Finance Ministers, and a range of meetings and activities at official level across the three ASEM pillars.

At our April meeting, discussions will range across the three pillars on which the ASEM process is based — political, economic and cultural. This will provide a very useful opportunity for open exchanges across the wide range of issues of concern to Asian and European partners. Along with current regional and international issues, the working methods and the

future membership of the ASEM process will be the principal items for discussion by Ministers. ASEM provides a unique and very useful forum for open dialogue with our Asian partners, particularly on issues such as Burma-Myanmar which continue to be of serious concern to the international community.

Our Asian partners continue to emphasise their preference for engagement with the Burmese regime, rather than its international isolation, and for this reason continue to press strongly for Burma to be accepted as a member of ASEM as soon as possible, along with the ten EU accession states, Laos and Cambodia. While they stress that the situation in Burma is an internal matter, and as such should not be subject to undue outside interference, our contacts with Asian partners on this question have illustrated that we share common goals — the return of democracy to Burma, an end to human rights violations, and the realisation of peace and prosperity for the long suffering people of Burma. The visit to Burma from 3-5 March 2004 of the Special Envoy of the UN Secretary General, Mr. Razali, was a step in the right direction, and it is important that his access to Burma and to Aung San Suu Kyi continues. It is encouraging that our Asian partners are making active efforts to bring Burma towards democracy and reconciliation. I refer in particular to the Bangkok process, the first meeting of which was held on 15 December 2003, and I look forward to further progress in this regard.

*Question No. 53 answered with Question No. 45.*

*Question No. 54 answered with Question No. 50.*

*Question No. 55 answered with Question No. 39.*

#### **EU Presidency.**

56. **Mr. Howlin** asked the Minister for Foreign Affairs if the Government will be represented at the Euro-Arab Parliamentary Dialogue Meeting in Tunisia in April 2004; and if so, the form and composition of the representation. [9897/04]

**Minister for Foreign Affairs (Mr. Cowen):** The Government has not received an invitation to participate in this meeting. I understand, however, that the Oireachtas had been invited to participate and that a decision had been taken by the relevant Committees of the Oireachtas to do so. However, the latest information is that this meeting has now been postponed from its planned date of 27-28 April and that a new date has not yet been arranged. The Government of course welcomes any meeting which enhances dialogue between Europe and the Arab world, and hopes that the meeting will go ahead as soon as possible.

#### **EU Enlargement.**

57. **Mr. Hogan** asked the Minister for Foreign Affairs if he will provide an update on the planned date for the accession of Romania and Bulgaria to the European Union; and if he will make a statement on the matter. [10037/04]

**Minister for Foreign Affairs (Mr. Cowen):** 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. To date, Bulgaria has closed 26 negotiation chapters and Romania has closed 22. 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.

The March session of the General Affairs and External Relations Council secured agreement among member states on an overall financial package for the accession of Bulgaria and Romania. Reaching agreement at this early stage represented an important step forward in the negotiations. The Commission will now prepare negotiating positions for the finance-related chapters, which are expected to be brought forward in the coming weeks. As Presidency, Ireland is endeavouring to advance negotiations as rapidly as possible, in line with the clear political mandate given by the December European Council.

*Question No. 58 answered with Question No. 16.*

#### **EU Presidency.**

59. **Ms Enright** asked the Minister for Foreign Affairs if he will be attending the ceremonies to be held in Kigali, Rwanda in April 2004 to mark the tenth anniversary of genocide in that country; if Ireland's Presidency of the European Union will mark this date appropriately; and if he will make a statement on the matter. [10025/04]

**Minister for Foreign Affairs (Mr. Cowen):** I intend to travel to Kigali on 7 April 2004 in order to attend the ceremonies which the Government of Rwanda has organised to commemorate the tenth anniversary of the horrific genocide in Rwanda. The date of 7 April 2004 has been designated by the United Nations General Assembly as the International Day of Reflection on the Genocide in Rwanda and I believe it is important for the European Union to be appropriately represented at the commemoration ceremonies in order to demonstrate the Union's solidarity with the people of Rwanda and with the victims of the genocide. The scale of the

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brutality and horror which occurred at this time must never be forgotten.

As President of the Council of Foreign Ministers, I will address the main commemoration ceremony in Kigali on 7 April on behalf of the European Union. It is also the Presidency's intention to issue a declaration by the European Union to mark the anniversary. This declaration will state the European Union's intention that crimes against humanity such as occurred in Rwanda in 1994 must never again be tolerated or allowed occur without prompt active intervention by the international community. I will also refer in my statement to the major efforts which are being undertaken during our Presidency to improve the EU's capacities in the area of early warning and conflict prevention and which are designed to try and prevent a re-occurrence of the kind of atrocities perpetrated in Rwanda in 1994.

#### Shannon Airport.

60. **Mr. Cuffe** asked the Minister for Foreign Affairs if he will report on his statement in Ottawa in March 2004 concerning the use of Shannon Airport by US troops; and if he will make a statement on the matter. [10076/04]

**Minister for Foreign Affairs (Mr. Cowen):** I think that the Deputy may be referring to a report of an interview, published in *The Irish Times* newspaper on 19 March 2004, which I gave during the course of a visit to Canada. In this interview, I stated, in the context of the issue of the use of Shannon airport by the US military, that the Government makes its decisions on the basis of its assessments of what, in an overall context, is in the best interests of the country. I also repeated the view of the Government that we cannot allow the fear of terrorism to dictate our arrangements with other countries.

#### EU Membership.

61. **Mr. J. Bruton** asked the Minister for Foreign Affairs if Turkey fulfils the Copenhagen criteria for membership of the European Union; and if not, the respects in which it is deficient. [9558/04]

101. **Mr. O'Dowd** asked the Minister for Foreign Affairs his views on the remarks attributed to the European Commission Internal Market Commissioner that Turkey should act as a buffer to Iran, Iraq and Syria for the European Union, and should not be given membership of the EU for that reason; and if he will make a statement on the matter. [10033/04]

**Minister for Foreign Affairs (Mr. Cowen):** I propose to take Questions Nos. 61 and 101 together.

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 same criteria applied to other candidate

states. 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. These political criteria require a candidate country to have achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities. The decision to be taken in December will be on the basis of a report and recommendation by the Commission. It will be the result of a transparent process, based on an objective assessment prepared in co-operation with Turkey throughout this year, under the terms of the revised Accession Partnership between the EU and Turkey.

The Government has welcomed the remarkable progress made by Turkey over the past two years in legislating for wide-ranging reforms. Further legislative reform is expected over the coming months. The EU continues to encourage Turkey to pursue the full and effective implementation of the reforms. The Government has maintained regular contact with the Turkish Government in relation to internal reforms and international developments. Representing the Irish Presidency, I led an EU Ministerial Troika which visited Ankara on 8 March for meetings with Prime Minister Erdogan and Foreign Minister Gul. Discussions focused on the reform process, with a particular emphasis on the five areas highlighted for further action by the European Council in December 2003. These concern the independence and functioning of the judiciary, the exercise of fundamental freedoms, civil-military relations, cultural rights and the situation in south-east Turkey. The EU welcomed the progress made by Turkey to date in legislating for reform. I and my colleagues emphasised that a central element in the assessment to be made by the European Council in December will be the effective implementation of the legislative reforms at all levels of the administration and throughout the country. Prime Minister Erdogan and Foreign Minister Gul confirmed that the primary goal of the Turkish Government was to fulfil the Copenhagen political criteria by December 2004.

I have seen the media reports of negative remarks attributed to Commissioner Bolkestein earlier this month on the prospects for Turkey's accession to the EU. I have also noted subsequent reports that the Commissioner stated in the Dutch Parliament on 18 March that he foresaw the possibility of Turkish accession around 2016. In line with the commitments given by the European Council, the Government take the view that if the December European Council decides that Turkey has fulfilled the Copenhagen political criteria, the EU will open accession negotiations without delay.

### British-Irish Agreement.

62. **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 length of time he expects the process to take; and if he will make a statement on the matter. [9909/04]

**Minister for Foreign Affairs (Mr. Cowen):** Since the review of the operation of the Good Friday Agreement was convened on 3 February 2004, we have had the opportunity to meet with all the political parties elected to the Northern Ireland Assembly. Over the last few weeks, in partnership with the British Government, I have met with the parties on a number of occasions to discuss all aspects of the operation of the Agreement and to collectively examine ways to resolve the outstanding issues. On 9 February, Secretary of State, Paul Murphy MP, and I met with Alliance, Sinn Féin, the SDLP, the DUP and the UUP. In all of our meetings, we discussed a broad range of issues, including institutional matters. However, as the DUP have yet to bring forward their proposals on strands 2 and 3, we have not yet had an opportunity to discuss these matters in detail with them. Secretary of State Murphy also updated me on the Strand One meetings that had taken place the previous day.

Following the alleged abduction of a man in Belfast on 20 February, the review meetings on 24 February and 2 March focused primarily on paramilitary activity. Following discussions with all the parties, both Governments asked the Independent Monitoring Commission to bring forward its first report, from July to May, covering all paramilitary activities since its establishment in early January. The commission subsequently indicated that the report would be presented to both Governments in early April. On 9 March, I met with Secretary of State Murphy in Stormont to review developments. On that day, I also met with a DUP delegation and with Mark Durkan, MLA, Leader of the SDLP.

On 26 March, both Governments wrote to the parties, requesting them to submit, by 8 April, further proposals in relation to the operation of the Agreement which they would like to discuss as part of the review process. Both Governments will, in the light of these submissions, make proposals for the time-tabling of further review discussions.

### Development Aid.

63. **Mr. Gogarty** asked the Minister for Foreign Affairs his views on the proposed linkage by the EU of developing states' efforts in the war against terrorism with receipt of EU development aid agreed at the EU Foreign Ministers meeting on 22 March 2004; and if he will make a statement on the matter. [10079/04]

**Minister for Foreign Affairs (Mr. Cowen):** There is nothing in the Declaration on Combating Terrorism, adopted at the European

Council on 25 March 2004, which states that receipt of EU development aid will be directly linked to developing states' efforts in combating terrorism. Section 12 of the declaration, on international co-operation, commits the European Union to ensuring effective and practical co-operation with third countries through the "Development of technical assistance strategies, to facilitate vulnerable third countries in enhancing their counter-terrorism capability, and by addressing counter-terrorism concerns into all relevant external assistance programmes to promote good governance and the rule of law".

There is no implication in this to suggest that receipt of EU development aid would in any way be linked with states' efforts to combat terrorism. Rather, the EU is committed to providing assistance to enhance counter-terrorist capacity to those states which require it. The EU, through the European Commission, is already pursuing this strategy in a number of third countries on a pilot basis, pursuant to its obligations under UNSCR 1373, 2001. At the same time assistance will be provided to promote good governance in an attempt to deal with some of the root causes of terrorism, an essential step in the elimination of terrorist violence. Such assistance will be based on the continuing centrality of poverty reduction and of local ownership of development programmes.

The declaration also sets out, in Annex I, seven strategic objectives which will form the basis of a new EU plan of action to combat terrorism to be brought to the European Council in June. The Council has committed, under objective 7, "to target actions under EU external relations towards priority Third Countries where counter terrorist capacity or commitment to combating terrorism needs to be enhanced". In implementing this objective it is proposed to "mainstream counter-terrorist objectives into the work of the geographical working groups and external assistance programmes". Specific measures to achieve this objective will be included in the new plan of action to combat terrorism, to be brought before the June European Council.

The declaration does not mean, in any sense, that the provision of development aid would be contingent on a state's compliance with international counter-terrorism obligations. Rather, the EU will ensure that *inter alia* account is taken of counter-terrorist concerns in the development of assistance programmes to third countries, including technical assistance programmes such as those designed to enhance border controls or police and judicial systems, or broader programmes designed to promote good governance and the rule of law.

*Question No. 64 answered with Question No. 26.*

### Human Rights Issues.

65. **Mr. Broughan** asked the Minister for

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Foreign Affairs the initiatives the Government is proposing to take to assist the ending of slavery, bonded labour, and particularly child slavery; the talks that have taken place with other governments and institutions in this regard; and if he will make a statement on the matter.

[9895/04]

**Minister for Foreign Affairs (Mr. Cowen):** The Government is committed to the active promotion of full observance of universal human rights standards, and opposes and seeks the elimination of all forms of contemporary slavery, including bonded labour. Through our participation in international fora such as the UN General Assembly, the UN Commission on Human Rights, the Council of Europe and the Organisation for Security and Co-operation in Europe, OSCE, we raise our concerns in regard to this issue together with like-minded countries. At the current session of the Commission on Human Rights, 15 March-23 April, we will deliver a Presidency statement on contemporary forms of slavery in which the EU will urge all states to prioritise the eradication of all contemporary forms of slavery and to ensure that the human rights of victims are upheld at all times.

Ireland has consistently supported the International Labour Organisation in its efforts to promote core labour standards. In June 1998, Ireland supported the adoption by the International Labour Conference of a declaration on fundamental principles and rights at work. This commits the International Labour Organisation's 175 member states world-wide to respect the principles inherent in the core labour standards and to promote their universal application. Ireland has ratified all of the seven core labour standards.

This declaration emphasises that all member states of the International Labour Organisation have an obligation, arising from the very fact of membership of the organisation, to respect, to promote, and to realise, in good faith and in accordance with the constitution of the International Labour Organisation, the principles concerning the fundamental rights which are subject to those conventions. These principles include the elimination of all forced or compulsory labour and the effective abolition of child labour. In June 1999, the International Labour Conference adopted Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour. Ireland ratified the convention on 20 December 1999 and was the first European Union country to do so.

The Deputy will also be aware of the priority the Government has attached to "children and armed conflict" and "human rights defenders" as part of the EU Presidency. The issues of children and armed conflict and slavery are closely linked and the role of human rights defenders in highlighting instances of slavery and bonded labour is vital in focusing national and

international attention. We are currently overseeing the satisfactory progress of the implementation of EU guidelines on children and armed conflict and EU partners have been circulated with a paper on draft EU guidelines for the support of human rights defenders.

*Question No. 66 answered with Question No. 21.*

### **Foreign Conflicts.**

67. **Mr. English** asked the Minister for Foreign Affairs if he will provide an update on the current political situation in the Democratic Republic of the Congo; and if he will make a statement on the matter. [10001/04]

**Minister for Foreign Affairs (Mr. Cowen):** While the peace process in the DRC continues to take hold and remains largely on track, there are some concerns that the pace of implementation of the transition process provided for under the Sun City peace accords needs to be stepped up, with a view to meeting the goal of nation-wide elections and the election of a new government in 2005. The European Union, in a declaration issued on 18 March 2004, has urged the Transitional National Government led by President Kabila to speed up its decision-making process and enact the necessary legislative measures to get the transition process back on track, including enactment of electoral laws, faster reform of the justice and security sectors, and appointment of a national co-ordinator to assist with implementation of the necessary DDR — disarmament, demobilisation and reintegration — process.

The recent delays in implementation of the transition process have also been accompanied by an increase in security and political tensions in the eastern DRC. There have also been reports of an attempted coup against the transitional national Government in Kinshasa in recent days though this has been successfully averted. The declaration issued by the Irish Presidency on 18 March has made clear the European Union's serious concerns at the deteriorating security situation in eastern DRC and the continuing reports of human rights violations and atrocities inflicted on the civilian population in Ituri, North and South Kivu and Katanga. We have called upon all those still engaging in violence to forswear disorder, show consideration for the population and commit themselves irrevocably to the peace process.

The European Union has also once again urged the transitional Government in Kinshasa to take every possible measure to re-establish and consolidate its authority throughout the territory of the DRC and to hasten the process of creating an integrated national army and police force. In this regard, 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.

The European Union will also, in line with the decision adopted by the General Affairs and External Relations Council at its meeting last week, proceed with the practice which it has followed for a number of years of putting forward a resolution on the human rights situation in the DRC at the current 60th session of the Commission on Human Rights in Geneva.

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.

*Question No. 68 answered with Question No. 19.*

#### **Airspace Regulation.**

69. **Mr. Gormley** asked the Minister for

Foreign Affairs if the US Air Force will be patrolling Irish airspace during President Bush's visit here; if so, will special legislation required for foreign aircraft to police Irish airspace; and if he will make a statement on the matter [9305/04]

#### **Minister for Foreign Affairs (Mr. Cowen):**

Permission for foreign military aircraft to fly in Irish airspace is regulated by the Air Navigation (Foreign Military Aircraft) Order, 1952, which stipulates that foreign military aircraft may only fly in Irish airspace at the invitation of, or with the permission of, the Minister for Foreign Affairs. No such request has been received in respect of the forthcoming visit of President Bush.

#### **Foreign Conflicts.**

70. **Mr. Penrose** asked the Minister for Foreign Affairs if any report has been received from the authorities in Burundi regarding the circumstances of the murder of Archbishop Michael Courtney; the progress that has been made with regard to efforts to bring those responsible to justice; and if he will make a statement on the matter. [9916/04]

**Minister for Foreign Affairs (Mr. Cowen):** The Government was presented with a report on the investigation conducted by the Burundian authorities into the murder of Archbishop Courtney when I met with Foreign Minister Sinunguruza during his visit to Dublin on 9 February. This report, which was also presented simultaneously to the Holy See, has been provided in confidence both to the Government and to the Holy See. Foreign Minister Sinunguruza also met with the family of Archbishop Courtney during his visit to brief them on the circumstances of the Archbishop's murder and to present a posthumous award on behalf of the Government and people of Burundi.

As the Deputy will be aware, arising from the investigation by the Burundian authorities, an individual has now been apprehended and is in custody on suspicion of possible involvement in the ambush which resulted in Archbishop Courtney's murder. Legal proceedings against the individual are now pending. I also understand that the Burundian authorities are continuing to pursue others who they believe may have been involved in the ambush.

No information is as yet available as regards when the trial of the individual in custody is likely to take place. However, the Government is continuing to monitor closely the situation and further information may be provided on the case when I visit Burundi on 8 April.

#### **Human Rights Issues.**

71. **Mr. G. Mitchell** asked the Minister for Foreign Affairs the steps that he will take during Ireland's Presidency of the European Union to address international concerns with regard to human rights abuses in West Papua; his views on

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the campaign to revisit the act of free choice decision; and if he will make a statement on the matter. [9989/04]

**Minister for Foreign Affairs (Mr. Cowen):** At the April 2003 meeting of the EU External Relations Council, Ireland, together with our EU partners, adopted revised Council Conclusions on Indonesia, confirming the EU's support for the territorial integrity of Indonesia. The European Union welcomes the progress Indonesia has made in its democratic reform process and recognises the importance of the 2004 elections. The EU notes the Indonesian Government has taken steps to punish members of the security forces responsible for human rights violations. While acknowledging Indonesia's legitimate concern to preserve its territorial integrity, we encourage the Government to strengthen its efforts to protect human rights and put an end to human rights violations occurring in particular in Aceh and Papua, such as extra-judicial executions, disappearances and torture. Indonesia should take all necessary measures to ensure the safety of civilians, human rights defenders, humanitarian workers and political activists.

I will meet with the Indonesian Foreign Minister, Mr. Wirajuda, at an EU ministerial meeting in troika format, to be held in the margins of the ASEM Foreign Ministers' meeting, which I will host in Kildare from 17 to 18 April 2004. Among the matters to be discussed at this meeting will be the situation in Papua, including human rights. This will be an opportunity for the EU to express its concerns about the situation there.

I am aware that 88 Deputies, from all parties, have signed a letter to the Secretary General of the United Nations, supporting a call for the United Nations to review its role in the Act of Free Choice in Papua in 1969. As I have stated previously, the question of a review of the UN's conduct in relation to the Act of Free Choice in Papua, would require the support of UN member states. Inquiries, made at my request by our permanent representative to the UN, confirm that, at present, there is no significant support for such an initiative. There is, moreover, concern that such an approach might prejudice on-going efforts to initiate a meaningful dialogue with the Government in Jakarta, and would not contribute to the amelioration of the current situation of the Papuan people.

