

[illegible]

## DÁIL ÉIREANN

*Dé Céadaoin, 2 Feabhra 2005.  
Wednesday, 2 February 2005.*

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

*Paidir.  
Prayer.*

### Leaders' Questions.

**Mr. Kenny:** Will the Taoiseach report to the House on his meeting with the British Prime Minister yesterday and the briefing both Prime Ministers were given by the Garda Commissioner and the Chief Constable of the PSNI? Were the Taoiseach and the Prime Minister Blair given new information which further confirmed their stated views that the Northern Bank robbery was carried out by the Provisional IRA with the knowledge of the leadership of Sinn Féin? Can the Taoiseach confirm that both Governments are more clear in their understanding that such was the case? In particular, will the Taoiseach confirm that, following the briefings he was given yesterday, it is now apparently obvious that this bank robbery was being planned over a period of two years and that the Sinn Féin leadership was well aware of a so-called fund raising spectacular being prepared?

In view of the huge damage caused to the Good Friday Agreement and the break down of negotiations, will the Taoiseach repeat that the onus is on the republican movement to show clearly that it is committed to democratic politics and the path of peace and that a gesture of credibility which could be made by the IRA and the republican movement is the unilateral decommissioning of arms that will never be used and which have become the subject of barter in the negotiations? Does the Taoiseach believe they could do this as a measure of credibility and to show that they are serious about getting back to a position where negotiations towards a conclusion of the peace process can begin again?

**The Taoiseach:** I will report briefly on yesterday's meeting. The meeting was divided into two sections. One was a briefing by Commissioner Conroy on his assessment, with Hugh Orde, Chief Constable of the PSNI. Both confirmed their positions, that is, Hugh Orde's public statement and the advice given to us by Commissioner Conroy. They believe that a number of operations which took place during 2004, not just the Northern Bank robbery, were the work of the

Provisional IRA and would have had the sanction of the army council and be known to the political leadership. That was made clear without equivocation and unambiguously.

**Caoimhghín Ó Caoláin:** Did they present you with evidence?

**Mr. J. O'Keeffe:** Give back the money.

**Mr. O'Dea:** Where is Deputy Ó Snodaigh this morning?

**An Ceann Comhairle:** The Taoiseach without interruption.

**The Taoiseach:** The position is clear. Collectively, the two Governments and all the parties did an enormous amount of work last year and the previous year. That is set out in the joint declaration and in the working documents that were presented on 8 December in a complete position. If we get a definitive answer from Sinn Féin, for which both of us have asked, about how to deal with decommissioning and, as Deputy Kenny said, if we can get the progress that we were close to getting on 8 December, it would be helpful to the process now and into the future. The second issue is an end to paramilitarism and the related issues of criminality. That is the position.

As we both said yesterday, in a strange way the position is clear now. All the work on various aspects of equality, human rights, demilitarisation and other important issues is documented and listed and the position we are at is now in the public domain. There are no secrets about it; everybody knows it. We can build on those if we get a clear position, which means a road that brings us to the end of criminality, decommissioning and paramilitarism. We have addressed those issues as well. It is really a question of whether people are prepared to do that or not. I hope people are reflecting on that.

It is worth putting it on record again that the reason this is so important is that there is no possibility of getting any trust and confidence back with the parties if we cannot answer those questions. This is a difficult enough year anyway because of the local elections in the North, the general election in the UK and the UK having the presidency of the G8 and the EU Presidency. If we do not get clear positions on these issues, therefore, there is no possibility of us being able to build up trust and confidence over the months ahead. I have now talked to all of the parties. I had spoken to some of them before reporting to the House last week. I have spoken to all of them now and that is the position of all parties. It is not a question of the Government being able to move forward. There is no possibility of getting anywhere until we get answers to those questions.

**Mr. Kenny:** Based on the information supplied by the Taoiseach and on his words, it is obvious that Sinn Féin has been negotiating with the Irish and British Governments over a period of time in

[Mr. Kenny.]  
very bad faith. Sinn Féin has clearly destroyed the level of trust by serious breaches of faith.