Officials of my Department continue to meet regularly with representatives of the West Papua Action Group. On 25 March 2004, they met with Mr. John Rumbiak, a human rights advocate of the Papua-based Institute for Human Rights Study and Advocacy, ELSHAM, Mr. Viktor Kaisiepo, the European Spokesperson, Papua Presidium Council, PDP, and Dr. John Otto Ondawame, of the West Papua People's Representative Office, who briefed them on the campaign.

The Government continues to monitor closely the situation in Papua, and encourages the authorities in Indonesia to act with full regard to the interests of the people of Papua. Ireland, together with our EU partners, will continue to support the development of a strengthened partnership and effective dialogue between the EU and Indonesia. The Government sees this as the most effective framework at this time for addressing our serious concerns about the situation in Papua.

### Foreign Conflicts.

72. **Mr. Kenny** asked the Minister for Foreign Affairs his views on the political and security situation in Afghanistan; and if he will make a statement on the matter. [10035/04]

**Minister for Foreign Affairs (Mr. Cowen):** On 17 February 2004, as President of the Council of Ministers, I led an EU Troika mission to Afghanistan, during which separate meetings were held with President Karzai and with Foreign Minister Abdullah. The Troika expressed to its Afghan interlocutors the great importance that the EU attaches to achieving progress in the reconstruction of Afghanistan and the Union's commitment to working with the Afghan government and people in the period ahead. The Troika congratulated the President on the adoption of a new constitution and discussed the next stages of Afghanistan's development, including political and security issues.

Elections this year in Afghanistan will constitute the next and final step in implementation of the agreement on arrangements for the re-establishment of permanent Government institutions in accordance with the Bonn Agreement of December 2001. During the Troika, I confirmed that the EU is prepared to send an electoral observation mission and, as a first step, an exploratory mission. The exploratory mission returned last week and a report of its conclusions is awaited. In order for elections to be credible, a successful registration process is needed, and a stable security environment. As the House will be aware, President Karzai has announced in recent days that presidential and parliamentary elections will take place next September.

Stabilising the security situation in Afghanistan is essential for creating an environment conducive to dealing with all the other pressing issues, such as counter-narcotics, reconstruction and the electoral process. The expansion of the international security assistance force, ISAF, under the authority of the United Nations Security Council, is a demonstration of the international community's commitment to Afghanistan and will play a key role in assisting the Afghan Transitional Authority in providing security for the electoral process. At the same time, security is a shared responsibility, and it is important that the Afghan Government approves and implements a comprehensive national

security framework, and that both the army and the Ministry of Defence be more representative and reflect the multi-ethnic composition of Afghanistan.

It is important that all irregular forces are disarmed and demobilised or integrated into the national army. I welcome the steps already taken towards this end, but more needs to be done so that the future Afghan Government has unified armed forces at its disposal.

Ireland, together with our EU partners, fully supports President Karzai's uncompromising stance on the illicit cultivation of and trafficking in drugs. It is vital that the international community and the Afghan people work together to eliminate Ireland, together with our EU partners, fully supports President Karzai's uncompromising stance on the illicit cultivation of and trafficking in drugs. It is vital that the international community and the Afghan people work together to eliminate the production, trafficking and consumption of opium in particular. During the Troika meeting with President Karzai on 17 February 2004, we discussed the importance of increasing the risk of penalty to producers and traffickers to prevent illicit narcotics activity in Afghanistan.

I will attend the conference, Afghanistan and the International Community — A Partnership for the Future, which takes place in Berlin from 31 March to 1 April 2004. The conference will provide a welcome opportunity to review the achievements of the Afghan Transitional Authority and of the international community in the reconstruction of Afghanistan. The conference will also ensure, beyond the Bonn process, that Afghanistan's development requirements will continue to be addressed.

The EU has made a strong commitment to the future stability and development of Afghanistan, and the European Commission has recently signed a €79.5 million aid package to support the ongoing reconstruction of the country. Taking together contributions from member states and the Community budget, the EU provided over €850 million in 2002 and €835 million in 2003 to help Afghanistan. At the International Conference on Reconstruction Assistance to Afghanistan, which took place in Tokyo on 21 January 2002, Ireland pledged €12 million in reconstruction assistance to Afghanistan over three years. I am pleased to note that this has now been fully disbursed.

As Presidency, I will deliver a statement at the conference on behalf of the EU and its member states. The statement will emphasise the EU's continuing firm commitment to the reconstruction of Afghanistan and underline the fact that the EU will continue to be one of the major donors towards these costs.

There is a small number of Irish NGOs and individuals who are performing selfless work in advancing Afghanistan's reconstruction, sometimes in dangerous circumstances. I met some of them when I was in Kabul. I would like

to record before the House how much we all appreciate their endeavours.

*Question No. 73 answered with Question No. 21.*

### **Human Rights Issues.**

74. **Mr. Allen** asked the Minister for Foreign Affairs if he will report on the political and security situation in Burundi; his views on a recent Amnesty International report on Burundi concerning human rights abuses in the country, in particular the incidence of rape; and if he will make a statement on the matter. [9983/04]

### **Minister for Foreign Affairs (Mr. Cowen):**

There has been significant political progress in Burundi since the signing of the Arusha peace accords in August 2000 and the overall prospects for peace have probably not been as strong in a very long time. Peace agreements concluded between the transitional national Government and the CNDD-FDD movement in November 2003 mean that there is now only one armed group, the FNL, continuing to oppose the peace process. Efforts are continuing to urge the FNL to resume peace negotiations with the government which had begun in January but have since been suspended. As EU Presidency, we have made clear the EU's full support for the current peace efforts and have also called for all sides to conclude a ceasefire and for the FNL to abandon its military campaign and commit fully to the peace process.

The efforts to achieve a comprehensive and lasting peace agreement in Burundi have gained renewed momentum since the tragic murder of Archbishop Michael Courtney, the Papal Nuncio to Burundi, on 29 December 2003. The UN Secretary General has now recommended deployment of a UN peace-keeping mission in Burundi to oversee the remaining period of the transition up until the holding of scheduled national elections at the end of October. Ireland, as EU Presidency, has remained very closely engaged in the Burundian peace process and has had a series of contacts with the Burundian Government since the murder of Archbishop Courtney, most recently when I met with Foreign Minister Sinunguruza in Dublin on 9 February 2004. I will be visiting Burundi on 8 April for further consultations on the peace process and to demonstrate the EU's full support for the efforts underway to achieve a lasting peace settlement.

The need to ensure full respect for human rights and to bring to justice those responsible for the very serious incidents of rape and other human rights abuses which Amnesty International have documented in their recent report, clearly represents an imperative for the transitional national government as they seek to re-build Burundi following a decade of conflict. The Arusha peace accords of 2000 contain very clear provisions for tackling impunity, safeguarding human rights and ensuring measures

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are in place to guard against any re-occurrence of genocide, war crimes or other crimes against humanity. It is necessary for the international community to maintain pressure on the Transitional National Government to ensure these provisions are enacted. Ratification of the Statute of the International Criminal Court by Burundi is also a step which would offer assurance of justice to all those who have suffered human rights abuses during the latter years of the conflict in Burundi. It is my intention to raise these points with the Burundian Government during my forthcoming visit.

I also welcome that a significant human rights component has been included in the mandate for the proposed UN peace-keeping operation in Burundi which the UN Secretary General has now recommended and which the UN Security Council is currently considering.

*Question No. 75 answered with Question No. 50.*

### **British-Irish Agreement.**

76. **Ms McManus** asked the Minister for Foreign Affairs the discussions he has had with the British authorities regarding the implications for the Agreement between the Government of the United Kingdom and the Government of Ireland concluded in Belfast on Good Friday 1998 of the Government's proposals to amend the Constitution in regard to the right of citizenship; and if he will make a statement on the matter. [9891/04]

**Minister for Foreign Affairs (Mr. Cowen):** The Government has approved the preparation of a Bill to amend the Constitution and of a draft implementing Bill regarding the entitlement to citizenship of persons born in Ireland to non-nationals who do not have a substantial connection with the State. No formal discussions have taken place with the British authorities on this subject to date.

### **Foreign Conflicts.**

77. **Mr. Perry** asked the Minister for Foreign Affairs if he will detail the current situation in Liberia; and if he will make a statement on the matter. [10002/04]

**Minister for Foreign Affairs (Mr. Cowen):** Despite recent improvements in the security situation in UN controlled areas and progress in the implementation of the comprehensive peace agreement, the peace process remains fragile. Monrovia is now a weapons free zone but the situation is less stable in areas outside the capital. Sporadic outbreaks of fighting in rebel strongholds highlight the need for a comprehensive process of disarmament, demobilisation and reintegration. On 27 December 2003, UN troops deployed in rebel territory outside Monrovia for the first time and

the effects have been immediate, with thousands of refugees returning from Sierra Leone.

A United Nations Mission in Liberia — UNMIL — programme of disarmament, demobilisation and rehabilitation — DDR — for rebel groups was suspended shortly after its launch in early December. It has been acknowledged generally that UNMIL did not have the capacity at the time to cope with the huge demand for DDR among former rebel soldiers, of which there are an estimated 53,000. The programme will resume once UNMIL has deployed throughout Liberia, possibly in April. In the meantime, a public awareness campaign on DDR has been launched.

On 5 and 6 February 2004, the Liberia reconstruction conference was held in New York. The Minister of State at the Department of Foreign Affairs, Deputy Tom Kitt, represented the European Union and announced \$200 million in EU assistance, as well as a further €5 million in funding from Ireland. In total, the conference received pledges for Liberia in excess of \$500 million. The Minister of State welcomed the establishment of the United Nations Mission in Liberia and stressed that no progress could be made in Liberia without the timely implementation of UNMIL's mandate. He urged the international community to set realistic targets for Liberia adding that the challenges facing the country are enormous.

The comprehensive peace agreement was brokered commendably by the regional organisation, the Economic Community of West African States, ECOWAS, on 18 August 2003, and has been endorsed by the United Nations Security Council. Mr. Gyude Bryant will serve as chairman of the transitional Government until parliamentary and presidential elections are held before the end of 2005. On taking office, Mr. Bryant pledged to introduce transparency in government and respect for human rights. The Irish Government was represented at the inauguration of the Liberian transitional Government in Monrovia on October 14 by my colleague, the Minister of State, Deputy Tom Kitt.

The Government has deployed a contingent of the Permanent Defence Forces to participate in the UN peacekeeping mission, UNMIL. The Irish contingent comprises a motorised infantry battalion of some 430 personnel, including the deployment of a small number of personnel at force headquarters in Monrovia. The Government is of the view that the deployment of UNMIL is critically important in supporting the implementation of the comprehensive peace agreement and for the political and economic recovery of Liberia.

### **Northern Ireland Issues.**

78. **Mr. J. O'Keeffe** asked the Minister for Foreign Affairs the position with regard to discussions on the future of Northern Ireland, in particular on the decommissioning of all

remaining weaponry; and the prospects for getting the institutions operational in the short term. [10126/04]

**Minister for Foreign Affairs (Mr. Cowen):** In all our recent discussions with the political parties elected to the Northern Ireland Assembly, we have made it clear that for progress to be achieved on a sustainable basis, we need to see the operation of stable inclusive political institutions, with a definitive end to all forms of paramilitarism. In partnership with the British Government and the political parties, we remain firmly committed to resolving these key issues and to the full implementation of the Good Friday Agreement.

The Agreement contains a commitment to the decommissioning of illegally held arms in the possession of paramilitary groups. The fulfilment of that commitment is an indispensable element of the Good Friday Agreement. Both Governments have welcomed the three acts of IRA decommissioning, verified by the Independent International Commission on Decommissioning, which have taken place to date. In addition, paragraph 13 of the Joint Declaration sets out detailed requirements in relation to the cessation of all forms of paramilitary activity. We will continue to avail of every opportunity to engage with the parties to ensure that paramilitarism from all quarters is brought to an end and that the process of decommissioning is advanced to completion.

We are conscious that other commitments under the Agreement must be met as part of its overall implementation, particularly in the areas of institutional stability, policing, equality and human rights. In this regard, we are working with all the parties to find a context in which the power sharing political institutions can be restored on a sustainable basis and, with the British Government, will continue to advance the implementation of the non-institutional aspects of the Agreement.

*Question No. 79 answered with Question No. 22.*

#### **Human Rights Issues.**

80. **Mr. R. Bruton** asked the Minister for Foreign Affairs his views on a recently published Amnesty International report entitled, Human Rights Begin at Home — Recommendations to Ireland's EU Presidency; and if he will make a statement on the matter. [10016/04]

**Minister for Foreign Affairs (Mr. Cowen):** I have received a copy of the Amnesty International report, Human Rights Begin at Home. The Government values the contribution that Amnesty International makes to furthering the cause of promoting and protecting human rights internationally and will give appropriate weight to the recommendations contained in the report.

The report calls for the European Union to take effective leadership in putting into practice its human rights policies at home and outside the Union. As the Deputy is aware, support for human rights is a core value which underpins the European Union and is a priority of the Irish Presidency. The EU is a community of shared values, founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law. These principles come from the constitutional traditions and international obligations common to the member states of the Union.

The protection and the promotion of human rights not only constitute defining principles of the EU, but also form part of Community legislation. They were explicitly incorporated into and stated as common European objectives in the Treaty on European Union, which entered into force in November 1993. This step represented a significant strengthening of human rights as a priority issue for the EU in its internal as well as external policies.

The charter of fundamental rights of the European Union, which was proclaimed by the three main EU institutions, namely, the Council, the Commission and the Parliament, in December 2000, is aimed at further strengthening the protection of fundamental rights in the light of changes in society, social progress and technological developments, by making the rights more visible in an EU instrument.

On the external policies of the EU, Article 11 of the Treaty on European Union states that efforts to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms are among the objectives of the Common Foreign and Security Policy of the EU. Article 117 of the Treaty establishing the European Community requires that Community Development Co-operation policy also contributes to the achievement of these objectives. During our Presidency Ireland will work with our EU partners works to uphold human rights and fundamental freedoms.

#### **Emigrant Services.**

81. **Mr. Ring** asked the Minister for Foreign Affairs his views on the welfare of Irish emigrants abroad; and if he will make a statement on the matter. [9978/04]

86. **Mr. Stagg** asked the Minister for Foreign Affairs if, in regard to statements in the Dáil on 10 March 2004, the emigrant groups his Department has been meeting fortnightly, if not weekly, to co-ordinate activities in assisting them; the grants or funding that have been allocated to these emigrant groups; and if he will make a statement on the matter [9914/04]

100. **Mr. Rabbitte** asked the Minister for Foreign Affairs if, in regard to the dedicated unit in his Department which has been established instead of the agency for the Irish abroad, as recommended by the task force on emigrants, the

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number of staff in the unit broken down by grade; the funding available to the unit; the work undertaken to date by the unit; and if he will make a statement on the matter [9912/04]

108. **Ms Shortall** asked the Minister for Foreign Affairs if he will now publish the report of the interdepartmental working group considering the recommendations of the task force on policies regarding emigrants; if, in regard to the report of the task force, he will list those recommendations that have been implemented and those that have not; if a timetable has been set for the implementation of outstanding recommendations; and if he will make a statement on the matter. [9892/04]

110. **Mr. Penrose** asked the Minister for Foreign Affairs the steps that have been made to implement the recommendation made in the task force on policy regarding emigrants that there should be increased financial assistance to voluntary agencies and programmes abroad which provide welfare services to Irish persons who are vulnerable or excluded; the finance his Department currently provides; if it is intended to increase such funding; and if he will make a statement on the matter. [7964/04]

**Minister for Foreign Affairs (Mr. Cowen):** I propose to take Questions Nos. 81, 86, 100, 108, and 110 together.

The Government has been providing assistance to Irish emigrants in Britain, the United States and Australia for many years. The DION fund, which is administered by the embassy in London through the DION committee, has increased substantially in the past four years, from €592,300 in 1999 to €3.57 million this year. The total amount allocated in grants since 1984 is now almost €18 million. This year, my Department will provide a total of €400,000 to voluntary organisations in the United States which provide advocacy and support to Irish immigrants, an increase of 33% over 2003. Increased grants will also be given to Irish welfare groups in Australia.

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. As regards the implementation of the report, action is being taken on more than two thirds of the recommendations. Some of the 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 European Union, 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 the Department of 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 it to provide more effective support to its member agencies. I recently announced that part of the additional funds made available this year will be allocated for this purpose.

The task force also recommended that the Government continue its political engagement with the authorities in the United States as regards the position of undocumented Irish people in that country. During my recent visit to Washington, I met a number of prominent members of Congress with whom I discussed a draft Bill, which would regulate the status of undocumented Irish immigrants in the United States.

As the Taoiseach mentioned in this House on 10 March, an interdepartmental group, chaired by the Secretary General of the Department of Foreign Affairs, meets on a fortnightly basis to monitor progress in implementing the recommendations. I intend to establish the dedicated unit in the Department of Foreign Affairs when the Presidency is over. I have not yet reached a firm conclusion on the number or level of staff required for the unit.

The report of the interdepartmental working group which examined the task force's recommendations has been placed on the Department's website. I assure 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 voluntary Irish agencies at home and abroad, to support our emigrants overseas.

#### **EU Presidency.**

82. **Mr. Murphy** asked the Minister for Foreign Affairs the agenda and matters for discussion at the upcoming EU Foreign Ministers meeting to be held on 16 and 17 April 2004; and if he will make a statement on the matter. [10012/04]

**Minister for Foreign Affairs (Mr. Cowen):** The informal meeting of Foreign Ministers, or Gymnich, takes place every six months and is hosted by the Presidency. It is named after a small suburb outside Bonn which hosted the first

such meeting. The purpose of the Gymnich is to facilitate more in-depth or strategic discussions on an informal basis than is usually possible in the monthly formal meetings of EU Foreign Ministers. The Gymnich under the Irish Presidency will take place in Tullamore on 16 and 17 April and arrangements are being finalised. The agenda and matters for discussion at the Gymnich have not yet been decided.

### **Centre for Cross-Border Studies.**

83. **Mr. Coveney** asked the Minister for Foreign Affairs his views on the work of the Centre for Cross-Border Studies; and if he will make a statement on the matter. [10013/04]

**Minister for Foreign Affairs (Mr. Cowen):** I have been very impressed by the work of the Centre for Cross-Border Studies. In a relatively short time, it has become a key focal point of analysis and debate for matters which impact upon the North-South relationship on the island. Now in its fifth year of existence, the pioneering work of the centre has led to the establishment of many other organisations which specialise in cross-Border research and collaboration in specific areas.

An excellent working relationship has developed between the centre and the North-South Ministerial Council, resulting in co-operation on projects such as the study commissioned by the council on obstacles to cross-Border mobility on the island of Ireland. My Department has supported the Centre for Cross-Border Studies since its foundation and, to date, it has received more than €138,000 from the reconciliation fund of the Department of Foreign Affairs.

*Question No. 84 answered with Question No. 26.*

*Question No. 85 answered with Question No. 27.*

*Question No. 86 answered with Question No. 81.*

### **Human Rights Issues.**

87. **Mr. Hayes** asked the Minister for Foreign Affairs his views on the human rights situation in Iran; and if he will make a statement on the matter. [10003/04]

**Minister for Foreign Affairs (Mr. Cowen):** I regret that overall there has been little improvement in the human rights situation in Iran. Although some limited positive measures have been adopted in certain areas, violations of human rights continue to be widespread. These include arbitrary detention, disappearances following arrest, and torture, as well as the continuing practice of public executions. The *de facto* moratorium on amputations has not been respected. Members of the Baha'i faith, in

particular, continue to suffer discrimination and violations of their rights.

There is an on-going pattern of closure of newspapers, arrests and interrogation of journalists and blocking of pro-reform websites. The recent interference in the electoral process represents a major setback for democracy and a general trend toward even more restrictions on the exercise of political rights and freedoms. In addition, the fourth round of the EU-Iran human rights dialogue has not taken place due to Iran's failure to confirm the dates agreed.

### **Emigrant Services.**

88. **Mr. Stagg** asked the Minister for Foreign Affairs if his attention has been drawn to the Irish emigrant support centre in Coventry, England, known as Teach na hÉireann; if his attention has further been drawn to the fact that due to funding constraints it is only open for two days per week; if he will consider providing funding to allow the centre to operate seven days per week; and if he will make a statement on the matter [9915/04]

**Minister for Foreign Affairs (Mr. Cowen):** The Teach na hÉireann project was set up in 1999 by the Irish Elders Resource Centre in Coventry and was officially opened by the Lord Mayor of Coventry in October 2000. Teach na hÉireann is a day care and resource centre for elderly Irish people. With the backing of Coventry City Council and the Coventry Irish Society, it set out to establish a facility targeted at reducing the social isolation experienced by Irish elders living in the community and to offer culturally sensitive social, educational, health and welfare support to those who are most at risk. It offers an outreach service, provided by its volunteers, of whom there are more than 20 at present, for those Irish elderly people who for physical or social reasons cannot access the centre.

In 2003, it had 208 clients, of which 88 were Irish men and 105 were Irish women. The DION fund, which is administered by the Irish embassy in London through the DION committee, has provided grant support to the centre for a number of years as follows: 1999 — £16,000, €20,316; 2000 — £21,333, €27,087; 2001 — £25,000, €31,743; 2002 — €31,740; and 2003 — €30,158.

In 2003 the centre provided a day care service to elderly Irish people on two days each week. I understand that it wishes to provide day care on a five day per week basis and to expand outreach services and offer home support services. In its recent application to the DION committee it indicated that, from the beginning of 2004, the project manager's working time has been increased from 20 to 30 hours per week to specifically target funds and grants from other sources, for example, charitable trusts, statutory bodies, commercial companies, and to increase support to its voluntary fund-raising committee. It also requested DION to increase its grant in 2004 in order that its overall objective of providing a full-time service could be realised.

[Mr. Cowen.]

The DION committee will examine the Teach na hÉireann application for continuation of funding for the two existing posts of project manager and a part-time support worker, as well as two new part-time posts of administrator and outreach worker at its next meeting in late April 2004. I also understand that the centre continues to receive funding — £25,000 in 2003 — from the local city council in recognition of its work in improving the quality of life of older Coventry residents.

#### Human Rights Issues.

89. **Mr. Broughan** asked the Minister for Foreign Affairs if the European Union will co-sponsor a resolution at the 60th United Nations Commission for Human Rights which will deal with the breach of human rights in China in general, and the occupation of Tibet in particular. [9896/04]

**Minister for Foreign Affairs (Mr. Cowen):** Ireland, along with our EU partners, takes seriously concerns about human rights in China. Human rights, including the situation in Tibet, are an integral part of our ongoing relationship with China. At its meeting on 22-23 March last the GAERC stressed the importance that the EU attaches to dialogue with third countries in the human rights field generally, and particularly in the context of the Commission on Human Rights. It recalled that the EU has engaged in dialogue with the Government of China on human rights issues.

It is the view of the European Union that the dialogue with China does not preclude appropriate consideration by the Commission on Human Rights of the human rights situation in that country. The EU has received the text of the proposed US resolution on human rights in China and is studying the contents of the draft carefully.

*Question No. 90 answered with Question No. 27.*

#### Human Rights Issues.

91. **Mr. Rabbitte** asked the Minister for Foreign Affairs the latest reports or information he has received from the consular office in respect of the persons that attended the trial of three Irish men facing serious charges in Colombia; if he has any information on when a verdict will be given; and if he will make a statement on the matter. [9911/04]

**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.

During his recent meeting in Dublin with the Vice-President of Colombia, Mr. Francisco Santos Calderon, the Taoiseach took the opportunity to reiterate the concerns for the safety and security of the men and our hope that the trial would be concluded as expeditiously as possible. I assure the Deputy that my Department will continue to follow this case closely and to provide all possible consular assistance to the men and their families.

#### State Visits.

92. **Mr. Gormley** asked the Minister for Foreign Affairs if US Air Force Eagle fighters based in the UK will provide air cover during President Bush's visit here; and if he will make a statement on the matter. [9304/04]

**Minister for Foreign Affairs (Mr. Cowen):** Permission for foreign military aircraft to fly in Irish airspace is regulated by the Air Navigation (Foreign Military Aircraft) Order 1952, which stipulates that foreign military aircraft may only fly in Irish airspace at the invitation of, or with the permission of, the Minister for Foreign Affairs. No such request has been received in respect of the forthcoming visit of President Bush.

*Question No. 93 answered with Question No. 39.*

#### Nuclear Disarmament Initiative.

94. **Mr. Cuffe** asked the Minister for Foreign Affairs the extent to which the Government is pushing other EU member states to decommission their nuclear weapons in advance of a conference on nuclear disarmament to be held at the United Nations in New York in April 2004; and if it is the policy of the Government to work towards making Europe a nuclear free zone. [7218/04]

**Minister for Foreign Affairs (Mr. Cowen):** The upcoming third preparatory committee for the 2005 review conference of the Treaty on the Non-Proliferation of Nuclear Weapons is a pivotal event in the area of disarmament and non-proliferation in 2004. The NPT is the cornerstone of the nuclear non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament. The treaty has three pillars, namely, peaceful use of nuclear energy, non-proliferation and disarmament.

According to Article VI of the treaty, which entered into force in 1970, each of the parties, including the five nuclear weapon states parties, China, France, the Russian Federation, the United Kingdom and the United States, undertakes to pursue negotiations in good faith on effective measures leading to nuclear disarmament. At the 2000 review conference further progress was made on this aspect of the treaty with an unequivocal undertaking by the nuclear weapons states to accomplish the total

elimination of their nuclear arsenals and agreement on 13 practical steps, to be taken by them, that would lead to nuclear disarmament.

Ireland, as a member of the new agenda coalition, NAC, was actively involved in the negotiations on the final document of the 2000 review conference of the nuclear non-proliferation treaty, which was agreed by consensus. Since that time, Ireland and our partners in the new agenda coalition have advocated the implementation of these steps by all parties to the non-proliferation treaty, particularly the five nuclear weapons states. In the NAC ministerial declaration in September last year, my colleagues and I expressed our deep concern at the lack of progress to date in the implementation of the 13 steps agreed in 2000.

Work on disarmament and non-proliferation issues is also ongoing in the EU context with efforts to universalise multilateral treaties and agreements, such as the NPT, and to mainstream political dialogue on such issues within the Common Foreign and Security Policy. These are measures within the framework of the EU strategy against the proliferation of weapons of mass destruction, WMD, which was adopted by Heads of State and Government at the European Council in December 2003.

The WMD strategy underlines the European Union's particular commitment to the Treaty on the Non-proliferation of Nuclear Weapons. The EU believes that all our efforts should be aimed at preserving and strengthening this fundamental instrument of international peace and security. The EU supports wholeheartedly the objectives laid down in the treaty and is committed to the effective implementation of the final document of the 2000 NPT review conference and the decisions and resolution adopted at the 1995 review and extension conference.

Ireland, as the holder of the EU Presidency, will work within the Union and with key partners ahead of and during the NPT preparatory committee in seeking agreement on a solid basis a successful outcome to the review cycle. Ireland continues to believe that the only guarantee against the use or threat of use of weapons of mass destruction, including nuclear weapons, is their complete elimination and the assurance that they will never be used or produced again. We remain committed to disarmament and non-proliferation and to the full implementation of the nuclear non-proliferation treaty and 2000 final document in the European and global contexts.

#### **Overseas Development Aid.**

95. **Ms B. Moynihan/Cronin** asked the Minister for Foreign Affairs the allocation for overseas development aid in his Department's Estimates for 2004; if it remains the Government's commitment to meet the target for overseas development aid 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. [9907/04]

139. **Mr. Durkan** asked the Minister for Foreign Affairs his intentions to increase as previously indicated Ireland's contribution to overseas development aid; and if he will make a statement on the matter. [10293/04]

**Minister of State at the Department of Foreign Affairs (Mr. Kitt):** I propose to take Questions Nos. 95 and 139 together.

The Government continues to have as an objective the achievement of the overseas development aid target of 0.7% of GNP by 2007. 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 overseas development aid, ODA, which are administered by other 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 in the history of the programme. This level of expenditure demonstrates the strong commitment of the Government to the attainment of the UN target.

In 2001 and 2002, our aid expenditure amounted to 0.33% and 0.41% of GNP respectively. Provisional figures indicate that we maintained the percentage at 0.41% in 2003. This year it is likely to reach the same level or possibly exceed it. In percentage terms, Ireland is one of the world's leading donors, currently standing in seventh place, well ahead of the European Union 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. 96 answered with Question No. 36.*

*Question No. 97 answered with Question No. 26.*

#### **Human Rights Issues.**

98. **Mr. Sherlock** asked the Minister for Foreign Affairs if he will make a statement on his address to the opening meeting of the 60th session of the UN Commission on Human Rights in Geneva on 15 March 2004. [9918/04]

**Minister for Foreign Affairs (Mr. Cowen):** Ireland is firmly committed to the purposes and principles of the UN Charter, which include promoting and encouraging respect for human rights and fundamental freedoms for all without distinction. In this context, we attach great importance to the United Nations Commission on Human Rights, which is the primary forum

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within the United Nations for the discussion of human rights matters.

As the Deputy is aware, the Government is committed to ensuring that Ireland, along with our EU partners, will play an active and constructive role in the Commission on Human Rights with the aim of ensuring that human rights are effectively promoted and protected at the international level. As President of the Council, on Monday 15 March last, I addressed the 60th session of the UN Commission on Human Rights. In my statement, I focused on a number of key issues: the need to conduct the fight against terrorism with full respect for human rights and fundamental freedoms; the need to bring about a world where people can live in security and dignity, free from want and hunger; the need for the international community to take action against large-scale flagrant and persistent violations of individuals' human rights; the need to support the International Criminal Court; and the need to strengthen the Office of the UN High Commissioner for Human Rights.

I also reaffirmed the EU's key human rights priorities: the fight against the death penalty; and the prevention of torture and the protection of the rights and well-being of children exposed to armed conflict. In addition, I welcomed the announcement of the appointment of Louise Arbour as the new UN High Commissioner for Human Rights. At the beginning of my statement, I called for the Commission on Human Rights to observe a minute's silence in remembrance of those killed and injured in the bomb attacks in Madrid. I have arranged for a copy of the speech to be placed in the Oireachtas Library.

*Question No. 99 answered with Question No. 51.*

*Question No. 100 answered with Question No. 81.*

*Question No. 101 answered with Question No. 61.*

### **Lisbon Agenda.**

102. **Mr. Timmins** asked the Minister for Foreign Affairs the actions being taken by his Department in the context of Ireland's Presidency of the European Union to push forward the requirements of the Lisbon Agenda; and if he will make a statement on the matter. [10007/04]

**Minister for Foreign Affairs (Mr. Cowen):** The Lisbon strategy is designed to make the European Union the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion. It was identified as one of the key priorities of Ireland's EU Presidency. The Department of the

Taoiseach has lead responsibility for the Lisbon strategy while a number of other Departments hold substantive responsibility for specific issues arising under the strategy. My Department worked with the Department of the Taoiseach and other Departments in developing the Presidency's approach which focused discussion on two overarching themes, sustainable growth and more and better jobs. I used my bilateral contacts, with partners as well as the meetings of the General Affairs and External Relations Council on 23 February and 22 March, to secure the agreement of member states to this approach.

Following the successful outcome of the European Council, my Department will continue to work with other Departments to ensure that key Lisbon strategy dossiers are finalised or advanced before the end of Ireland's Presidency.

*Question No. 103 answered with Question No. 16.*

*Question No. 104 answered with Question No. 29.*

### **Ceapacháin Ranna.**

105. **D'fhiafraigh Caoimhghín Ó Caoláin** den Aire Gnóthaí Eachtracha an bhfuil ionadaíocht ó Roinn an Taoisigh ar an gcoiste idir-rannach ar stádas na Gaeilge san Aontas Eorpach. [5589/04]

**Minister for Foreign Affairs (Mr. Cowen):** Tá leoga oifigeach ó Roinn an Taoisigh ar an gcoiste seo.

### **EU Treaties.**

106. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if, in view of the fact that his group reply to Parliamentary Questions Nos. 44, 48, 54, 97 and 102 on 12 February 2004 did not address Parliamentary Question No. 102, he will report on the status of the Article 40 common defence provisions of the draft EU constitutional treaty; if the Article 40 provisions have been finally agreed; if not, if they are still open to change at the next round of negotiations; if the Government has agreed to the Article 40 provisions; if not, if the Government will be seeking changes; and the changes that will be sought. [9965/04]

**Minister for Foreign Affairs (Mr. Cowen):** My reply to the Deputy on 12 February 2004 was comprehensive and addressed all aspects of the questions under reference.

In relation to Article 40 of the draft constitutional treaty, the position is as follows: on 9 December 2003, the Italian Presidency published a revised version of Articles 40.6 and 40.7 of the draft constitutional treaty relating to structured co-operation and mutual defence respectively. Although there was no formal agreement on the proposals at the European Council in December, there was an understanding among member states at the time that the Presidency text had achieved broad

consensus and that, as regards mutual defence, it took due account of the various security and defence traditions within the Union.

Ireland is supportive of the Italian Presidency proposals of 9 December and we will not actively seek to reopen discussion on these or on any other aspects of Article 40.

*Question No. 107 answered with Question No. 36.*

*Question No. 108 answered with Question No. 81.*

### **Foreign Conflicts.**

109. **Mr. M. Higgins** asked the Minister for Foreign Affairs his views on the evidence given in sworn inquiry by a senior official in the US Administration that the invasion of Iraq has significantly weakened the multi-lateral support for the war on terrorism; and if he will make a statement on the matter. [10104/04]

**Minister for Foreign Affairs (Mr. Cowen):** I am not aware any evidence has been provided to the effect that the invasion of Iraq has significantly weakened the multilateral support for the war on terrorism. A former official of the US Administration has voiced the opinion that by invading Iraq the president of the US has greatly undermined the war on terrorism. Evaluation of that opinion is a matter for individual judgement.

It remains the case that there is very strong multilateral support for the fight against terrorism as evidenced by the many measures taken by the international community including the adoption of UN Resolution 1373 of 28 September 2001 and the most recent measures, Declaration on Combating Terrorism, adopted by the European Council on 25 March 2004.

*Question No. 110 answered with Question No. 81.*

### **Foreign Conflicts.**

111. **Mr. Coveney** asked the Minister for Foreign Affairs his views on the findings of the US Council on Foreign Relations task force studying developments in Iraq; and if he will make a statement on the matter. [9985/04]

**Minister for Foreign Affairs (Mr. Cowen):** I am aware of the report to which the Deputy refers. My officials are in the process of studying it at present.

The report provides a useful assessment of the current situation in Iraq and makes a number of recommendations on future action. Our initial assessment shows a number of suggestions in the report which we would welcome. In particular, we welcome its recommendation that the US Administration should “secure a meaningful and effective role in Iraq for the UN”. Ireland and our EU partners have consistently maintained the view that a strong UN role in the political transition process is an essential element for its

success. In this context, we are very pleased with the decision of the Iraqi Governing Council to invite the UN to help with the transfer of sovereignty at the end of June and future national elections and the acceptance of this invitation by the United Nations Secretary General, Kofi Annan.

### **Illegal Immigrants.**

112. **Ms McManus** asked the Minister for Foreign Affairs if he will make a statement on his recent visit to the United States and particularly his discussions with US politicians regarding the position of undocumented illegals from this country in the United States. [9905/04]

**Minister for Foreign Affairs (Mr. Cowen):** During my visit to Washington, I discussed the situation and status of Irish immigrants in the United States with a number of prominent US politicians on 2 March. I met with Senator Chuck Hagel who, together with Senator Tom Daschle, the Democratic Leader in the Senate, has recently initiated a Bill in Congress which would enable undocumented foreign nationals in the US to legalise their status if they fulfilled certain conditions. This initiative followed the announcement by President Bush of his proposal, Fair and Secure Immigration Reform, which also seeks to address the situation of undocumented foreign workers in the US.

I welcomed the Daschle-Hagel initiative which I see as a constructive effort to deal with the situation of the undocumented in the United States in a pragmatic and compassionate way. I had previously welcomed President Bush's initiative when it was announced in January. Each of these initiatives will have to follow the legislative paths within Congress. However, I was delighted to have this early opportunity to flag our concerns about the position of Irish immigrants in the US.

I also met with Senator Edward Kennedy who has been working on proposals for an immigration initiative. He indicated that he is still considering the Daschle-Hagel bill and has not yet decided whether to proceed with his own Bill in the matter. I will continue to monitor the progress of these initiatives closely in the coming months.

### **Nuclear Disarmament Initiative.**

113. **Mr. Deenihan** asked the Minister for Foreign Affairs if he will report on his recent attendance at a UN conference on disarmament in Geneva; and if he will make a statement on the matter. [10022/04]

**Minister for Foreign Affairs (Mr. Cowen):** I had the privilege of addressing the Conference on Disarmament in Geneva on 16 March 2004. During my speech I stressed strong support for the role of the United Nations in conflict prevention and in peacekeeping and our belief that the CD can have an important role to play

[Mr. Cowen.]

in UN efforts to maintain peace and security. I emphasised the importance Ireland attaches to multilateral co-operation in the field of disarmament and non-proliferation and our faith in the multilateral regime of treaties and agreements in this area. I reiterated our commitment to implementing and strengthening these instruments and to pursuing the universalisation of their norms.

During my address, I also spoke about some specific problems caused by conventional weapons and urged that a greater priority be given to making progress in addressing the misuse of small arms and light weapons. On the issue of landmines, I recalled that this year marked the fifth anniversary of the Ottawa Convention on Landmines and looked forward to the Nairobi review conference later this year which will provide an opportunity to take stock and to consider how to achieve universal respect for the principles and application of this treaty. I also referred to the question of discarded explosive remnants of war and welcomed the successful outcome of negotiations on an additional protocol to the Convention on Certain Conventional Weapons.

I noted that while conventional weapons may have killed more people, it is the proliferation and possible use of weapons of mass destruction that causes greatest fear. I emphasised the importance in this connection of strengthening the treaty on the non-proliferation of nuclear weapons referring to the severe strains to which the treaty has been subject in recent years. I expressed my conviction that disarmament and non-proliferation are mutually reinforcing and stressed that preserving the integrity of the NPT means respecting all its provisions and the commitments freely entered into at its review conferences, including that in 2000 which provided a realistic blueprint for achieving nuclear disarmament. I also underlined the need to abide by commitments on non-proliferation and urged those countries which have not yet done so, to sign and ratify the IAEA additional protocol as a demonstration of their commitment to the NPT.

I noted that the recognition of the dangers posed by WMD had led the EU to recently adopt a strategy against the proliferation of such weapons. This strategy mainstreams non-proliferation into the Union's overall policies and confirms both our support for the multilateral institutions charged with verifying compliance with the relevant treaties, and our commitment to strong national and internationally co-ordinated export controls. I mentioned the importance of an effective compliance and verification instrument for the Biological and Toxin Weapons Convention and that we are working with partners to secure the universalisation of both the BTWC and the Chemical Weapons Convention.

Finally, I addressed the impasse at the CD and the lack of political consensus on the next steps to be taken in the multilateral arena on arms control. I referred to those issues of importance to Ireland, including support for the establishment of a subsidiary body to deal specifically with the issue of nuclear disarmament, and suggested a way in which the conference might move forward to build understanding and greater trust. I asked the conference to reflect on the current relevance of its methods of work and supported both the inclusion of civil society in its deliberations and the expansion of the CDs membership.

### **Foreign Conflicts.**

114. **Mr. Crawford** asked the Minister for Foreign Affairs if he will provide an update on the current political and security situation in Chechnya; and if he will make a statement on the matter. [10008/04]

#### **Minister for Foreign Affairs (Mr. Cowen):**

During the past year, the Russian authorities have made a concerted effort to build up a political system in Chechnya. This policy has included an offer of an amnesty to rebels, the adoption by referendum of a new Chechen constitution in March 2003, and a Chechen presidential election in October 2003. Due to security problems, neither the referendum nor the Chechen presidential election were monitored by observers from the OSCE or the Council of Europe. Akhmad Kadyrov was elected President of Chechnya in October 2003 with 81% of the vote. On 14 March, Chechnya took part in the Russian presidential election, which was won by President Putin. Turnout in Chechnya was recorded at 94.99% of voters.