**Caoimhghín Ó Caoláin:** That is totally untrue.

**An Ceann Comhairle:** Deputy Ó Caoláin, it is Deputy Kenny's question.

**Mr. Kenny:** It shows the level of folly of the Taoiseach's Government in putting on the table the issue of the early release of the killers of Detective Garda McCabe. The Taoiseach confirmed last week that the matter had been taken off the table. In the context of his comments about the re-commencement of negotiations, is the Taoiseach saying there will be no further negotiations with Sinn Féin until such time as criminality is ended or a statement of intent to end criminality is made by that party and the Provisional IRA? At issue is an end to smuggling of whiskey, knee-capping, punishment beatings, diesel laundering, confiscation of cigarettes, smuggling of vodka, bank robberies and all the other elements of racketeering and criminality which abound and are driven by the Provisional IRA with, as the Taoiseach says, the knowledge of the leadership of Sinn Féin.

Is the Taoiseach saying there will be no more negotiations with Sinn Féin until it states that criminality is at an end or we see it is at an end or is he just waiting for a statement of intent? When one follows the line of breaches of trust and confidence in the way Sinn Féin has negotiated to date, it strikes me as remarkable that in 2002, as the Special Criminal Court was told yesterday, election posters stating "Sinn Féin, No. 1 Ó Snodaigh" were found along with stun guns and CS gas in the boot of a car. That does not appear to be characteristic of a party intent on following the path of peace and democratic politics. I would like the Taoiseach to be as strong as he was last week in this area. He knows the view of the Fine Gael Party on dealing with criminality in all its forms and on seeing a full conclusion through peaceful, democratic negotiations to the Good Friday Agreement to allow the people of this island, North and South, to get on with the business of living their lives in the manner in which they should be entitled.

**Mr. McGinley:** It was canvassing equipment, in other words.

**The Taoiseach:** The overall objective is full implementation of the Good Friday Agreement. Unless we get clear understandings and a definitive position on what is classified as paragraph 13, which spells out in detail what we are talking about, we cannot make progress. Secretary of State, Mr. Paul Murphy, has a meeting today with Sinn Féin and a British-Irish intergovernmental conference has been set up. Talks and contacts will go on but the position is that until we get answers to the questions Prime Minister Blair and

I put on the three areas of decommissioning, paramilitarism and criminality, we are not going to get anywhere. Everybody knows that. We have to get an answer on those issues. It is not a question of it all happening in negotiations, as Deputy Kenny knows, in December. While it was not all going to happen overnight, at least there was a clear plan of how it was going to happen. We are talking about whether that is possible.

I accept what Deputy Kenny said about what was going on while we were in the negotiations. There is no doubt that the planning and operation of these issues were taking place. I heard yesterday for the first time face to face from Hugh Orde, the head of the PSNI, and from the Garda Commissioner that the Dunmurry, macro and cigarette issues arose last year. There was no going around the houses in the conversations given their security briefings. Obviously, we were in negotiations then. Having said that, many of the issues over the years were taken on trust. All prisoners were allowed out at different times and we did all sorts of things on that basis. Many times one was ambiguous to try to make progress, as we both said yesterday and on previous occasions.

That was then and this is now. Things move on. We are trying to establish in Northern Ireland the Assembly for which people voted and the Executive to get the operation of the administration there working on a cross-party basis. We cannot do that unless we end these issues. Quite frankly, if we had succeeded in concluding these matters on 8 December, we would have been going through the period of preparation when events would have blown the roof off our houses. There is no doubt that we were not going to get anywhere as happened a few years ago when other issues arose. There is no point in trying to bring this to a conclusion unless we come to what the final issues are. For once, the final issues are clear to everybody. If that happens, all of the other issues we have signed up to in the joint declaration to bring peace, stability and confidence to improve the quality of life for everyone in Northern Ireland can kick in. We cannot do it the other way around.

**Mr. Rabbitte:** I wanted to ask the Taoiseach about his visit to London, but there is nothing more to be said on the matter. All the democratic parties in the House support the Taoiseach in what he has said.

Has the Government any proposals to address traffic chaos on the west side of the city? On 28 December, the Minister of State with responsibility for traffic, Deputy Callely, announced, as reported in *The Irish Times*, that he would bring National Toll Roads to heel on its proposed 20% increase in tolls. People would be prepared to pay reasonable tolls if there were not inordinate delays. As I am sure the Taoiseach knows, impossible circumstances are created in the entire west of Dublin especially at peak morning and evening times for commuters crossing the

Westlink Bridge or coming in from the adjacent counties of Kildare and Meath.