The EU acknowledges the efforts made by Russia towards reconstruction and institution building in Chechnya. In particular, the Russian Government has recently undertaken to provide financial compensation for damaged property in Chechnya. We look forward to the early implementation of this decision, which will bring relief to the civilian population.

Regrettably, it is clear that the security situation in Chechnya remains very serious and that the civilian population has suffered enormously as a result of the conflict there. The humanitarian situation is difficult. There have been a number of large-scale terrorist attacks in and near Chechnya during the past year, including an attack on a local government compound in Znamenskoye in May 2003 which killed 60 people, and an attack on a hospital in the nearby region of north Ossetia in August 2003 in which more than 50 people lost their lives. There has been a worrying increase in suicide attacks during the past year. Attacks and political assassinations are regrettably still common within

Chechnya — it is reported, most recently, that eight Russian soldiers were killed by a bomb in central Chechnya on 26 March. Ireland and the European Union strongly condemn the terrorist attacks which have caused significant loss of life in Chechnya and throughout Russia in recent years.

Unfortunately, there continue to be credible reports of human rights abuses against Chechen civilians by both rebels and Russian security forces. According to the Russian human rights NGO memorial, there were 472 cases of disappearances in 2003, of which 269 have disappeared without a trace, 48 were later found dead with marks of torture and 155 were released after a ransom was paid. These incidents can only hinder prospects for long-term peace and reconciliation. The EU is also concerned at the reports of difficulties experienced by the local population in obtaining proper investigations and prosecutions of such human rights abuses.

Ireland and the European Union recognise the territorial integrity of the Russian Federation. We acknowledge the right and responsibility of the Russian Government to oppose terrorism and crime, and to protect its citizens. However, the EU has consistently stated that the fight against terrorism, in the Russian Federation as elsewhere, must be conducted in accordance with internationally-accepted human rights standards.

#### **Organisation of Working Time Act.**

115. **Mr. Howlin** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of inspections that have taken place under the Act for each year since it came into force in respect of the Organisation of Working Time Act 1997; the number of prosecutions taken since the Act came into force; the number of convictions that have been obtained; if she has satisfied herself with the level of enforcement of the legislation; if she has any plans to amend the Act to allow for an individual opt out from its protection in relation to doctors in training; the position she is taking on the recent consultation paper issued by the Commission to the Council of Ministers; and if she will make a statement on the matter. [10142/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):** Details of the number of inspections under the Organisation of Working Time Act 1997 for the years 2000, 2001, 2002 and 2003, respectively, are 2,088, 1,163, 1,005 and 1,193. From January 2004 to 26 March the figure is 215. Figures for the previous years are not readily available. In this regard, however, it is to be noted that the Act came into operation on a phased basis commencing on 30 September 1997, with full implementation of the Act not taking effect until 1 March 1998.

Concerning prosecutions and convictions, the position is that in the years 2000, 2001 and 2002 there were three, six and three prosecutions, respectively, and for the same years the conviction figures are three, four and three, respectively. There are no prosecutions or convictions recorded for 2003 or, to date, in 2004.

The Deputy may wish to note that enforcement of the provisions of the Organisation of Working Time Act 1997 is by means of complaint to a rights commissioner and, accordingly, recourse for individuals, who are seeking redress in respect of their employer's non-compliance with the provisions of the Act, is available through that service of the Labour Relations Commission.

The Labour inspectorate's role is limited to the records provisions of the Act only. In this connection, when inspectors are pursuing complaints concerning alleged infringements of other employment rights entitlements, they will check that an employer, in accordance with the prescribed format required by the Act, is maintaining relevant records.

Regarding the working hours of doctors in training, which are the responsibility of the Minister for Health and Children, these were excluded from the scope of the original working time directive and, therefore, are not covered by the Organisation of Working Time Act 1997. However, amending Directive 2000/34/EC extends the original directive to doctors in training and the deadline for transposing that directive into Irish law in respect of such doctors is 1 August 2004.

Regarding the review of Directive 93/104/EC concerning certain aspects of the organisation of working time, the European Commission has addressed a communication to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions. By way of contribution to the review I have sought the views of the social partners. On completion of the review by the Commission it will invite the social partners, at EU level, to reach an agreement on an amendment of the directive failing, which the Commission itself will bring forward a proposal.

#### **EU Directives.**

116. **Mr. Howlin** asked the Tánaiste and Minister for Enterprise, Trade and Employment when she intends to transpose the horizontal amending directive of 2002 and the other outstanding directives extending the cover of the original working time directive; and if she will make a statement on the matter. [10143/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):** The Organisation of Working Time Act 1997 transposed into Irish law the original Working Time Directive 93/104/EC. This directive

[Mr. Fahey.]

excluded a number of sectors such as air, rail, road, sea, inland waterway and lake transport, sea fishing, other work at sea, and the activities of doctors in training.

The position is that the transposition in Ireland relating to the sectors and activities covered by the amending Council Directive 2000/34/EC, known as the horizontal directive, involves policy areas which are the responsibility of a number of Government Departments as follows: policy decisions relating to mobile road transport workers are the responsibility of the Department of Transport; offshore work and work on board sea-going sea fishing vessels are the responsibility of the Department of Communications, Marine and Natural Resources; and doctors in training are the responsibility of the Department of Health and Children.

My Department has overall central responsibility for employment rights legislation in Ireland and has been working closely with the above three Government Departments given that the original Working Time Directive 93/104/EC had been transposed into Irish law through the Organisation of Working Time Act 1997 — No. 20 of 1997. The position in relation to each of the sectors covered by amending Council Directive 2000/34/EC is as follows.

The Department of Transport is currently examining a number of policy issues, relating to decisions about the utilisation of available derogations under the directive, in the cases of mobile transport workers, for “workers concerned with the carriage of passengers on regular urban transport services”, and rail and aviation workers. That Department has undertaken to advise my Department of the position in relation to any decisions taken in this regard as soon as possible. In addition, Council Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities is also the responsibility of the Department of Transport and must be transposed into Irish law by 23 March 2005.

The provisions of the amending directive relating to offshore work and work on board sea-going sea fishing vessels were due for transposition by 1 August 2003. The Minister for Communications, Marine and Natural Resources made a statutory instrument to transpose this directive with respect to workers on board sea-going fishing vessels on 18 December 2003 entitled European Communities (Workers on Board Sea-going Fishing Vessels) (Organisation of Working Time) Regulations 2003 — S.I. No. 709 of 2003.

Work on drafting a second ministerial statutory instrument in relation to offshore work is under

consideration, and will involve consultation with the Office of the Parliamentary Counsel to the Government. This statutory instrument is expected to be signed into Irish law shortly. In addition, the Minister for Communications, Marine and Natural Resources made regulations on 6 November 2003 entitled European Communities (Merchant Shipping) (Organisation of Working Time) Regulations 2003 — S.I. No. 523 of 2003 — which gave effect to Council Directive 1999/63/EC concerning the agreement on the organisation of working time of seafarers concluded by the European Community Shipowners' Association and the Federation of Transport Workers' Unions in the European Union, and European Parliament and Council Directive 1999/95/EC concerning the enforcement of provisions in respect of seafarers' hours of work on board ships calling at community ports.

The Department of Health and Children points out that Article 2 of Directive 2000/34/EC states that the date for bringing into force the laws, regulations and administrative provisions shall be 1 August 2004, with regard to doctors in training. For that reason, that Department was not obliged to implement the provisions of the directive by 1 August 2003, as is the case for other professions. The Department of Health and Children has also indicated to my Department that negotiations between the relevant medical representative organisations and that Department are ongoing. A primary aim of these negotiations will be to achieve agreement on the implementation of the requirements of the directive regarding reduction of non-consultant hospital doctors, that is, doctors in training, working hours by the relevant deadline. It is the Department of Health and Children's intention to transpose the provisions of the directive as regards doctors in training at the earliest opportunity, but in any case in advance of the 1 August 2004 deadline.

#### Overseas Missions.

117. **Mr. Durkan** asked the Minister for Defence the number and locations to which Irish troops are currently serving overseas on foot of EU, UN or other mandates; and if he will make a statement on the matter. [10291/04]

**Minister for Defence (Mr. M. Smith):** Currently, a total of 796 Defence Forces personnel is serving overseas, full details of which are listed in the following statement.

The provisions in relation to the dispatch of a contingent of the Defence Forces for overseas service are laid down in the Defence Acts, which require that the mission must be authorised by the United Nations, approved by Government and, where the contingent is armed and exceeds 12 in number, approved by way of a resolution of Dáil Éireann.

## Members of the Permanent Defence Force serving Overseas as of 30 March 2004

	Number
1. UN Missions	
(i) UNIFIL (United Nations Interim Force in Lebanon)	7
(ii) UNTSO (United Nations Truce Supervision Organisation) — Israel, Syria and Lebanon	14
(iii) UNFICYP (United Nations Peacekeeping Force in Cyprus)	4
(iv) MINURSO (United Nations Mission for the Referendum in Western Sahara)	4
(v) UNMIK (United Nations Interim Administration Mission in Kosovo)	3
(vi) UNMISSET (United Nations Mission of Support in East Timor)	1
(vii) MONUC (United Nations Mission in Democratic Republic of the Congo)	3
(viii) MINUCI (United Nations Mission in Ivory Coast)	2
(ix) UNMIL (United Nations Mission in Liberia)	435
Total	473
UN Mandated Missions	
(x) SFOR (Stabilisation Force in Bosnia and Herzegovina SFOR HQ Sarajevo)	12
(xi) KFOR (International Security Presence in Kosovo)	261
(xii) ISAF (International Security Assistance Force in Afghanistan)	7
Total number of personnel serving with UN missions	753
2. EU Mission	
(i) OSCE Mission to Bosnia and Herzegovina	1
(ii) OSCE Mission in Croatia	1
(iii) OSCE Mission in Kosovo	1
(iv) OSCE Presence in Albania	1
(v) OSCE Mission in FRY	2
(vi) OSCE Mission in Macedonia	1
(vii) OSCE Mission in Georgia	4
(viii) Staff Officer, Higher Level Planning Group, Vienna	1
Total number of personnel serving OSCE	12
4. Head of Military Staff (Brussels)	1
5. EU Military Staff (Brussels)	6
6. Liaison Office of Ireland, PfP (Brussels)	4
7. Permanent Representative to EU (Brussels)	6
8. Military Representatives-Advisers	
(i) Military Adviser, Permanent Mission to UN, New York	1
(ii) Military Adviser, Irish Delegation to OSCE, Vienna	1
(iii) Military Representative to Partnership Co-ordination Cell-Supreme Headquarters Allied Powers Europe (SHAPE), Mons, Belgium	1
9. Appointments — UN HQ (New York)	
Officers seconded to DPKO (Department of Peace Keeping Operations)	2
Total Number of Defence Forces Personnel Serving Overseas	796

118. **Aengus Ó Snodaigh** asked the Minister for Defence if a comparative cost analysis has been carried out between EU Rapid Reaction Force deployments and UNSAS deployments to take account of the fact that contributing states must absorb RRF deployment costs whereas UNSAS deployments are partially reimbursed to contribution states; if so, if he will report on the results; if not, if such a study will be carried out; when it will be completed; and if the results will be published. [10316/04]

**Minister for Defence (Mr. M. Smith):** Ireland participates in a range of peace support missions.

Participation in such missions is subject to authorisation by the United Nations, Government decision and approval of Dáil Éireann, in accordance with the statutory provisions laid down in the Defence Acts.

In authorising a mission, the UN can decide either to establish a UN force for the purposes of enforcing the provisions of a Security Council resolution or to authorise a regional organisation or a framework nation to establish such a force for this purpose. So, for example, in the case of Liberia, the UN has authorised the establishment of a UN Force, whereas in the case of the mission

[Mr. M. Smith.]  
in Kosovo, the force, which is authorised by the UN, is led by NATO.

Where the mission is operating under the traditional UN “blue beret” arrangements, contributing countries are entitled to some reimbursement of costs in respect of personnel and equipment. Where the force is operating under regional arrangements, such as the EU or NATO, each participant carries its own costs and shares the common operating costs.

The main difference in costs which arises in relation to a non-UN led force is the absence of reimbursement. This will vary depending on the mission. In the case of the mission in Liberia the total estimated additional cost arising from participation is €12.1 million per annum of which €10.8 million per annum will be reimbursed by the UN. In the case of Operation Artemis, the EU led mission in the Democratic Republic of the Congo, Ireland’s contribution to the common costs amounted to some €60,000.

No formal report has been completed into the difference between the two types of operations in terms of costs. Missions are considered on a case-by-case basis and cost is but one of a number of considerations which informs the decision to participate in a mission. In considering participation, the Government takes into account Ireland’s strategic interests, the nature of the mission and the risks involved, the mission’s mandate and its potential to ensure peace and security, foreign policy considerations and the mission costs.

#### **Milk Quota.**

119. **Mr. Noonan** asked the Minister for Agriculture and Food if he has received an application for extra milk quota from a person (detail supplied) in County Limerick for the reference years for decoupling to be amended; when a decision will be made; and if consideration will be given to the applicant. [10152/04]

**Minister for Agriculture and Food (Mr. Walsh):** Allocations of milk quota from the national reserve are granted on the basis of recommendations from the Milk Quota Appeals Tribunal. The tribunal is a body established to consider and advise on applications for additional quota from individual producers who have suffered severe hardship in the context of the milk quota system.

The person named last applied to the tribunal in the 2000-01 milk quota year but there is no record of him having applied in the current 2003-04 quota year. While the deadline for application in respect of the current quota year has passed an application may be made for the 2004-05 quota year when the application forms become available in the autumn.

120. **Mr. Noonan** asked the Minister for Agriculture and Food if he has received an

application for extra milk quota from persons (details supplied) in County Limerick for the reference years for decoupling to be amended; when a decision will be made; and if sympathetic consideration will be given to the applicants. [10153/04]

**Minister for Agriculture and Food (Mr. Walsh):** Allocations of milk quota from the national reserve are granted on the basis of recommendations from the Milk Quota Appeals Tribunal. The tribunal is a body established to consider and advise on applications for additional quota from individual producers who have suffered severe hardship in the context of the milk quota system. It also examines applications from producers whose herds have been restricted by animal disease in the current quota year. The persons in question submitted an application for additional quota on the grounds of animal disease and the tribunal recommended a temporary allocation for the 2003-04 quota year. The persons concerned and their co-operative have been notified of this allocation.

#### **Grant Payments.**

121. **Mr. N. O’Keeffe** asked the Minister for Agriculture and Food when payment of a forestry grant will issue to a person (details supplied) in County Cork. [10239/04]

**Minister for Agriculture and Food (Mr. Walsh):** Payment of the 2004 forestry premium will be made within the next few weeks.

122. **Mr. N. O’Keeffe** asked the Minister for Agriculture and Food when payment of grant aid will issue to a person (details supplied) in County Cork. [10265/04]

**Minister for Agriculture and Food (Mr. Walsh):** Applications under the third round of the NDP horticulture scheme were recently received in the Department — closing date 9 March 2004. All applications are being examined at present and it is planned to issue approvals to successful applicants at the end of April 2004. The person referred to submitted an application under the scheme on 8 March 2004. I am not in a position at this stage to say if approval for the payment of a grant will issue to the individual referred to.

123. **Mr. Ellis** asked the Minister for Agriculture and Food if his Department will pay forestry premia to a person (details supplied) in County Leitrim. [10266/04]

**Minister for Agriculture and Food (Mr. Walsh):** Payment of the 2004 forestry premium will be made within the next few weeks.

#### **Export Licences.**

124. **Mr. Timmins** asked the Minister for Agriculture and Food the position with regard to the measures being taken to ensure that the condition relating to the granting of export

licences are monitored and enforced; and if he will make a statement on the matter.

125. **Mr. Timmins** asked the Minister for Agriculture and Food the position with regard to the penalties applied to the abuse of licences; and if he will make a statement on the matter. [10274/04]

126. **Mr. Timmins** asked the Minister for Agriculture and Food the position with regard to the reason there is no minimum value impediment applied here as is done in Britain; and if he will make a statement on the matter. [10275/04]

**Minister for Agriculture and Food (Mr. Walsh):** I propose to take Questions Nos. 124 to 126, inclusive, together.

Trade in horses between member states and from member states to third countries is governed by specific EU Commission decisions which establish the health conditions and certification to be applied to such animals for trade purposes. However, a derogation from these rules has operated for many years in relation to trade between Ireland, France and the UK, under a tripartite agreement based on a common animal health position in the equine sector.

Under this agreement, horses travelling between Ireland and the UK and registered horses travelling between Ireland and France and do not have to be certified, though they must be individually identified by means of their passports or, in the case of non-registered horses travelling between Ireland and the UK, by way of a current marking sheet. Both registered and non registered horses are subject to spot checks by an official veterinarian at the port of departure.

In so far as horses traded outside of tripartite countries are concerned, my Department has not issued export certificates for horses for slaughter in recent times. All horses certified by my Department are intended for breeding, racing, jumping and sport use. I should however point out that trade in horses for slaughter is covered by relevant EU regulations and, subject to compliance with animal health and welfare legislation, is a legitimate trade. Regarding the application of a rule prohibiting the export of horses under a certain value, I am advised that this would constitute an unlawful barrier to free trade.

The European Communities (Trade in Animals and Animal Products) Regulations, 1994, (S.I. No. 289 of 1994) provide that a person who exports live animals other than in compliance with the veterinary and zootechnical legislation of the European Community may be liable, on summary conviction, to a fine not exceeding €1,000 or to imprisonment for a term not exceeding 12 months or both.

#### **Landslide Relief Fund.**

127. **Mr. Ring** asked the Minister for Agriculture and Food, further to the

announcement from his Department for funding of €100,000 for the farming victims of the landslide of September 2003 in north Mayo, the way in which his Department proposes to distribute this funding; the persons which will receive it; and when the money will be given out. [10317/04]

**Minister for Agriculture and Food (Mr. Walsh):** The position is that I have already asked my officials to draw up formal scheme terms and conditions and an application form with a view to allocating the funds as quickly as possible. My intention is that the fund will be targeted to those farmers whose holdings have been most affected by the landslide.

#### **Decentralisation Proposals.**

128. **Ms B. Moynihan-Cronin** asked the Minister for Finance the number of applications received in regard to the provision of facilities, that is, site buildings and so on, for the decentralisation of the Department of Arts, Sport and Tourism to Killarney, County Kerry; and if he will make a statement on the matter. [10154/04]

**Minister of State at the Department of Finance (Mr. Parlon):** The number of property decentralisation proposals received by the Office of Public Works in respect of Killarney is 16 and these proposals are currently being assessed.

#### **Tax Code.**

129. **Mr. Timmins** asked the Minister for Finance if the tax office in Mount Street can forward the tax details of a person (details supplied) in County Wicklow to the tax office in Grattan House; and if he will make a statement on the matter. [10272/04]

**Minister for Finance (Mr. McCreevy):** I am advised by the Revenue Commissioners that this person's tax affairs are currently being dealt with in the Kildare Meath Wicklow customer services district of the Revenue Commissioners in Grattan House, Lower Mount Street, Dublin 2, and her tax details are held there.

I understand that the query relates to a request for a statement of nil net liability. I am informed that reviews of the taxpayer's affairs have been dealt with under the PAYE system for the years 2000-01, 2001 and 2002 under the income tax number of the taxpayer's spouse on a joint assessment basis. Joint assessment requires that the income of the taxpayer and her spouse be aggregated to establish the net liability for each year. These reviews show the taxpayer and her spouse to be liable for income tax for the years in question. Consequently, it is not possible to issue statements of nil net liability for the years in question.

#### **British-Irish Agreement.**

130. **Mr. Sargent** asked the Minister for Foreign

[Mr. Sargent.]

Affairs if he will report on the progress in the implementation of the Government's commitments undertaken in the Joint Declaration, April 2003, section on rights, equality, identity and community; if he believes that action on these issues remains a priority for maintaining confidence in the Good Friday Agreement; and if he will make a statement on the matter. [7787/04]

**Minister for Foreign Affairs (Mr. Cowen):** In recognition of the priority which the two Governments attach to these issues, the Joint Declaration by the British and Irish Governments contained a number of commitments on the part of both under the headings of rights, equality, identity and community.

The British-Irish Intergovernmental Conference has provided a number of opportunities for discussions on progress to date in relation to the commitments by the British Government. The communiqués issued after the conference meetings on 2 July 2003 and 22 January 2004 reflect the encouraging progress made across a broad range of issues. I agree that positive advancement on these areas is vital for developing the threshold of confidence that is required in order to ensure that progress is made on the broader political and institutional front.

The Irish Government also made a number of commitments under these headings in the Joint Declaration. Arising from consideration of the recommendations of the report of the Victims Commission, the Government announced in October 2003 the creation of an independent commission to administer a remembrance fund which is being established to address the needs of the victims of the conflict and their families in this jurisdiction. The Government has approved the expenditure of €9 million over the lifetime of the commission, including a donation to the Northern Ireland memorial fund.

The Department of Foreign Affairs also continues to disburse moneys from the reconciliation fund. Its purpose is to assist organisations involved in reconciliation work and efforts to create better understanding between people on the island of Ireland and between Ireland and Britain. Since 1999, the fund has disbursed €12.3 million for this purpose.

The Government also committed itself in the Joint Declaration to working with the relevant regulators and broadcasting authorities to address the technical and other barriers with a view to increasing substantially the reception of TG4 in Northern Ireland. Encouraging progress has been made over the last year in addressing the various rights, spectrum, regulatory and financial issues involved, and this work continues to be advanced.

On human rights, the legislation providing for the incorporation of the European Convention on Human Rights, ECHR, into Irish law was passed by the Oireachtas in June 2003 and the

European Convention on Human Rights Act came into effect on 30 December 2003.

Advancing the rights, equality, identity and community aspects of the Joint Declaration is a central part of realising the fresh start envisaged by the Good Friday Agreement. The next meeting of the British-Irish Intergovernmental Conference on 21 April will provide a further opportunity to review and, where necessary, give additional focus and momentum to the progress being made in these important areas.

*Question No. 131 answered with Question No. 26.*

### Human Rights Issues.

132. **Mr. Eamon Ryan** asked the Minister for Foreign Affairs his views on the involvement of Irish companies in the construction of the security wall in Palestine (details supplied). [8119/04]

133. **Mr. Eamon Ryan** asked the Minister for Foreign Affairs his views on whether the participation of a company (details supplied) in the construction of the wall in Palestine is in contravention of the UN Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights 2003. [8118/04]

**Minister for Foreign Affairs (Mr. Cowen):** I propose to take Questions Nos. 132 and 133 together.

I am advised that CRH own a minority share in a company which owns a company, Nesher Cement, which supplies cement to concrete manufacturers. Nesher is not directly involved in this construction project. Nevertheless, it seems likely that Nesher, which is the main supplier of cement in Israel and the Occupied Territories, may supply cement to the concrete manufacturers involved in the construction of the barrier. I would not accept that this constitutes participation by an Irish company in the construction of the separation barrier and consequently I do not see that the question of conformity with the UN norms referred to arises in this case.

*Question No. 134 answered with Question No. 51.*

*Question No. 135 answered with Question No. 26.*

### Military Neutrality.

136. **Mr. Durkan** asked the Minister for Foreign Affairs Ireland's position in relation to participation in EU defence and security operations; and if he will make a statement on the matter. [10289/04]

**Minister for Foreign Affairs (Mr. Cowen):** I refer the Deputy to my reply to Priority Question No. 1 of 29 May 2003.

Since its inception, Ireland has sought to play a positive and constructive role in the evolution of European Security and Defence Policy, ESDP. It is an inclusive project and it has been conceived and elaborated with the engagement of all member states. We will continue to participate actively in its ongoing development.

Ireland, in association with other EU member states, especially the other neutral and non-aligned countries, has helped to influence the overall parameters within which ESDP operates by placing particular emphasis on the primary role of the United Nations Security Council for the maintenance of international peace and security. Conflict prevention has also been at the core of the Union's approach and Ireland has worked to ensure that this centrally important dimension to ESDP is given prominence. In terms of ESDP operations, military and civilian personnel can only be deployed under EU auspices to undertake humanitarian, peacekeeping and crisis management tasks, known as Petersberg Tasks. Participation by Ireland in EU military crisis management operations requires a Government decision and UN authorisation for the mission in question. A resolution by Dáil Éireann is also required where the proposed number for deployment of Irish personnel exceeds twelve. These conditions are set out in the Defence Acts and were reflected in the national declaration made by Ireland at the Seville European Council in June 2002, in advance of the referendum on the Nice treaty held in October of that year.

To date, Ireland has participated in one EU military crisis management operation. Five members of the Defence Forces took part last summer in Operation Artemis, a temporary stabilisation force in the north-eastern province of Ituri in the Democratic Republic of Congo. This mission was undertaken by the EU in response to a request by UN Secretary-General Kofi Annan and in light of UN Security Council Resolution 1484 of 30 May 2003.

In the civilian crisis management area, members of the Garda Síochána have participated in UN missions as well as missions organised by the Organisation for Security and Co-operation in Europe, OSCE and by the EU. Assistant Commissioner Kevin Carty of the Garda Síochána is currently serving as head of mission of the EU's police mission, EUPM, in Bosnia-Herzegovina. A further three gardaí also participate in this mission. Any future deployment of Irish military or civilian personnel on EU crisis management operations will continue to be in accordance with relevant legislative and constitutional requirements.

### Foreign Conflicts.

137. **Mr. Durkan** asked the Minister for Foreign Affairs the way in which Ireland intends to influence the ongoing situation in Iraq; and if

he will make a statement on the matter. [10290/04]

**Minister for Foreign Affairs (Mr. Cowen):** As President of the EU, Ireland participates in the United Nations 'Group of Friends' and the Iraqi Core Group. This participation furthers the EU aim of contributing towards the political — Group of Friends — and economic — Iraqi Core Group — reconstruction of Iraq.

Ireland also seeks to influence the situation in Iraq through bilateral contacts with key players. In this regard, the Government has recently had exchanges with the United Nations Secretary-General Kofi Annan and his special adviser, Lakhder Brahimi, Iraqi human rights Minister, Abdelbaset Saeed and United States Secretary of State, Colin Powell, senior figures in the Governments of other permanent members of the UN Security Council, the Secretary General of the Arab League and Governments of the region as well as important NGOs. In these bilateral contacts, we have stressed our key positions that we support as rapid a transfer of power as possible to a democratically elected Iraqi Government and that the UN should play a strong and vital role in the transition process.

We will also continue to raise the issues involved with EU partners and seek to achieve consensus on the situation and the way forward. As a result of such work, the recent European Council adopted an important declaration which welcomed recent positive political development in relation to Iraq, including the signing of the Transitional Administrative Law and the UN's acceptance of the invitation received from the current Iraqi authorities to assist with the formation of an interim government and with the preparation for elections. The council also noted the European Union's determination to assist the Iraqi people as they enter a new era in the history of their country.

Ireland's humanitarian assistance to Iraq this year will be channelled through trusted partners such as UN agencies, international organisations and trusted NGOs. At the Madrid donors' conference in October 2003, Ireland pledged up to €3 million in further assistance to Iraq. This was in addition to the €5 million funding package which had already been delivered in 2003.

### Overseas Development Aid.

138. **Mr. Durkan** asked the Minister for Foreign Affairs the position in regard to the fight against starvation on the African continent; the extent to which this country can offer unilaterally or in conjunction with others, urgently required assistance; and if he will make a statement on the matter. [10292/04]

140. **Mr. Durkan** asked the Minister for Foreign Affairs if he has satisfied himself that the structures currently in place are adequate to prevent overseas development aid from getting

[Mr. Durkan.]  
into the wrong hands; and if he will make a statement on the matter. [10294/04]

**Minister of State at the Department of Foreign Affairs (Mr. Kitt):** I propose to take Questions Nos. 138 and 140 together.

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 conflict. The reduction of poverty, hunger and insecurity is one of the most important tasks to which the international community can dedicate itself in the 21st century.

The challenges facing the international community can only be overcome when donors such as Ireland, the EU and others work hand in hand with United Nations agencies dedicated to relieving poverty, tackling famine and reducing conflict.

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. Our direct humanitarian 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 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 hosted an informal meeting of the Humanitarian Affairs Committee in Dublin last week. This meeting brought together senior representatives from the humanitarian offices in member states and the Commission to share information in relation to the effective management and implementation of humanitarian aid.

The underlying structural problems contributing to poverty and instability must be addressed if we are to break the cycle of food insecurity, disease and conflict in the African continent. The main geographical focus of Ireland's 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 six programme countries in Africa — Ethiopia, Lesotho, Mozambique, Tanzania, 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.

Obviously 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. In line with best practice, 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.

*Question No. 139 answered with Question No. 95.*

*Question No. 140 answered with Question No. 138.*

*Question No. 141 answered with Question No. 36.*

*Question No. 142 answered with Question No. 51.*

### **Human Rights Issues.**

143. **Mr. Durkan** asked the Minister for Foreign Affairs the ten most sensitive locations world-wide in which serious human rights abuses occur on an ongoing basis; his plans during Ireland's EU Presidency to focus on and deal with these situations; and if he will make a statement on the matter. [10297/04]

**Minister for Foreign Affairs (Mr. Cowen):** As I have made clear on previous occasions, it is not the policy of the Government to draw up a league table of countries deemed guilty of the worst human rights abuses.

Together with our EU partners, the Government monitors the human rights situations in many countries throughout the world, on the basis of information obtained from a variety of sources including non-governmental organisations. Where the situation warrants, we make known our concerns about human rights violations to the governments in question, either directly or through action at the UN General Assembly and the UN Commission on Human Rights. At these bodies, the EU regularly makes statements on the human rights situations in a number of countries from all regions. The EU also introduces or supports resolutions dealing with specific countries.

At the 60th session of the UN Commission on Human Rights, which is currently ongoing in Geneva, Ireland as Presidency of the Council, on behalf of the EU, will present a significant number of country-specific initiatives, including resolutions on the human rights situations in Burma/Myanmar, North Korea, DRC, the Russian Federation (Chechnya), Sudan and Zimbabwe, as well as the question of Israeli settlements in the Occupied Territories. In addition, it will propose initiatives on Turkmenistan and Belarus jointly with the United States. The EU will also initiate Chair's statements on Colombia and Timor Leste.

Active participation in multilateral organisations such as the EU, UN and the Council of Europe, provides an occasion where Ireland can voice its concerns regarding human rights abuses. Through these organisations, international pressure can be brought to bear on those responsible for the violation of human rights. The Government will continue to use these mechanisms as a means of highlighting violation of human rights and furthering their protection.

144. **Mr. Durkan** asked the Minister for Foreign Affairs the extent to which he proposes, during Ireland's Presidency of the EU, to focus on human rights abuses throughout Africa; the possible remedies under consideration; and if he will make a statement on the matter. [10298/04]

**Minister for Foreign Affairs (Mr. Cowen):** Africa is a continent beset by often seemingly insurmountable problems including conflict, debt, poverty and HIV/AIDS. The European Commission and member states collectively are the largest global donors of development assistance to Africa and the EU is thus in a position to play an important role in helping Africans address the problems of the continent.

There are two overarching themes which the Irish Presidency has decided to address during this Presidency which are of crucial relevance to Africa: poverty reduction and conflict prevention.

The Deputy will also be aware of the priority the Government has attached to children and armed conflict and human rights defenders as part of the EU Presidency. The issues of children and armed conflict and slavery are closely linked

and the role of human rights defenders in highlighting instances of slavery and bonded labour is vital in focusing national and international attention. We are currently overseeing the satisfactory progress of the implementation of EU guidelines on children and armed conflict and EU partners have been circulated with a paper on draft EU guidelines for the support of human rights defenders. The EU conducts a process of political dialogue with African, Caribbean and Pacific countries who benefit from the Cotonou Agreement. Human Rights is a central theme of political dialogue.

While poverty can never be accepted as an excuse for human rights abuses, the Irish Presidency believes that poverty eradication should be the overriding objective of EU development policy, to be achieved by attaining the millennium development goals, MDGs.

It is the Presidency's belief that the EU should work towards the goal of poverty eradication by improving the effectiveness of its development assistance, strengthening the coherence of its policies that affect developing countries, working to enhance the voice of developing countries in multilateral institutions such as the UN, the Bretton Woods Institutions and the WTO and making further progress towards meeting the MDGs.

Conflict prevention is another overarching theme that Ireland has decided to prioritise in our relations with Africa during the Presidency. There can be no development without peace. Many African countries continue to experience or are gradually emerging from conflict, including Liberia, Cote d'Ivoire, Burundi, the DRC, Sudan, Somalia and Ethiopia-Eritrea.

Ireland also supports the Special Court in Sierra Leone, established in order to prosecute persons bearing the greatest responsibility for serious violations of international humanitarian law and certain crimes under national law. The Special Court has an important role in ensuring that there is no impunity for those who have committed grievous crimes in Sierra Leone.

Africa will also be a core theme in our engagement at the UN Commission on Human Rights in Geneva which is currently under way. Ireland, on behalf of the EU, will be tabling resolutions on the situation of human rights in the Democratic Republic of Congo, Sudan and Zimbabwe. In addition, the Irish Presidency will table thematic resolutions on the death penalty and on the rights of the child, with the Latin American-Caribbean grouping, GRULAC, which has particular relevance to Africa. Ireland will also support Italy's technical resolution on Somalia regarding assistance on human rights. Ireland's traditional resolution on religious intolerance, which has universal application, has now been taken up by the EU and is being handled by our Dutch partners.

### Foreign Conflicts.

145. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if he will report on the Attorney General's advice and opinion provided to the Government on the Iraq intelligence dossier; if the Government followed this advice; if not, the reason therefor; if the Attorney General's position will be published; and if the dossier will be published. [10311/04]

**Minister for Foreign Affairs (Mr. Cowen):** The Attorney General's advice and opinion has not been sought in relation to an Iraq intelligence dossier.

### Security Council Representation.

146. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs the investigations the Government made into whether the Irish representation to the UN Security Council was bugged in view of recent revelations that several high level UN officials were bugged including the UN Secretary General and High Commissioner for Human Rights. [10312/04]

**Minister for Foreign Affairs (Mr. Cowen):** I am very conscious of the importance of maintaining adequate security arrangements in all the offices of my Department, including in respect of communication facilities.

The Permanent Mission of Ireland to the United Nations is housed in a separate building to the UN headquarters and there is no evidence to suspect that this office was bugged during the time when Ireland held a seat in the Security Council or at any other time.

### Third Level Fees.

147. **Mr. Ring** asked the Minister for Education and Science the grant aid available to a person (details supplied) in County Mayo that wishes to take up teacher training in Scotland. [10140/04]

**Minister for Education and Science (Mr. N. Dempsey):** The third level student support schemes were extended to provide maintenance grants to eligible students pursuing approved full-time undergraduate courses of at least two years duration, pursued in a university or a third level institution which is maintained or assisted by recurrent grants from public funds, in other EU member states with effect from the 1996/97 academic year. The extension of the schemes at that time did not include courses at postgraduate level and, accordingly, there is no grant aid available under the schemes for students pursuing postgraduate studies outside of Ireland.

An approved undergraduate course in the above context is defined as a full-time undergraduate course of not less than two years duration pursued in a university or third level institution, which is maintained or assisted by recurrent grants from public funds in another EU member state, with the exception of the following: courses in colleges of further and

higher education other than courses which are at higher national diploma level or higher; courses provided in a college which are offered in private commercial third level colleges in the State and which are validated by that college; and courses in colleges akin to private commercial colleges in Ireland.

Any extension of the current arrangements to provide for students pursuing postgraduate courses outside of Ireland could only be considered in the light of available resources and other competing demands within the education sector.

At present, there are no plans, to expand the provisions in the grant schemes in respect of study abroad. With regard to tuition fees, there is a provision for tax relief at the standard rate in respect of approved courses at approved colleges of higher education including approved undergraduate and post graduate courses in other EU member states. Further details and conditions in relation to this relief are available from the Revenue Commissioners.

The decision on eligibility for the third level student support schemes is a matter for the relevant local authority/vocational educational committee who administer the schemes.

### School Curriculum.

148. **Mr. Neville** asked the Minister for Education and Science the plans his Department has to invest proper resources into teaching science subjects at second level, the absence of which has resulted in only 14% of students taking chemistry or physics as a leaving certificate subject. [10141/04]

**Minister for Education and Science (Mr. N. Dempsey):** A range of actions are being taken to promote an increased uptake of science in second level schools, in line with the recommendations in the report of the task force on the physical sciences. In particular, important progress is being made in regard to curricular reform and in-service support, with new syllabi already implemented in leaving certificate biology and physics and chemistry; revised syllabi in primary science and junior certificate science beginning in schools in 2003-04; work under way on a new leaving certificate physical sciences syllabus to replace the physics and chemistry combined syllabus. All of these developments are being or have been supported by national in-service programmes for teachers; resourcing, with substantial grants issued to schools at primary level in 1999, 2001 and 2002; an additional per capita grant for physics and chemistry at leaving certificate; a capital grants programme for senior cycle science ICT and science equipment; allied with the announcement in 2003 of a once-off grant scheme, likely to cost of the order of €12 million, to support the implementation of the new junior certificate science syllabus. To date some 614 schools in the free education scheme have opted to provide the revised junior certificate

science syllabus from 2003-04. Grants of €5.1 million were issued to these schools at the end of January 2004 and a further tranche of payments to certain schools is currently being processed. The revised junior certificate science syllabus provides for a more investigative approach to science education with some 30 experiments and investigations which have to be carried out over the period of the programme. This hands-on approach is seen as critically important to enhance the attractiveness of the subject and encourage more students to choose the physical sciences at senior cycle; ICT integration projects in teaching and learning under the schools IT initiative, and the new TV scope programme in partnership with RTE, NCCA and the National Centre for Technology in Education; provision of materials and publications to schools to promote the attractiveness and relevance of science for students as a subject option and career path; reviews on mathematics, grading of subjects in the leaving certificate, gender equity issues in science, and initial reports on teacher training undertaken; awareness measures supported by industry and third level colleges linking with schools; the launch of the new discover science and engineering programme in October 2003 bringing together all the existing awareness activities in a unified strategy; the announcement by the Tánaiste in December 2003 of plans for Ireland's first interactive learning centre for children and adults, designed to give visitors a hands-on experience and understanding of science and to be an education and outreach centre for teachers and pupils. The exploration station is due to open in 2006 and will be situated in the OPW Heuston Gate development in Kilmainham, Dublin.

This work continues to be progressed and enhanced as resources permit in collaboration and consultation with the Department of Enterprise, Trade and Employment, Forfás and industry. My Department is fully committed to strengthening the quality of science teaching and learning, promoting increased scientific literacy and encouraging more students to choose science subjects at senior cycle and progress to third level options in this critical area as a vitally important part of the national strategy to support competitiveness and employment.

#### **Vocational Training Opportunities Scheme.**

149. **Mr. Stagg** asked the Minister for Education and Science if, in view of the fact that the budget and allowances for VTOS have not increased since 1989, he will now consider increasing the travel and child care allowances to a level where they will meet the actual costs; and if he will make a statement on the matter.  
[10147/04]

**Minister for Education and Science (Mr. N. Dempsey):** A participant on a VTOS programme receives free tuition and is entitled to a training allowance in lieu of an unemployment payment,

equivalent to the maximum rate of unemployment benefit. VTOS students with other eligible social welfare entitlements, such as one-parent family payment, continue to receive their payment from the Department of Social and Family Affairs.

VTOS students receive books and materials free of charge, and may be entitled to a travel allowance if they reside more than three miles from a centre. The rates of the travel allowance are equivalent to those paid to participants on FÁS training courses. A training bonus of €31.80 per week is also paid to students who have been in receipt of their social welfare payment for at least 12 months directly before joining VTOS.

VTOS participants are also eligible to receive assistance towards child care costs. Grants are paid annually by my Department to the vocational education committees for this purpose. The local administration of the child care service is a matter for the individual VECs. The grant is intended as a contribution to costs. The overall financial provision for child care assistance for participants on these programmes for 2004 is €4.8 million. This compares with the initial budget in 2003 of just under €3 million.