Clearly, nothing came of Deputy Callely's involvement and a 20% hike was imposed on the toll against a background of inflation of 2.2%. More importantly, imminent works to renovate the M50, including the construction of a grade separation at the Red Cow, will make things impossibly worse. Has the Government any proposals to alleviate the plight of motorists on the M50 and adjoining roads? Has the Taoiseach examined the contract which allowed for the construction of bridges? Is it the case that it would cost €400 million to buy back the Westlink Bridge? Is the Taoiseach satisfied about the circumstances in which the contract was concluded? Are we precluded from building another bridge? Whatever the circumstances, we cannot attempt to create grade separations and an additional lane on either side of the M50 with all of the disruption that implies while continuing to allow the obstruction caused by the toll plaza. At the very least, some temporary relief will have to be negotiated with National Toll Roads consistent with its contract to allow people to travel to and from work while the refurbishment works are being carried out.

**The Taoiseach:** There are a number of matters to address in the context of the M50. I will deal with the tolling issue, the widening of the lanes, interchanges and the upgrading of the road. As Deputy Rabbitte knows, a contract is being prepared by the NRA on widening and improvements which will constitute a costly operation. I understand the NRA hopes the works will commence later this year. A buy out of the National Toll Roads contract has not been considered. Any such consideration would have to take account of the costs involved and the implications for the funding of the M50 upgrade project, which is linked. The Government has been advised that the solution to congestion on the M50, including the West Link bridge, is the M50 upgrade project and the move to barrier free tolling. The technology is available and it is working successfully in other countries. This is the advice to the Government and the Department of Transport and they believe these two projects will help. The Comptroller and Auditor General is carrying out a preliminary review of the West Link concession with a view to deciding whether to carry out a full value for money analysis.

The decision to increase the tolls on the West Link was taken by NTR. The toll charges are within the minimum allowed under the agreement and the increase reflects the fact the tolls were held below the maximum level between 2002 and 2004.

**Mr. Quinn:** Because of the election.

**The Taoiseach:** The increase reflects a catching up on the indexation in the agreement between the NRA and NTR.

In reply to Deputy Rabbitte, I accept that during peak hours the M50 is, at times, like a car park and one could not argue against that but the solution to peak hour congestion on the route in the view of traffic engineers is the implementation of the M50 upgrade and barrier free tolling. The traffic level is higher than they believed it would be in 2015 or 2018 and they are examining the issue of building an outer link road but little work has been done on that. Many decisions on these issues were made 20 years ago using estimates of car occupancy up to 2015 but they are history.

The contract for the work on the widening on the road and on the interchanges will go ahead. It cannot be stopped at this stage and it is only a question of starting it. However, we should try to resolve the barrier free tolling issue quickly. I recently saw such tolling working enormously effectively in a country whose population is double ours. It is not the only problem relating to the M50 but this and other issues are being addressed by the upgrading, which will assist traffic flow.

**Mr. Rabbitte:** Motorists want to know when it is likely there will be alleviation and what will happen for the duration of the works, which I accept are necessary. It is proposed to put in a grade separation at the Red Cow interchange where works went on for three years on the Luas. Now we start all over again to put in a grade separation and this will create circumstances that are almost impossible for motorists. Between 7 a.m. and 9 a.m. and during peak hours in the evening the circumstances are impossible and full scale refurbishment works to put in new lanes and grade separations during this period will make it virtually impossible for motorists. What are the Government's recommendations?

The Taoiseach seems to have examined the contract and he stated a buy out is not feasible. Perhaps the contract entered into was imprudent from the point of view of the State and the taxpayer but we are stuck with it. When is barrier free tolling likely to be implemented? That is what the motorist on the M50 wants to know. It is unconscionable that he or she should be asked to continue to pay a toll during the period of refurbishment. Can a temporary relief be negotiated with the company to open the toll plaza for the duration of the works? Does the contract prevent the building of a new bridge? Is the Minister for Transport concerned about this issue? Will proposals emerge to provide alleviation for people not only from west Dublin who cannot get to work in the morning but from the surrounding dormitory towns, particularly in Counties Kildare and Meath?

**The Taoiseach:** There are three or four points. The Deputy accepts the additional works are vitally necessary and the Government has been pressing to get on with them. Procurement and related issues have been addressed.



[The Taoiseach.]

The issue on the contract is because NTR is involved in the funding of the project, a buy out is not an option because that will affect the work.

The Deputy asked what alleviation can be provided to assist motorists during the period of construction. That is a fair point and I will address that issue with the Minister. There have been meetings on this issue but I do not know their conclusions. However, I accept the Deputy's point that if conditions worsen during construction, that will be a greater difficulty, which must be addressed. As the works will start in a number of months, that must be done now. The NRA, NTR and the Minister dealt with this last October and November.