#### **Vocational Training Opportunities Scheme.**

150. **Mr. Stagg** asked the Minister for Education and Science if, in the context of budget preparation for 2005, he will consider increasing the capital funding for VTOS in that year; and if he will make a statement on the matter.  
[10148/04]

**Minister for Education and Science (Mr. N. Dempsey):** Adult education programmes in general are not provided in purpose-built accommodation. Programmes such as VTOS are provided either in emerging spare accommodation in schools or in rented premises and are equipped on an ongoing basis through their non-pay budgets.

Within the constraints of available resources and in view of the prospect that accommodation will increasingly become available through a decline in mainstream enrolments in the school system, it would not be practical or cost effective to develop a general system of capital provision for adult education.

As a result of a recent initiative, limited capital funding for premises for adult education can be made available in cases where special difficulties arise through, for example, the unavailability of accommodation for rent. Such funding comes from within the provision for first, second and third-level institutions, rather than from VTOS funds and is subject to the priorities governing the use of capital funds. I envisage that this arrangement will continue. I also envisage that adult education will for the most part continue to be provided in existing school buildings or in rented premises.

### Schools Building Projects.

151. **Ms O'Sullivan** asked the Minister for Education and Science when he will sanction the construction of a new school for Monkstown Educate Together national school in view of the totally inadequate current accommodation and the fact that two suitable sites already zoned for educational use have been identified; and if he will make a statement on the matter. [10149/04]

**Minister for Education and Science (Mr. N. Dempsey):** The property management section of the Office of Public Works recently submitted a report to my Department on the issue of site acquisition for Monkstown Educate Together national school. However, due to the commercial sensitivity of the process involved, it would be inappropriate for me to comment on any individual aspect of the report at this time. However, my Department will continue to grant-aid the use of temporary accommodation by the school at a rate of 95% of the cost pending the delivery of permanent accommodation.

152. **Mr. Crawford** asked the Minister for Education and Science if he will provide an update on the application for a extension to Holy Family School, Cootehill, County Cavan; and if he will make a statement on the matter. [10150/04]

**Minister for Education and Science (Mr. N. Dempsey):** The proposed extension to the Holy Family primary school, Cootehill, County Cavan, is listed in section 8 of the 2004 school building programme which is published on my Department's website at [www.education.ie](http://www.education.ie). This project has been assigned a band one rating by my Department in accordance with the published criteria for prioritising large-scale projects. It is planned to progress this project 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 to tender in this year's programme including the Holy Family primary school. I will make a further announcement in that regard during the year.

### School Absenteeism.

153. **Mr. Neville** asked the Minister for Education and Science the progress on the election promise that the Government will ensure that reducing absenteeism in early school leaving is a core priority over the period of Government. [10156/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department's commitment to tackling absenteeism and early school leaving is reflected in the national anti-poverty strategy, the

National Action Plan Against Poverty and Social Exclusion 2003-2005 and the latest social partnership agreement, Sustaining Progress, which contains a special initiative on tackling educational disadvantage: literacy, numeracy and early school leavers. My Department's approach comprises legislative and curricular reforms as well as preventative interventions. The Education (Welfare) Act was fully commenced on 5 July 2002. Under the Act, the National Educational Welfare Board, NEWB, was established to ensure that every child attends school regularly or otherwise receives an education. To discharge its responsibilities, the board is developing a nationwide service to provide welfare-focused services to children, families and schools. At this stage of its development, the aim of the board is to provide a service to the most disadvantaged areas, including areas designated under the Government's RAPID programme and most at-risk groups. Five regional teams have now been established with bases in Dublin, Cork, Limerick, Galway and Waterford and staff have been deployed since early December 2003 in areas of greatest disadvantage and in areas designated under the Government's RAPID programme.

Thirteen towns with significant school-going populations also now have an educational welfare officer allocated to them. These towns are Dundalk, Drogheda, Navan, Athlone, Carlow, Kilkenny, Wexford, Bray, Clonmel, Tralee, Ennis, Sligo and Letterkenny. In addition, the board will follow up on urgent cases nationally where children are not currently receiving an education.

Section 21 of the Education (Welfare) Act requires the principal of a recognised school to inform an educational welfare officer in writing where a student is absent from school for more than 20 days or where the officer is of the view that a student is not attending school regularly. This covers the situation in which a student under the age of 16 drops out of school entirely and the NEWB has put procedures in place to classify all such cases as urgent and prioritise them accordingly. The board issued an information leaflet to 330,000 families and 4,000 schools in early March 2004. The leaflet targeted parents and guardians of children aged between six and 16 years of age and young people aged 16 and 17 who have left school early to start work. It outlines the role that parents and guardians play in ensuring that their children do not miss out on education and training and also gives information about the National Educational Welfare Board. In addition, the board launched a new lo-call telephone number to inform parents and guardians about their legal role and responsibilities under the Education (Welfare) Act 2000.

As provided for under section 10 of the Education (Welfare) Act 2000, my Department is working with the board to ensure that any opportunities for integrated working between

educational welfare officers and staff on other educational disadvantage programmes whose work involves a school attendance element, such as the school completion programme, the home-school community liaison scheme and the visiting teachers for Travellers service, are exploited to the full.

My Department operates a number of programmes, including the Giving Children an Even Break programme and the home-school community liaison scheme, which provide additional supports for children in primary and post-primary schools from disadvantaged backgrounds who are most at risk of educational disadvantage and early school leaving. My Department's main programme for tackling early school leaving is the school completion programme which was launched in 2002.

The school completion programme incorporates the learning, experience and best practice derived from previous early school leaving initiatives and assimilates the eight to 15 early school leaver initiative, ESLI, and the stay in school retention initiative at second level, SSRI. It is a key component of my Department's strategy to discriminate positively in favour of children and young people who are at risk of early school leaving. The programme is based on an integrated cross-community approach to tackling early school leaving. There are currently 405 schools, 295 primary and 110 post-primary, participating in the school completion programme.

With regard to curriculum reform, my Department's strategies have included widening the educational experience available to students. These strategies aim to achieve a greater level of inclusiveness in curricular provision through such programmes as the junior certificate schools programme, JCSP, the leaving certificate vocational programme, LCVP, vocational preparation and training, VPT, and the leaving certificate applied, LCA.

#### Site Acquisitions.

154. **Mr. Fleming** asked the Minister for Education and Science the situation regarding an application for a site for a new school for Gaelscoil Phort Laoise in the Kilminchy area of Portlaoise in view of the fact that planning permission for the site is being processed at the moment by Laois County Council; and when the Department will approve this application for Gaelscoil Phort Laoise for their site for their new school. [10160/04]

**Minister for Education and Science (Mr. N. Dempsey):** Gaelscoil Phort Laoise was established with provisional recognition in September 1998 to cater for the demand in the area for primary education through the medium of Irish. The school was granted permanent recognition by my Department in September 2000. The Gaelscoil is currently housed in temporary accommodation on the grounds of

Portlaoise GAA Club. My Department grant-aids 95% of the rental costs on these premises.

The securing of interim accommodation, pending the availability of resources from my Department to provide permanent accommodation for the school, remains the responsibility of the patron body. I am aware that the Gaelscoil is seeking alternative accommodation for September 2004. The school authorities have submitted a proposal, which would involve the rental of a site in the Kilminchy area of Portlaoise and the placing of temporary accommodation thereon, as a solution to its impending accommodation problems.

There are significant costs attached to this proposal in terms of site development, annual leasing of site and temporary portacabins and the financial implications will be carefully examined before a final decision is made.

Officials from the planning and building unit of my Department are currently examining this proposal and are in regular communication with the school authorities in the matter. The school authorities will be advised of my Department's decision on the proposal as soon as possible.

#### Special Educational Needs.

155. **Mr. Wall** asked the Minister for Education and Science the methodology used by his Department in sanctioning funding to provide special needs assistants for pupils; the criteria that parents of pupils in need of such assistance has to meet or supply in obtaining a successful decision from the Department; and if he will make a statement on the matter. [10161/04]

156. **Mr. Wall** asked the Minister for Education and Science the methodology used by his Department in assessing applications for the provision of special needs for children; the criteria that must be met by the pupil and the school to ensure a successful decision; and if he will make a statement on the matter. [10162/04]

157. **Mr. Wall** asked the Minister for Education and Science the guidelines the Department has in relation to resource teaching; the number of pupil/teacher ratio; the method of allocation of hours for the pupil; the criteria a pupil or a school must meet to obtain such resource hours; and if he will make a statement on the matter. [10163/04]

**Minister for Education and Science (Mr. N. Dempsey):** I propose to take questions Nos. 155, 156 and 157, together.

A special needs assistant, SNA, may be approved to assist a pupil who has a significant medical need for such assistance, a significant impairment of physical or sensory function or where behaviour is such that the pupil is a danger to himself or herself or other pupils. The current criteria used in connection with the allocation of SNA support are outlined in circular 07/02.

Any application received will be considered in the context of the criteria set out in the circular

[Mr. N. Dempsey.] and the existing level of SNA provision in the school. The various levels of resource teaching support for pupils with special educational needs are outlined in my Department's circular 08/02. The numbers of hours available range from 2.5 hours per week to five hours per week. Each pupil allocated resource teaching provision must meet the criteria laid down in the circular.

Both circulars referred to, 7/02 and 8/02, may be accessed in my Department's website under the heading, children with special needs.

My Department is at present reviewing existing arrangements for the allocation of special educational supports to primary schools. In that context, my officials have initiated discussions on the matter with representative interests. At this stage, it would be premature to anticipate the outcome. I wish to point out, however, that the basic purpose of that review is to ensure that each school has the level of resources required to cater for its pupils with special educational needs.

158. **Ms B. Moynihan-Cronin** asked the Minister for Education and Science when his Department proposes to deal with an application submitted in May 2003 for a special needs assistant for a person (details supplied) in a school in County Kerry; the reason for the extraordinary delay in dealing with the application; and if he will make a statement on the matter. [10248/04]

**Minister for Education and Science (Mr. N. Dempsey):** The school referred to by the Deputy currently has the services of one shared learning support post, based, and one resource teaching post. I can confirm that my Department has received applications for special educational resources, SER, from the school referred to by the Deputy, including an application for the pupil in question.

SER applications received between 15 February and 31 August 2003, including the one for the pupil in question, are being considered at present. In all, more than 5,000 such applications were received. Priority was given to cases involving children starting school last September and all of these cases were responded to before or soon after the commencement of the current school year.

The balance of more than 4,000 applications has been reviewed by a dedicated team comprising members of my Department's inspectorate and the National Educational Psychological Service. These applications are being further considered in the context of the outcome of surveys of SER provision conducted over the past year or so. Account is also being taken of the data submitted by schools as part of the recent nationwide census of SER provision.

The arrangements for processing applications received after 31 August 2003, will be considered in the context of the outcome of discussions on a weighted system of allocation of resource

teaching support. A further communication will be sent to schools in this regard.

The processing of the applications is a complex and time-consuming operation. However, my Department is endeavouring to have this completed as quickly as possible and my officials will then respond to all applicant schools. Pending a response, schools are advised to refer to circular 24/03, which issued in September 2003. This circular contains practical advice on how to achieve the most effective deployment of resources already allocated for special educational needs within the school.

### School Transport.

159. **Mr. N. O'Keeffe** asked the Minister for Education and Science if he will clarify his Department's guidelines in relation to proper vehicular access to a primary school (details supplied), particularly in relation to emergency vehicles; and if his attention has been drawn to the fact that many primary schools do not have vehicular access to their yards. [10249/04]

**Minister for Education and Science (Mr. N. Dempsey):** The planning guidelines for primary schools are intended as guidance to assist in the planning of a proper response to the educational needs of individual schools.

In the case of existing school buildings where it is proposed to extend, convert, or renovate them a flexible pragmatic approach would be required regarding the application of the guidelines.

The guidelines outline that where a suitable drop-off point for pupils from buses and cars is not available within a reasonable distance, provision for a lay-by to facilitate buses and/or cars should be made. This lay-by should not be located within the school grounds and arrangements should be made if necessary to cede the appropriate land to the local authority. Provision of turning circles and drop-off points on-site should be avoided. The scope of works required at the school referred to by the Deputy, are appropriate for consideration under the summer works scheme. While the school's application under the summer works scheme for 2004 was unsuccessful it

is open to the school's management authority to apply when the 2005 summer works scheme is announced later this year.

### Schools Building Projects.

160. **Mr. Murphy** asked the Minister for Education and Science when the new school promised for Cullen, Mallow, County Cork will be built. [10250/04]

**Minister for Education and Science (Mr. N. Dempsey):** When publishing the 2004 school building programme, I outlined that my strategy for the future will be grounded in capital investment based on multi-annual allocations. My officials are reviewing all projects which were not

authorised to proceed to construction as part of the 2004 school building programme, with a view to including them as part of a multi-annual school building programme from 2005 and I expect to be in a position to make further announcements on this matter in the course of the year. The application from the school referred to will be considered in this regard.

#### **School Staffing.**

161. **Mr. Timmins** asked the Minister for Education and Science the position with regard to a person (details supplied) in County Wicklow who will commence schooling in a school (details supplied) in County Wicklow in September 2004 and needs resource teaching support and a special assistant in order to be able to attend; if this can be sanctioned as a matter of urgency in order that the necessary personnel can be recruited in view of the fact this person cannot attend the school without these being in place; and if he will make a statement on the matter. [10251/04]

**Minister for Education and Science (Mr. N. Dempsey):** I can confirm that my Department has received applications for special educational resources, SER, from the school referred to by the Deputy, including an application for the child in question.

SER applications received between 15 February and 31 August 2003 are being considered at present. In all, more than 5,000 such applications were received. Priority was given to cases involving children starting school last September and all of these cases were responded to before or soon after the commencement of the current school year.

The balance of more than 4,000 applications has been reviewed by a dedicated team comprising members of my Department's inspectorate and the national educational psychological service. These applications are being further considered in the context of the outcome of surveys of SER provision conducted over the past year or so. Account is also being taken of the data submitted by schools as part of the recent nationwide census of SER provision.

The processing of the applications is a complex and time-consuming operation. However, my Department is endeavouring to have this completed as quickly as possible and my officials will then respond to all applicant schools. Pending a response, schools are advised to refer to circular 24/03, which issued in September 2003. This circular contains practical advice on how to achieve the most effective deployment of resources already allocated for special educational needs within the school. The arrangements for processing applications received after the 31 August 2003, including the application for the child in question, will be considered in the context of the outcome of discussions on a weighted system of allocation of resource teaching support. A further

communication will be sent to schools in this regard.

#### **School Accommodation.**

162. **Mr. Stagg** asked the Minister for Education and Science if his attention has been drawn to the fact that a school (details supplied) in County Kildare has established a new science classroom to meet the requirements of the new curriculum; if his attention has further been drawn to the fact that the furnishings have arrived and are stacked in the room but that the school authorities cannot get approval for providing the necessary services like heating, water and gas for the new science room; if clearance will be given as soon as possible to proceed with the work; and if he will make a statement on the matter. [10252/04]

**Minister for Education and Science (Mr. N. Dempsey):** I wish to advise the Deputy that my Department has recently authorised County Kildare VEC to carry out the additional works at the school in question.

#### **Schools Refurbishment.**

163. **Mr. Stagg** asked the Minister for Education and Science if he has received an application for funding from a school (details supplied) in County Kildare to repair the roof on the older part of the building; when he expects to provide the funding required; and if he will make a statement on the matter. [10253/04]

**Minister for Education and Science (Mr. N. Dempsey):** The scope of works, required at the school referred to by the Deputy, is appropriate for consideration under the summer works scheme. While the school's application under the summer works scheme for 2004 was unsuccessful, it is open to the school's management authority to reapply for the key priority works

required at the school as part of the 2005 summer works scheme, details of which will be announced later this year.

#### **Education Welfare Service.**

164. **Mr. Stanton** asked the Minister for Education and Science if he will remove the restriction in force by his Department that makes it difficult, if not impossible, for educational welfare officers to travel to schools more than ten miles from their offices; the budget available to the National Education Welfare Board; and if he will make a statement on the matter. [10279/04]

**Minister for Education and Science (Mr. N. Dempsey):** The Education (Welfare) Act was fully commenced on 5 July 2002. Under the Act, the National Educational Welfare Board was established to ensure that every child attends school regularly or otherwise receives an education. To discharge its responsibilities, the board is developing a nation-wide service to provide welfare-focused services to children,

[Mr. N. Dempsey.] families and schools. It has appointed a chief executive officer, directors of corporate and educational services together with a further eight head office staff. To date, 53 educational welfare staff have been appointed. In December 2003, the board advertised a competition to fill a further 15 vacancies which will bring the total staff complement to 84. The board will shortly be making eight educational welfare officer appointments from this competition.

At this stage of its development, the aim of the board is to provide a service to the most disadvantaged areas and most at-risk groups. Five regional teams have now been established with bases in Dublin, Cork, Limerick, Galway and Waterford and staff have been deployed since early December in areas of greatest disadvantage and in areas designated under the Government's RAPID programme.

Thirteen towns with significant school-going populations, 12 of which are designated under the Government's RAPID programme, also now have an educational welfare officer allocated to them. These towns are Dundalk, Drogheda, Navan, Athlone, Carlow, Kilkenny, Wexford, Bray, Clonmel, Tralee, Ennis, Sligo and Letterkenny. In addition, the board will follow up on urgent cases nationally where children are not currently receiving an education.

My Department has allocated €6.5 million to the National Educational Welfare Board for 2004 which represents an increase of 20% on the 2003 provision. Discussions are ongoing between officials of my Department and the board in relation to its planned activities for 2004 and no restrictions have been placed on the board by my Department in this regard.

#### Student Councils.

165. **Mr. Stanton** asked the Minister for Education and Science his views on the existence, work and role of the Union of Secondary School Students; his plans to support the work and further expansion and development of the organisation; the funding that he has made available or intends to make available in this regard; and if he will make a statement on the matter. [10280/04]

**Minister for Education and Science (Mr. N. Dempsey):** I met with representatives of the Union of Secondary School Students in March 2003. I asked at that meeting that the USS would submit a business plan and details of how the USS would operate and spend the funding sought. To date, my Department has not received the information requested. On its receipt, further consideration will be given to the work and proposed role of USS and its request for financial assistance.

166. **Mr. Stanton** asked the Minister for Education and Science the funding available to assist in the development and promotion of

school student councils; and if he will make a statement on the matter. [10281/04]

**Minister for Education and Science (Mr. N. Dempsey):** Funding is provided to schools on a *per capita* basis which affords schools considerable flexibility in the use of these resources to cater for the needs of their pupils. This is in my view, in general, a preferable approach to putting in place grants for specific items such as student councils.

A recent survey by my Department reveals that student councils have already been established in 558 of the 743 post-primary schools in the State. Officials of my Department are participating in a working group on student councils, which was established in June 2003 by the National Children's Office. The working group, as part of its brief, will seek to identify the barriers, if any, to the establishment of student councils and the measures needed to encourage the establishment of student councils, including supports for student council structures at national and local level. On Tuesday, 23 March, as part of the ongoing work of the working group, my colleague, the Minister of State with special responsibility for children, Deputy Brian Lenihan, launched a website and a national leaflet and poster campaign to encourage and support the establishment and operation of student councils.

The working group will report on their findings, including a proposed three year strategy to support the establishment and development of student councils, by December 2004.

#### School Staffing.

167. **Mr. Wall** asked the Minister for Education and Science the progress that has been made in relation to Parliamentary Questions Nos. 165, 166, 167, 168, 170, of 17 December 2003 in relation to special needs, resource hours, special needs assistants, resource teachers and the result of the general resource audit in regard to the school concerned; and if he will make a statement on the matter. [10282/04]

**Minister for Education and Science (Mr. N. Dempsey):** I wish to inform the Deputy that the needs of the school in question are still under consideration and, as soon as the review is complete, the school authorities will be informed of the outcome.

#### Adult Education.

168. **Ms O'Sullivan** asked the Minister for Education and Science when he will establish the National Adult Learning Council on a statutory basis; and if he will make a statement on the matter. [10284/04]

**Minister for Education and Science (Mr. N. Dempsey):** The National Adult Learning Council was established in March 2002 on an *ad hoc* basis pending the making of an order under section 54 of the Education Act 1998 to establish it as a

statutory body. The role and functions of the council were outlined in the White Paper on Adult Education, Learning for Life.

Since the establishment of the *ad-hoc* council, concerns have emerged that its functions are too wide-ranging and not sufficiently focused. Additionally, a number of developments have occurred which will impact on the work of the council. Accordingly, my Department has undertaken a strategic review of the role and functions of the council to address these concerns. A decision with regard to the statutory functions of the National Adult Learning Council will be made in the light of the recommendations of the review.

#### **Harbours and Piers.**

169. **Mr. McGinley** asked the Minister for Communications, Marine and Natural Resources if arrangements can be made to provide a power point at Portnaglagh Pier, County Donegal. [10151/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** Portnaglagh Pier is owned by Donegal County Council and responsibility for any maintenance and development work rests with the local authority in the first instance. The county council has not been in touch with my Department in relation to the provision of a power point. Accordingly, I suggest that the Deputy might wish to contact Donegal County Council on the matter.

#### **Broadband Technology.**

170. **Mr. Kehoe** asked the Minister for Communications, Marine and Natural Resources the company that was awarded the contract to manage the main hub and services associated with the introduction of broadband to Wexford town; and if he will make a statement on the matter. [10240/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** The management services entity, MSE, is the independent body, which will be engaged to manage, market and maintain the fibre optic metropolitan area networks, MANs, currently being constructed under the regional broadband programme, on a basis which is consistent with the Government's strategy of providing broadband infrastructure on an open access and carrier-neutral basis.

It is intended that this open-access principle will be enshrined in a code of practice for the use of the metropolitan area networks thus ensuring that access to the infrastructure is administered on fair, transparent and non-discriminatory terms to all interested parties.

Notice of my Department's intention to commence a competitive tender process for the engagement of an MSE was published in the Official Journal of the European Communities on 19 June 2003. Responses received by the tender

deadline of 15 August 2003 have been evaluated, and it is anticipated that the MSE procurement process, as outlined in the instructions to tender document which issued on 19 June 2003, will reach a conclusion shortly. It is not proposed to make any public comment on the identity of participating parties prior to such conclusion.

#### **Fisheries Protection.**

171. **Mr. Stagg** asked the Minister for Communications, Marine and Natural Resources when he proposes to set the drift net total allowable catch for salmon for the coming season; and if he will make a statement on the matter. [10241/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** On 5 March 2004, my Department published a draft of the wild salmon and sea trout tagging scheme regulations, which, *inter alia*, limit the total allowable commercial catch, TAC, of salmon for the 2004 season for all fishery districts to 161,951 fish. This is a reduction of 11% on the 2003 TAC. The TAC has been proposed on the advice of the National Salmon Commission and the regional fisheries boards' managers and is consistent with their recommendation last year that a three-year strategy should be put in place aimed at reaching the scientific advice on precautionary catch limits over the period 2003-05.

The draft regulations have been published in accordance with the requirements of the Fisheries Acts, which provide for a 30-day period during which interested parties have an opportunity to submit any objections they may have. This period expires on 4 April 2004. Following consideration of any objections received, I expect to make a final decision on the scheme as soon as possible after that date.

172. **Mr. Stagg** asked the Minister for Communications, Marine and Natural Resources if, in view of the provisions of the UN Conventions on the Law of the Sea, he has received a submission from the North Atlantic Salmon Fund on the netting in Irish waters of migrating salmon from other States; when the submission was received; when it is proposed to respond to that submission; and if he will make a statement on the matter. [10242/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** My Department has received a number of items of correspondence from the North Atlantic Salmon Fund, NASF, in recent years and my colleague, the Minister of State, Deputy Browne, met with the chairman of that organisation, Mr. Orri Vigfússon, in 2003, to discuss the organisation's general concerns about the netting of wild salmon by Irish commercial fishermen.

One of the key concerns expressed by NASF relates to the interception, in Irish home water fisheries, of wild salmon not destined for Irish

[Mr. D. Ahern.] waters. While the Irish Government acknowledges this concern, NASF will be fully aware that the Government does not accept the validity of the argument that its salmon management regime does not comply with international legislation or best practice. Nor do we accept that there is any sound or agreed scientific basis for the allegations made that the Irish salmon drift net fishery has an unacceptable impact on salmon stocks in other European countries.

### Salmon Stocks.

173. **Mr. Stagg** asked the Minister for Communications, Marine and Natural Resources if, in view of the Irish Presidency of the EU, he has received representations from other member states, in particular the UK, Germany, France and Spain, concerning the netting in Irish waters of migrating stocks of salmon which originated in rivers in these EU countries; his views on whether such affected countries have the right to a major role in the management of their migratory fish stock, salmon, while the fish are in the waters of another country, in this case Ireland; if he has responded to the representations referred to, and the content of his response; and if he will make a statement on the matter. [10243/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** I am advised that my Department has no specific record of receipt, since the commencement of Ireland's Presidency of the EU, of any representations received from other member states concerning the netting of migrating stocks of salmon in Irish waters.

174. **Mr. Stagg** asked the Minister for Communications, Marine and Natural Resources if he has recently studied a report of IDECON which was commissioned by the Government to report on the survival of the Atlantic salmon; his views on whether the report supports the policy of the North Atlantic Salmon Fund in the matter for buying out or setting aside the commercial netting of salmon in Irish waters; his views on the IDECON report; when he proposes to implement the report; and if he will make a statement on the matter. [10244/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** The report to which the Deputy refers, An Economic/Socio-Economic Evaluation of Wild Salmon in Ireland, by INDECON International Economic Consultants, was commissioned and published by the Central Fisheries Board.

Following publication, the report was the subject of a detailed consultation process, undertaken by the Central Fisheries Board, among stakeholders and interested parties to ascertain the degree of consensus that existed about its findings. The results of the process are

still being analysed prior to submission to my Department.

I am advised that what is evident from the consultation process at this stage is that there are widely divergent views among stakeholders not only on the findings but also on the methodology adopted to carry out the study.

Until such time as the Central Fisheries Board submits the results of the consultation exercise, I am not in a position to make any judgement on the report.

### EU Directives.

175. **Mr. Stagg** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the fact that the EU Commissioner for the Environment is investigating complaints from the Wessex Salmon and River Trust, UK and WYE Foundation, UK, that by killing salmon from their CSAC rivers, Ireland is in breach of the EU habitats directive; when the complaints were submitted to his Department; the reason no response has issued to date; when it is proposed to make a response; and if he will make a statement on the matter. [10245/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** The complaint to which the Deputy refers was forwarded by the EU Commission in July 2003 to the Department of the Environment, Heritage and Local Government, which has primary responsibility for the implementation in Ireland of Directive 92/43/EEC on the conservation of natural habitats and of wild flora and fauna. As the complaint concerned drift net fishing in Irish home waters my Department prepared a comprehensive submission detailing our response to the specific issues raised. I am advised that this response was issued by the Permanent Representation of Ireland in Brussels on 4 November 2003, in accordance with the timetable agreed with the Commission. I understand the Commission has yet to respond to our reply.

### Harbours and Piers.

176. **Mr. Coveney** asked the Minister for Communications, Marine and Natural Resources when funds will be allocated towards dredging costs at Buncrana on Lough Swilly, in County Donegal. [10278/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** Buncrana Harbour is owned by Donegal County Council and responsibility for its repair and maintenance rests with the local authority in the first instance.

In November 2003 the county council submitted a proposal to my Department for funding to dredge Buncrana Harbour at an estimated cost of €200,000. The question of providing funding for this project in the 2004-06 period will depend on the amount of Exchequer

funding available for works at fishery harbours generally and overall national priorities.

The foreshore licence application by Donegal County Council in respect of dredging at Buncrana is also currently being finalised by my Department.

### **Telecommunications Services.**

177. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources his views on whether information and communications technologies afford the Government an opportunity to redress a generation of neglect and marginalisation with regard to infrastructure, investment and social inclusion on the Inishowen peninsula. [10318/04]

178. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources his views on whether broadband access for communities and actual and potential investors can contribute significantly to overcoming the marginalisation and impoverishment of people living on the Inishowen peninsula. [10319/04]

179. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources if he will set out a precise schedule for the provision of an efficient network capable of bringing broadband to domestic and business consumers in Inishowen. [10320/04]

180. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources if his Department will conduct an economic risk assessment for Inishowen, measuring the negative economic impact, for example, investment disincentive, of further delays in delivering broadband to Inishowen. [10321/04]

181. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources when the regional broadband investment initiative will be rolled out in Inishowen. [10322/04]

182. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources the current state of Eircom's telephone infrastructure and carrying capacity for broadband in Inishowen. [10323/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** I propose to take Questions Nos. 177 to 182, inclusive, together.

The provision of and investment in telecommunications services, including broadband, is a matter in the first instance for the private sector companies operating in a fully liberalised marketplace, regulated by the Commission for Communications Regulation, ComReg.

Recognising, however, that the market has been slow to respond to demand for broadband, an indicative €200 million in Government and ERDF funding was set aside under the National

Development Plan 2000-2006 for regional broadband investment.

Since 1999 my Department has invested almost €170 million in regional broadband projects, in partnership with private sector companies. These projects include the ESB Telecom national fibre backbone, which extends to Buncrana, and also the Eircom regional fibre project and the Letterkenny MAN, both in Donegal.

Currently, my Department is grant aiding the construction of 19 fibre optic metropolitan area networks, in conjunction with local authorities, in key regional towns and cities. This investment of €65 million will enable the delivery of competitive, open access broadband services in these towns.

On 12 December last I announced a broadband action plan. This plan aims to roll out open access broadband infrastructure to over 90 towns with a population of over 1,500, including Carndonagh and Buncrana. In addition, a group broadband scheme will enable smaller communities to pool their broadband demand and secure high-speed connectivity from a range of service providers. This group scheme will be supported by grant-aid of up to 50% from the Government.

Furthermore, I have secured a commitment of €35 million each year from now until 2007 for the broadband action plan.

### **Swimming Pool Projects.**

183. **Mr. R. Bruton** asked the Minister for Arts, Sport and Tourism when he received an application from South Dublin County Council for grant aid for the development of a new swimming pool in west Tallaght; when the Department will be in a position to make a positive decision in respect of this application so that the local authority can invite tenders for the development; and if he will make a statement on the matter. [10155/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** South Dublin County Council applied for approval of contract documents for a proposed new swimming pool in Jobstown in west Tallaght under the local authority swimming pool programme last year. The council has also applied for grant aid for the replacement of the swimming pool at Clondalkin. The contract documents for this project is under consideration in my Department.

### **Hospital Accommodation.**

184. **Mr. Howlin** asked the Minister for Health and Children if adequate funding has been provided to the South Eastern Health Board for the urgently required opening of 19 extra beds at Wexford General Hospital; when it is expected that these beds will be opened; and if he will make a statement on the matter. [10144/04]

**Minister for Health and Children (Mr. Martin):** My Department has received tender documentation from the South Eastern Health

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Board for the provision of an additional 19 beds at Wexford General Hospital. This proposal is being considered in the context of the Capital Investment Framework, 2004-2008, which is the subject of ongoing discussions with the Department of Finance.

#### **Hospital Staff.**

185. **Mr. Howlin** asked the Minister for Health and Children if he has satisfied himself with the current number of consultant obstetricians and gynaecologists at Wexford General Hospital; if his attention has been drawn to the fact that the birth rate at Wexford General Hospital in 2003 was 1853, several hundred births more than hospitals with much larger staffing complements; the plans he has for maternity services at this hospital; and if he will make a statement on the matter. [10145/04]

#### **Minister for Health and Children (Mr. Martin):**

The provision of hospital services, including the appointment of staff at Wexford General Hospital, is a matter for the South Eastern Health Board.

An application for a third permanent consultant obstetrician/gynaecologist post for Wexford General Hospital has been received and is being considered by my Department.

#### **Smoking Ban.**

186. **Mr. O'Shea** asked the Minister for Health and Children the proposals he has to provide brochures or information leaflets in the Irish language regarding the workplace smoking ban effective from 29 March 2004; and if he will make a statement on the matter. [10146/04]

#### **Minister for Health and Children (Mr. Martin):**

The [www.smokefreeatwork.ie](http://www.smokefreeatwork.ie) website, which provides information and guidance on the smoke-free workplaces measures, was launched on 18 February 2004. A number of documents in Irish are available to download from this site at <http://www.smokefreeatwork.ie/downloads/irish.asp>: these are the 'Ná Caitear Tobac' sign, the smoke-free at work poster 'Ionaid Oibre Saor ó Ghal Tobac', the public information leaflet 'Bileog Eolais don Phobal' and the employers' information leaflet 'Bileog Eolais d'Fhostóirí'.

#### **Hospital Staff.**

187. **Mr. Wall** asked the Minister for Health and Children the number of nurses enlisted as a result of the media campaign of advertisements by SWAHB seeking the recruitment of nurses for hospitals within their region; the number actually employed as a result of the procedure; and if he will make a statement on the matter. [10169/04]

190. **Mr. Wall** asked the Minister for Health and Children the number of meetings he or his Department has held with the INO in regard to the major problems being encountered in

employing the extra nurses needed to overcome the problems being encountered by hospital management staff within the SWAHB region; the decisions made as a result of such meetings; if he has plans to recruit overseas; if so, when will such plans be implemented; and if he will make a statement on the matter. [10172/04]

#### **Minister for Health and Children (Mr. Martin):**

I propose to take Questions Nos. 187 and 190 together.

Neither I nor officials from my Department have met with the INO for the purpose of discussing nurse staffing in the SWAHB region.

Responsibility for the recruitment and retention of staff rests with the health boards/ERHA. My Department has therefore requested the CEO of the Eastern Regional Health Authority to investigate the matter and respond directly to the Deputy.

#### **Hospital Accommodation.**

188. **Mr. Wall** asked the Minister for Health and Children if his attention has been drawn to the ongoing difficulties being encountered by patients at Naas General Hospital in regard to the lack of beds; if his attention has further been drawn to the fact that over the past number of weeks up to 30 patients were on trolley chairs and so on in the hospital; the urgent need to provide funding to the SWAHB to permit the board to deal with the problem; and if he will make a statement on the matter. [10170/04]

189. **Mr. Wall** asked the Minister for Health and Children if his attention has been drawn to the grave concerns being expressed by the nursing staff at Naas General Hospital in regard to the over-crowding and unacceptable conditions at the hospital for the past number of weeks; the efforts he is making to overcome these problems; and if he will make a statement on the matter. [10171/04]

#### **Minister for Health and Children (Mr. Martin):**

I propose to take Questions Nos. 188 and 189 together.

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.

*Question No. 190 answered with Question No. 187.*

#### **Health Board Services.**

191. **Mr. Wall** asked the Minister for Health and Children the number of orthodontists employed by the SWAHB; and if he will make a statement on the matter. [10173/04]

192. **Mr. Wall** asked the Minister for Health and Children the number of children on the waiting lists for orthodontic treatment in the

SWAHB region; the plans his Department has to overcome this list; and if he will make a statement on the matter. [10174/04]

**Minister for Health and Children (Mr. Martin):** I propose to take Questions Nos. 191 and 192 together.

The provision of orthodontic services is a matter for the health boards/authority in the first instance. I am pleased to advise the Deputy that I have taken a number of measures to improve orthodontic services in the South Western Area Health Board, SWAHB, of the Eastern Regional Health Authority, ERHA, and 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 specialist in orthodontics qualifications at training programmes in Ireland and at three separate universities in the United Kingdom. These 13 trainees for the public orthodontic service are additional to the six dentists who commenced their training in 2001. Thus, there is an aggregate of 19 dentists in specialist training for orthodontics, including five from the ERHA. These measures will complement the other structural changes being introduced into the orthodontic service, including the creation of an auxiliary grade of orthodontic therapist to work in the orthodontic area.

Furthermore, the commitment of the Department to training development is manifested in the funding provided to both the training of specialist clinical staff and the

recruitment of a professor in orthodontics for the Cork Dental School. This appointment at the school will facilitate the development of an approved training programme leading to specialist qualification in orthodontics. The chief executive officer of the Southern Health Board has reported that the professor commenced duty on 1 December 2003. In recognition of the importance of this post at Cork Dental School my Department has given approval in principle to a proposal from the school to further substantially improve the training facilities there for orthodontics. This project should see the construction of a large orthodontic unit and support facilities; it will ultimately support an enhanced teaching and treatment service to the wider region under the leadership of the professor of orthodontics.

Orthodontic initiative funding of €2.044 million was provided to the ERHA in 2001 and this has enabled the authority to recruit additional staff and build additional orthodontic facilities.

In June 2002, my Department provided additional funding of €5 million from the treatment purchase fund to health boards/authority specifically for the purchase of orthodontic treatment. This funding is enabling boards to provide both additional sessions for existing staff and purchase treatment from private specialist orthodontic practitioners. The ERHA received €1.815 million for the treatment of cases in this way.

The regional chief executive of the ERHA has informed my Department of the following information on the SWAHB treatment waiting list at the end of December 2003:

Treatment Waiting List

Area Health Board	Category A	Average waiting time (months)	Category B	Average waiting time (months)
South Western	644	< 10	474	< 12

The recruitment of orthodontic staff is the statutory responsibility of the authority. Therefore, my Department has asked the regional chief executive of the authority to provide the Deputy with the information in relation to personnel in the orthodontic service as requested.

The regional chief executive of the authority has informed my Department that at the end of the December quarter 2003, there were 4,656 children receiving orthodontic treatment in the public orthodontic service in the ERHA.

193. **Mr. Wall** asked the Minister for Health and Children the number of occupational therapists employed by the South Western Area Health Board; the number employed in the Kildare region of the board; if there is a shortfall in the area of occupational therapists; the plans his Department has to overcome such difficulties;

and if he will make a statement on the matter. [10175/04]

194. **Mr. Wall** asked the Minister for Health and Children if his attention has been drawn to the major backlog of occupational therapy reports in relation to the assessment by the South Western Area Health Board of DPG for Kildare County Council; the plan his Department has in relation to recruiting the extra staff necessary to assist existing staff in overcoming the problems; and if he will make a statement on the matter. [10176/04]

195. **Mr. Wall** asked the Minister for Health and Children the number of applications for occupational therapy reports in relation to disabled grants assessment for the local authority of Kildare County Council with the South Western Area Health Board area of Kildare; his concerns in relation to the numbers; the plans he

[Mr. Wall.]

has to overcome such numbers; and if he will make a statement on the matter. [10177/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** I propose to take Questions Nos. 193 to 195, inclusive, together.

The provision of health related services for people with physical and/or sensory disabilities is a matter for the Eastern Regional Health Authority and the health boards in the first instance. Accordingly, the Deputy's questions have been referred to the chief executive officer of the Eastern Regional Health Authority with a request that he examine the matter and reply directly to the Deputy as a matter of urgency.

#### **Hospital Staff.**

196. **Ms McManus** asked the Minister for Health and Children the progress that has been made to fill the post of full-time consultant at Beaumont Hospital which has been vacant for two years; and if it will be filled, if it has not already been filled; and if he will make a statement on the matter. [10195/04]

**Minister for Health and Children (Mr. Martin):** Services at Beaumont Hospital are provided under an arrangement with the Eastern Regional Health Authority. My Department has, therefore, asked the regional chief executive of the authority to investigate the matter raised by the Deputy and to reply to her directly.

#### **Health Board Services.**

197. **Mr. Penrose** asked the Minister for Health and Children the steps he intends to take to ensure that a person (details supplied) in County Westmeath is afforded the appropriate and required dental treatment; and if he will make a statement on the matter. [10267/04]

**Minister for Health and Children (Mr. Martin):** Responsibility for the provision of dental treatment to eligible persons in County Westmeath rests with the Midland Health Board. My Department has asked the chief executive officer to investigate the matter raised by the Deputy and to reply to him directly.

#### **Hospital Services.**

198. **Mr. Penrose** asked the Minister for Health and Children if a person (details supplied) in County Westmeath will be admitted to hospital for a hip replacement operation; and if he will make a statement on the matter. [10268/04]

**Minister for Health and Children (Mr. Martin):** Responsibility for the provision of hospital services to residents of County Westmeath rests with the Midland Health Board. My Department has, therefore, asked the chief executive officer of the board to investigate the matter raised by the Deputy and to reply to him directly.