I also asked to have the wider issue addressed last year by the Cabinet sub-committee on infrastructure. The discussions on the current contract went on for some time and it was tied up in 1984. However, the projections for 2015 to 2018 that were used have long been exceeded. Looking to the next decade, I do not believe that even the enhanced works will be enough. When the Spanish built their version of the M50 around Madrid, they also wisely built an outer road and this issue must be examined for the longer term. I accept the Deputy is raising the short-term inconvenience but there is no way the M50 will resolve the problem in the long term, even with the enhanced works. That is my view having listened to the presentation by the NRA and the Department of Transport.

**Mr. J. Higgins:** In view of Mr. Ray Burke being convicted of serious criminality and abusing high office as a Fianna Fáil Minister, can the Taoiseach explain why he appointed him to the Cabinet in 1997 and why he savaged those who questioned him for taking that decision given that he vindicated Mr. Burke in the strongest terms? The Taoiseach must explain because when Fianna Fáil was mired in corruption and sleaze in the 1980s, nobody believes he did not know what was going on. He was the party fixer and the runner for party leader, Mr. Haughey. It is simply not credible that he did not know what Mr. Burke and his team of cronies were up to regarding rezonings and land corruption.

The Taoiseach may have kept his own face out of the feeding frenzy at the speculator's trough but he knew it was there, he knew who was bucketing the swill into it and he knew the biggest snouts who were slurping from it but, unlike when I was a young fellow on a farm in Kerry when we had to take a stick to the greediest pigs, he simply left them at it.

**Mr. O'Donoghue:** Animal farm.

**Mr. J. Higgins:** The Taoiseach knew but he said nothing because if he had, he would have gotten the Fianna Fáil equivalent of the concrete shoes, feeding with the small fishes on the back benches and he would not jeopardise his career by taking

a moral stand. He knew and they knew that he knew. That is why to this day he is reticent to attack those found guilty of corruption and that is why he had to appoint Mr. Burke in 1997.

The Taoiseach's alleged investigation of Mr. Burke before appointing him was a sham. He has a method of contriving to look in places where he knows there are no answers to the questions. He had his head stuck in the fragrant trees of north Dublin when he should have been lifting the manhole covers from which the real odour was coming. However, he decided to look in the wrong place so he would not get the answers.

Mr. Burke lied when availing of the tax amnesty in 1993. The Taoiseach introduced it and crooks and gangsters availed of it to launder their ill-gotten gains but they only  
11 o'clock declared a little of those gains, as did Mr. Burke. Is it not time to reopen that file, publish the names and let the people know exactly what went on? Finally, Mr. Burke, as Minister for Communications in 1987, handed over our natural resources and our fabulous oil and gas wells to multinational companies with an unprecedented deal of no royalties and no State stake. In view of him being paid left, right and centre for other favours by land rezoners and the rest, are we not right to be completely suspicious of that deal? Will the Taoiseach now order a re-examination of those terms? Will he refer the issue to the Mahon tribunal or another investigation and take back for the people the wealth that was given away by somebody who has now been convicted of corruption?

**An Ceann Comhairle:** The Deputy's time has concluded.

**The Taoiseach:** The Deputy has made a statement of his views and there is no point in me trying to change any of them. As I said last week, the sentence imposed on Mr. Ray Burke on Monday of last week demonstrated that any citizen who breaks the law will face its full rigours. I am satisfied that justice has been done and been seen to be done. The people can, therefore, have faith in our system of justice. Of course, as Deputy Joe Higgins has reminded the House, the powers and rules of the tax amnesty and the penalties within that were where former Minister, Mr. Ray Burke, got unstuck. That is how he has ended where he is today.

Yes, I have been criticised for appointing Mr. Ray Burke to the Cabinet almost eight years ago. As I have said, my decision was based on what my bona fide view was then. If I knew then what I know now years later after all of the investigations, I would not have appointed him. Not only I, but several other Members congratulated him at that time. Even when he came before the House, people were prepared to give him the benefit of the doubt. That is what happens.

With regard to all of the other matters raised by the Deputy, he obviously has much evidence. I have not read in the newspapers that he brought

all that evidence to the Mahon or Moriarty tribunals, but I think he should do so.

**Caoimhghín Ó Caoláin:** Just like the Taoiseach himself.

**Mr. J. Higgins:** This is extraordinary. The Taoiseach knows that everybody in the world except Mr. George Bush knew that there were no weapons of mass destruction in Iraq — everybody knew that. Everybody in the world knows that the Taoiseach knew what was going on. When Fianna Fail councillors could tell me ten, 12 or 15 years ago, with chapter and verse, what was going on — they were not involved in it but they knew the system of corruption of which Mr. Ray Burke was leader on Dublin County Council — the Taoiseach knew then. Will he tell us what he knew? Is he telling me that nobody from Fianna Fáil came to him in the 1980s or early 1990s and told him exactly the type of fixing that was going on between the speculators and his colleague Mr. Burke and others at that stage? That alone would have been a reason for not appointing Mr. Burke.

**An Ceann Comhairle:** The Deputy's minute has concluded.

**Mr. J. Higgins:** The Taoiseach did not answer my question on the terms of the multinationals' exploitation of our natural gas and the fabulous wealth on the Corrib field. The licences Mr. Burke issued were referred to as "frontier" licences. This is quite appropriate because the cowboys obviously wrote the terms as far as the people are concerned.

**An Ceann Comhairle:** The Deputy's time has concluded.

**Mr. J. Higgins:** However, when the Taoiseach moves his camp west every summer to Galway he still entertains them in his tent. Will he order a re-examination of those terms in order to take our wealth back following decisions that were, at least, questionable?

**The Taoiseach:** When I knew and it became clear to this House, the Government brought forward proposals, on which the House collectively agreed, to set up investigations into all these matters many years ago. Those investigations have examined all of the files in all the areas where they had any doubts, connections or involvement. They continue to do that to this day.

Unfortunately, I did not know all of the things the Deputy knew with certainty back in the 1980s. Even in the 1990s when as Taoiseach I was trying to make preliminary inquiries, they were not matters the Garda knew either. I put all of that on the record here many years ago. Rather than being here berating me for these issues, the Deputy should explain why he knew with certainty all of these matters were going on and about which he never made any statement. To the best of my knowledge, the Deputy has still not

done this. I know Deputy Ó Caoláin, if I was saying what Deputy Joe Higgins has been saying, would ask where was the evidence. I suppose that is what Deputy Higgins himself would ask also. However, he should at least have made people aware of this. I know he never made me aware of it, and neither did anybody else, unfortunately.

## Ceisteanna — Questions.

### Computerisation Programme.

1. **Mr. Kenny** asked the Taoiseach if he will report on the progress to date of the implementation of the e-Cabinet project; and if he will make a statement on the matter. [32026/04]

**The Taoiseach:** The e-Cabinet project has progressed very well and the key aspects of the system came into operation during 2004. Further development is in progress and will be incrementally deployed in the course of this year.

Phase one went live in summer 2004 and was launched by the then Minister of State with responsibility for the information society, Deputy Hanafin. It enabled all Departments to author and process memoranda for Government, to conduct interdepartmental consultation in a secure electronic environment and, similarly, to submit memoranda electronically to the Cabinet secretariat.

In November, Ministers began using the system at Cabinet meetings. While its use at Cabinet is at a preliminary stage, Ministers believe that it provides an important support for the Cabinet process. Some of the immediate benefits include real time access to the evolving Cabinet agenda and associated memoranda. Virtually all memoranda for Government are managed end-to-end on the system, that is from when they are first created right through to the Cabinet table. Further features of the system continue to be developed and will be deployed incrementally during 2005.

The e-Cabinet project is a leading edge Government initiative, which shows our commitment to applying new technologies to improve processes, even at the heart of Government. Its innovative character puts us at the forefront worldwide for implementation of technology in support of Cabinet, in view of its depth and sophistication.

**Mr. Kenny:** This project was announced in December 2001. How many phases are there in the e-Cabinet project? When will phase two be completed and what does it entail? Will the Taoiseach outline, if possible, the technical difficulties that have been encountered in the e-Cabinet project since it was devised? Is the project on schedule or much behind the projected schedule when announced?

**The Taoiseach:** The project is more or less on schedule. It has been an enormous project because it affects all Departments and offices. We are now at implementation stage. It is planned to further augment its features and functionality over several more phases this year. Those phases are electronic briefing facilities for Ministers; key features which automatically generate one-page overviews of memos; a facility for Ministers and other users; enhanced administration functionality; and biometric authentication for high level users. These are the phases for 2005.