#### **Care of the Elderly.**

199. **Mr. Kehoe** asked the Minister for Health and Children if he will consider offering a subvention for those attending community or voluntary day care centres in order to provide funding for these essential services; and if he will make a statement on the matter. [10269/04]

**Minister of State at the Department of Health and Children (Mr. Callely):** The policy of my Department in relation to the care of older people is to maintain them in dignity and independence in their own home for as long as possible in accordance with their wishes. Numerous research studies have shown that the vast majority of older people have a preference to remain living in their own home for as long as possible rather than moving into long-stay residential care. Indeed, the preferred option for most families is to help care for their elderly relatives at home for as long as possible with the assistance of local health service staff.

Since my appointment as Minister of State I have been encouraging the Eastern Regional Health Authority and the health boards to introduce personal care packages for older people as an alternative to long-stay residential care. Personal care packages are specifically designed for the individual concerned and could possibly include the provision of a home help service, home subvention payments, arrangements for attendance at a day centre or day hospital and other services such as twilight nursing. Personal care packages allow older persons the option of remaining living in their own home rather than going into long-stay residential care. Additional funding of €1.25 million was made available to the authority-health boards this year for the introduction of personal care packages. This is on top of the significant expenditure currently being incurred on home help and other services aimed at supporting people at home.

#### **Hospital Services.**

200. **Ms Shortall** asked the Minister for Health and Children the reason a person (details supplied) was left on a trolley in the accident and emergency department for a prolonged period; if his attention has been drawn to the way in which such a wait is typical for many patients attending the Mater; and the steps he is taking to ensure there is adequate bed capacity in the Mater Hospital. [10315/04]

**Minister for Health and Children (Mr. Martin):** Responsibility for the provision of services to residents of Counties Dublin, Kildare and Wicklow rests with the Eastern Regional Health Authority, and services at the Mater Hospital are provided under an arrangement with the authority. My Department has, therefore, asked the regional chief executive of the authority to investigate the matter raised by the Deputy and to reply to her directly.

### Motor Fuels.

201. **Mr. Eamon Ryan** asked the Minister for Transport if he has given consideration to measures to promote the wider use of LPG and to encourage the conversion of vehicles to LPG in this regard; and if he will make a statement on the matter. [10313/04]

**Minister of State at the Department of Transport (Dr. McDaid):** I have no plans for measures to encourage the wider use of LPG in motor vehicles.

Each new motor vehicle sold within the European Union must be certified by the manufacturer as conforming to the relevant EU emission standards applicable to the particular vehicle. In addition, all vehicles are required to meet specified in-service emission standards as part of their periodic roadworthiness tests.

### Citizenship Applications.

202. **Mr. G. Mitchell** asked the Minister for Justice, Equality and Law Reform the status of an application for citizenship for a person (details supplied). [10283/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am pleased to advise the Deputy that I have recently approved the application for a certificate of naturalisation in respect of the person referred to and a certificate of naturalisation will issue as soon as certain statutory and other requirements, including the making of a declaration of loyalty to the State and fidelity to the nation and payment of the statutory fee, have been complied with. The applicant has been notified in writing of my decision.

### Electronic Voting.

203. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government the response his Department made to the comments (details supplied) of the Zerflow report of 27 March 2002; and if he will make a statement on the matter. [10127/04]

204. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government if, as recommended in the Zerflow report of 27 March 2002, a third party audit was put in place to test the electronic voting system in the general election of May 2002; and if he will make a statement on the matter. [10128/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** I propose to take Questions Nos. 203 and 204 together.

In addition to the reports prepared by two international testing institutes on the voting machine, my Department also commissioned Zerflow Information Security in March 2002 to assess the possible threats to the external physical features of the voting machine in a polling station. The comments referred to in the question

were part of the initial discussion between Zerflow personnel and my Department designed to inform Zerflow of the detailed electoral process.

Some recommendations made in the report were accepted by the Department and incorporated in instructions to returning officers, while others were assessed by the Department and the voting machine manufacturers as implausible in practice and that the probability of their occurrence without detection was extremely remote. All recommendations were again considered in the review of the voting machine after its initial use in 2002 and, together with user feedback, the Department introduced modifications to the voting machine including strengthening security aspects such as the provision of a lock on the voting machine front panel. As stated in its updated report of 4 July 2003, Zerflow has reviewed the changes made to the system and protocols and have stated that they “are satisfied that the recommendations of our previous report have been addressed and the voting machine is now secure”.

While no third party audit was commissioned, the performance of the voting machine was carefully monitored by the returning officers and their staff in the pilot constituencies. In addition, voters’ attitudes to the performance of the machine and voting procedures were assessed in an MRBI “exit” poll commissioned by my Department. This “exit” poll of voters at the May 2002 general election in the three pilot constituencies of Meath, Dublin North and Dublin West revealed a strong positive rating for the system with 94% of respondents finding the system easy to use and 87% of those polled actually preferred the use of voting machines to the paper ballot. Issues raised by voters such as the clarity of preference displays have been addressed and the improvements made should further enhance the user-friendliness of the voting machine.

### Water and Sewerage Schemes.

205. **Ms B. Moynihan-Cronin** asked the Minister for the Environment, Heritage and Local Government the proposals his Department has to provide funding to Kerry County Council for the upgrading of the sewerage scheme in Ballydavid County Kerry; and if he will make a statement on the matter. [10129/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** Proposed sewerage works in Ballydavid have been identified in the list of water and sewerage schemes submitted by Kerry County Council in response to my Department’s request to all local authorities in 2003 to undertake fresh assessments of the needs for capital works in their areas and to prioritise their proposals on the basis of the assessments. The Ballydavid proposal is included in phase 3 of a village sewerage refurbishment programme ranked as fifth in the

[Mr. Cullen.] council's priority list. Phase 3 relates to locations with populations of less than 500.

The council's assessment of needs will be taken into account in the framing of the next phase of my Department's water services investment programme in due course. In the meantime, it would be open to the council itself to consider funding the proposal, estimated to cost €30,000, under the small schemes measure of the devolved rural water programme.

#### Local Government Code.

206. **Mr. Murphy** asked the Minister for the Environment, Heritage and Local Government if the Local Government Acts 1996 and 2001 will be amended to allow local authorities to enact by-laws to prevent the drinking of alcohol in parks owned by community councils. [10131/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** I understand that a number of local authorities have used their general by-law making powers under the local government code to prohibit the drinking of

alcohol in local parks or public open spaces. It may be, however, that significant further extension of this type of regulatory control should best be addressed in the context of public order legislation which is the responsibility of my colleague, the Minister for Justice, Equality and Law Reform. My Department will accordingly raise the issue with that Department.

#### Local Authority Funding.

207. **Mr. Fleming** asked the Minister for the Environment, Heritage and Local Government the allocation to each local authority and the overall national totals in respect of the disabled persons grants and essential repairs grants schemes in 2003; and the final amounts paid to each local authority in 2003 under these schemes. [10164/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** Details of the allocation to each local authority, the original total and the final allocation paid to all local authorities are set out in the following table.

Disabled Persons Grant and Essential Repairs Grant 2003

	Local Authority Original Allocation in 2003	Total Allocation
	€	€
<i>County Councils</i>		
Carlow	477,000	477,000
Cavan	3,007,000	3,007,000
Clare	579,000	579,000
Cork (n)	2,417,000	2,417,000
Cork (w)	1,797,000	1,497,000
Cork (s)	1,795,000	2,495,000
Donegal	3,902,000	4,702,000
DL/Rathdown	904,000	1,554,000
Fingal	1,389,000	1,389,000
Galway	2,232,000	2,232,000
Kerry	1,378,000	1,378,000
Kildare	1,642,000	1,642,000
Kilkenny	568,000	568,000
Laois	1,176,000	676,000
Leitrim	1,487,000	1,987,000
Limerick	827,000	927,000
Longford	834,000	834,000
Louth	1,176,000	676,000
Mayo	949,000	1,449,000
Meath	477,000	1,227,000
Monaghan	1,332,000	1,332,000
North Tipperary	1,072,000	944,000
Offaly	482,000	632,000
Roscommon	1,719,000	1,719,000
Sligo	477,000	477,000
South Dublin	2,340,000	2,340,000
South Tipperary	3,155,000	1,255,000
Waterford	512,000	912,000
Westmeath	687,000	1,087,000
Wexford	943,000	1,043,000

	Local Authority Original Allocation in 2003	Total Allocation
Wicklow	1,564,000	1,564,000
<i>City Councils</i>		
Cork	477,000	977,000
Dublin	8,166,000	9,366,000
Galway	594,000	894,000
Limerick	710,000	510,000
Waterford	752,000	612,000
<i>Borough Councils</i>		
Clonmel	—	0
Drogheda	—	0
Kilkenny	—	0
Sligo	981,000	600,000
Wexford	24,000	24,000
<i>Town Councils</i>		
Athlone	—	0
Bray	—	0
Dundalk	—	0
Total	55,000,000	58,001,000

### Planning Issues.

208. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government the grounds for an appeal (details supplied); and if he will make a statement on the matter. [10167/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** Under the Planning and Development Regulations 2001, planning authorities are obliged to notify certain prescribed bodies of planning applications received by them. My Department is prescribed as a statutory consultee on any proposed developments which may have an impact on the built or natural heritage.

On receipt of the original planning application, my Department wrote to Roscommon County Council in October 2003 recommending that permission for the proposed development should not be granted because the proposed development is in the immediate vicinity of one of the most important archaeological sites in the country — Rathcroghan — and the proposed development site is located within the area of constraint of a recorded monument and immediately adjacent to a registered monument, as published in the register of historic monuments. Accordingly, it was considered that the proposed development would result in disturbance of significant archaeological features and the development also represented an unacceptable visual impact on this internationally important site.

Roscommon County Council granted permission for the development in February 2004 and for the reasons already specified, it was decided that this decision should be appealed to An Bord Pleanála. An appeal was lodged with the board in March 2004.

### Water and Sewerage Schemes.

209. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government if he will approve funding for a sewerage scheme (details supplied); and if he will make a statement on the matter. [10194/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** I presume the question relates to the Lanesboro Road, Roscommon. An extension of the Roscommon sewerage scheme along the Lanesboro Road was approved for funding under the serviced land initiative of my Department's water services investment programme in 2001. However, the approved proposal has since been modified by Roscommon County Council in favour of a more extensive and significantly more costly scheme. The revised proposal, which involves an increase in estimated cost from €0.3 million to €1.3 million, is being examined in my Department in light of additional information received from the council earlier this month. It will be dealt with as quickly as possible.

### Regional Road Network.

210. **Mr. Healy-Rae** asked the Minister for the Environment, Heritage and Local Government if local authorities are responsible for the road network in the first instance; if they are then responsible for the cutting of the hedges on the roadside; and if he will make a statement on the matter. [10246/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** Under section 13 of the Roads Act 1993 road authorities are responsible for the maintenance and construction of non-national roads.

Section 70 of the Act obliges landowners and occupiers of land to take all reasonable care to ensure that hedges growing on their land are not,

[Mr. Cullen.] or could not become, a danger to people using or working on a public road. If a hedge is, or could become, a danger to those using or working on a public road, a road authority may serve a written notice on the owner or occupier of the land requiring action to be taken in order to remove the danger or potential danger. The road authority may also carry out the works itself if the person on whom the notice was served fails to comply with it or may carry out any other works which it considers necessary. If the road authority considers that a hedge presents an immediate and serious hazard to road users, it may take immediate action to reduce or remove the hazard without issuing a notice to the landowner or occupier of land. In either case where the authority carries out the work, the authority may recover the costs from the owner or occupier of the land.

### European Parliament Elections.

211. **Mr. Noonan** asked the Minister for the Environment, Heritage and Local Government if residents in County Clare in the constituency of East Limerick are eligible to vote in the forthcoming European elections in the south or west constituency; and if he will make a statement on the matter. [10247/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The north west constituency for the European Parliament elections includes the entire county of Clare.

### State Property.

212. **Mr. O'Dowd** asked the Minister for Community, Rural and Gaeltacht Affairs the number and location of Údarás properties which have been sold since the election of the present Údarás board; the valuation of these properties and the name of the valuer in each case; the sale price of each property; the name and company name of all purchasers; if he will give details of all those who tendered; if he will give details of those who were short listed for tender by Údarás officials and recommended to its board; and the reasons for same and the date of each decision. [10260/04]

213. **Mr. O'Dowd** asked the Minister for Community, Rural and Gaeltacht Affairs if the tendering process for each Údarás property offered for sale since the election of the current Údarás board was advertised to the public; the publication in which it was advertised and the advertised date. [10261/04]

214. **Mr. O'Dowd** asked the Minister for Community, Rural and Gaeltacht Affairs the directives or guidelines since the Údarás board was first established which were given by central Government to regulate the sale of its properties; if such directives were applied to the tendering processes and actual sale of such properties; and

if those tendering for such properties were obliged to produce business plans and tax-free certificates as part of the conditions of tendering. [10262/04]

215. **Mr. O'Dowd** asked the Minister for Community, Rural and Gaeltacht Affairs the criteria being used by the board of Údarás in evaluating and determining the successful tenderer for the sale of each Údarás property; if he will fully outline the details of these criteria and the level of priority which Údarás attaches to broader cultural and language considerations, particularly preservation of the Irish language, when making decision on the sale of its properties. [10263/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I propose to take Question Nos. 212 to 215, inclusive, together.

The Deputy will appreciate that responsibility for the disposal of its property is a matter for the Board of Údarás na Gaeltachta in accordance with relevant State and EU guidelines and directives, which are applicable generally to all State bodies. These include the public procurement procedures, 1994 edition, and the Code of Practice for the Governance of State Bodies, 2001.

As I outlined during the Adjournment Debate on the matter on 24 March 2004, section 8 of the Údarás na Gaeltachta Act 1979 sets out the functions of Údarás and specifies at subsection 8(7): "For the purposes of this section, an tÚdarás shall have power to acquire, receive on transfer, hold, sell, mortgage, lease, let or otherwise dispose of land, buildings, markets, premises or plant and to erect, alter or maintain buildings, markets, premises or plant."

I understand from Údarás na Gaeltachta that the disposal of fixed assets can be achieved in a number of different ways, for example, by the sale or long lease of a premises to sitting industrial tenants, or by sale on the open market. In respect of the latter, I understand this is normally handled by auctioneers or estate agents by way of a tender process, by private treaty or by auction. Where the tendering process was used, the properties were publicly advertised in the press and through the estate agent's office. I understand also that business plans were sought, where appropriate, and that tax clearance procedures are not relevant to tender documentation for the sale of assets.

In regard to the criteria being used by the board of Údarás in evaluating and determining the successful tenderer for the sale of Údarás property, the Deputy will appreciate that no one set of criteria can apply to all cases. However, Údarás has confirmed that, in accordance with its statutory functions, it attaches a high priority to broader cultural and language considerations, particularly the preservation of the Irish language, when making decisions on the sale of its properties.

With regard to the specific details sought in relation to disposal of Údarás property, the Deputy will appreciate that these are day-to-day operational matters for the organisation itself. Accordingly, I have asked the chief executive of Údarás to provide the appropriate information directly to the Deputy as soon as possible.

### **Irish Language Place Names.**

216. **Mr. Kehoe** asked the Minister for Community, Rural and Gaeltacht Affairs the way in which a person can have an incorrect Irish place name changed; the procedure for such a request; and if he will make a statement on the matter. [10264/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** The placenames branch of my Department researches the placenames of Ireland and supports An Coimisiún Logainmneacha in its statutory role of advising me, as Minister, on the authoritative Irish language forms of placenames. Under section 32 of the Official Languages Act 2003, the Minister has power, on the advice of An Coimisiún Logainmneacha, to make placenames orders to give full legal effect to that advice.

I understand that the case referred to by the Deputy relates to a specific place name. I have requested the chief placenames officer in my Department to contact the Deputy directly to discuss the specific issue in this case.

### **Anti-Poverty Strategy.**

217. **Mr. Neville** asked the Minister for Social and Family Affairs if he will address the level of poverty here as outlined by the Combat Poverty Agency in December 2002-03 outlining that over 70,000 households are in consistent poverty and 300,000 households are earning less than €175 per week. [10157/04]

**Minister for Social and Family Affairs (Mary Coughlan):** The figures quoted by the Deputy are drawn from the analysis of the results of the 2001 living in Ireland survey undertaken by the Economic and Social Research Institute, ESRI.

These results showed that in 2001, the level of consistent poverty had fallen to 5.2%, down from 15% in 1994, equating to approximately 71,000 households.

The results also showed that in 2001 some 23.4% of children — almost 280,000 — were at risk of poverty by virtue of the fact they were living in households where the equivalised adult income is below 60% of median income. In 2001, that 60% income threshold amounted to €164, roughly equivalent to €175 in

current terms. It must be made clear, however, that this does not mean that 23.4% of children were living in households with incomes below €164 in 2001.

Individuals in a household with one adult and one child would fall below the income threshold only where their household income was less than

€218 per week — €164 plus 33.3% for the child. In the case of a family with two adults and two children, the household income would have to be less than €380

per week to cause the individuals in the household to fall below the income threshold.

The national anti-poverty strategy, NAPS, together with the national action plan against poverty and social exclusion, NAPS/inclusion, provide the framework for the strategic response by Government to the issues of poverty and exclusion.

The reduction and eventual elimination of consistent poverty has been a priority goal of the NAPS since its inception. Latterly, the NAPS/inclusion covering the period from 2003-05, incorporates the commitments made in the NAPS and in the current social partnership agreement, Sustaining Progress.

The NAPS/inclusion sets out ambitious targets across the range of policy areas, including employment, income support, health, education, housing and accommodation, which impact on poverty and social exclusion. It also addresses the needs of certain groups within society who are particularly vulnerable to poverty and social exclusion. These groups include women, children and young people, older people, people with disabilities, travellers, prisoners and ex-prisoners.

Under the partnership agreement, Sustaining Progress, a range of special initiatives are being undertaken, most of which are of direct relevance to combating poverty, including in particular the initiatives on ending child poverty, tackling educational disadvantage, supports for the long-term unemployed and other vulnerable workers, supports for carers, housing and accommodation initiatives and migration and inter-culturalism.

Institutional structures have been established to monitor and evaluate progress in all areas of the NAPS and NAPS/inclusion. These structures are facilitated and supported by the Office for Social Inclusion, OSI, in my Department. The OSI is also involved in co-ordinating the process across Departments and agencies and in implementing key support functions related to the strategy.

The challenge now is to sustain and build on the progress we have made to date so that we can achieve our overarching objective of eradicating poverty and building a fairer and more inclusive society.

### **Consultancy Contracts.**

218. **Mr. Ring** asked the Minister for Social and Family Affairs further to Parliamentary Question No. 505 of 17 February 2004, the name, rank, status and salary of each person employed by her in an advisory, PR or consultative capacity since her appointment; if such persons report to established civil servants; the names, function and role of their previous employers and their annual salary while employed by them; if the advisory, consultative or PR positions were publicly

[Mr. Ring.]  
advertised; if so, the channels through which; and if she will make a statement on the matter.  
[10314/04]

**Minister for Social and Family Affairs (Mary Coughlan):** Since I took up office, I have appointed a special adviser and a press adviser. Both these positions are accountable to my office.

From June 2002 until he resigned on 30 April 2003, I retained the services of a special adviser, Mr. Mel Cousins, who had been appointed by my predecessor, the Minister, Deputy Dermot Ahern. Mr. Cousins was employed on a contract basis. The salary for this position in 2003 was the maximum point of the principal higher scale,

€83,465. Prior to his appointment, Mr. Cousins was a self-employed social policy consultant.

Ms Helen Faughnan, a civil servant in my Department, was appointed as special adviser on 2 June 2003. Ms Faughnan is an assistant principal on principal officer duties. The annual pay scale for principal officer standard scale is €69,194 to €85,589.

I have also appointed, on a contract basis for my term of office, a press adviser, Mr. Tom Reddy, with effect from 31 July 2002. The current salary for this position is the maximum point of the principal standard scale, €80,457. Prior to his appointment, Mr. Reddy was employed in the Fianna Fáil press office. Neither of these posts was publicly advertised.