It is also hoped to broaden the project out into other areas of Government agencies over the next number of years. Having brought it to this stage, as with any project of this size, additional advantages have opened up. All of the current stage of removing the large volume of documents that had to be sent manually to the Cabinet secretariat before each meeting and distribution and such matters are completed. That was a lengthy phase, because it meant getting rid of the generation of significant volumes of paper. Even before a memorandum comes to Cabinet, drafts were submitted manually within Departments. That has gone. The main advantage is that this work is all carried out electronically now. This means a significant saving to Departments in delivery services. More importantly, it means that transmission is instant. Therefore, the long delays with data going backward and forward through the manual system has been removed. The security sections of how documents are handled and who and what groups can gain access to them, took a long time. However, that is all finished and we are now down to a position where a system has been devised within Departments and the different areas.

Deputy Kenny asked about the areas in which it is being used. The technology has built-in encryption, fire walls and role profiles which specifically limit access to different people. That is all completed. I assume that like any technology project it will continue to develop for some years. The project should be fairly much completed in 2005 or maybe into 2006 in terms of what was envisaged five or six years ago.

**Mr. Kenny:** Does that mean all Departments currently based in Dublin use a system that is fully compatible with the e-Government system operated from Government Buildings? Are all the Dublin-based Departments fully on-line with this and is the system being used to full capacity? Does that mean that when the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív, moves to Knock and the Minister for Education and Science, Deputy Hanafin, moves to Mullingar that the same compatible systems will operate from the decentralised offices around the country?

Are there proposals to ensure that security measures to which the Taoiseach referred such as encryption will continue to operate on a singular

system that would make it workable from all parts of the country?

**Mr. Rabbitte:** Encryption is not needed in the case of the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív. I do not understand him in any language.

**The Taoiseach:** The answer to the Deputy's question is "Yes". They are all now using the one system. It is in the Cabinet secretariat and is now on all memorandums. All sections of Departments are using the one system. Many of these things are new and different but they have worked most effectively and this will be built on. This puts us in a position where we are well advanced. It is of great benefit to the Government but even more so for Departments and agencies in that they can operate from wherever they are based. It is almost at a stage where one could move one's entire office. Deputy Kenny and Deputy Jim O'Keeffe would be familiar with such cases. A very small unit of technology in an office is all that is required to move around and check large volumes of information. I would be pleased to show the system to the leaders of the Opposition if they wish to see it. I am not competent enough——

**Mr. Kenny:** Is that to get us used to it?

**The Taoiseach:** Yes. In fairness, I did this at the start——

**Mr. Rabbitte:** Or does the Taoiseach reckon it is our only chance to see it?

**The Taoiseach:** I did this at the start when we commenced the work. Former Deputy, John Bruton, and Deputy Quinn raised the issue at the time.

It does cover the entire Government service. I assure Deputies that I am not an expert on this. I am afraid age is against me in terms of being a technology buff. However the system is very good and we can all be very proud of how it works in the Civil Service. It has cost us but as a country we are now involved in it in a big way.

This year there has been a significant explanation and training programme carried out by the people involved throughout the Civil Service. I have been through that a few times. I would be glad if people want to see it. It is a very good system and when fully enhanced, which will probably still take some years, it will certainly make the Irish Civil Service system very far advanced. Last year on my travels in Europe I saw where people were at in different countries. Estonia was the only country that was very advanced in many ways. It is the only country at a level similar to us.

#### Official Engagements.

2. **Mr. Rabbitte** asked the Taoiseach the main purpose of his planned visit to China; and if he will make a statement on the matter. [33211/04]



3. **Mr. Rabbitte** asked the Taoiseach the official visits abroad he plans to make in the first six months of 2005; and if he will make a statement on the matter. [34257/04]

4. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of his recent visit to China. [34599/04]

5. **Mr. Rabbitte** asked the Taoiseach the matters discussed in his meetings with political leaders during his recent visit to China; if he raised with Chinese leaders ongoing concerns regarding the human rights situation; and if he will make a statement on the matter. [34600/04]

6. **Mr. Sargent** asked the Taoiseach if he will report on his visit to China in January 2004; and if he will make a statement on the matter. [34609/04]

7. **Caoimhghín Ó Caoláin** asked the Taoiseach if he will report on his visit to China; and if he will make a statement on the matter. [1381/05]

8. **Mr. P. McGrath** asked the Taoiseach if, in regard to his recent visit to China, he will report on his discussions concerning human rights violations and on progress in this regard. [1433/05]

9. **Mr. P. McGrath** asked the Taoiseach if, in regard to his recent visit to China, he will report on discussions concerning the proposed lifting of the embargo by the EU on the sale of arms to China; and if he will make a statement on the matter. [1434/05]

10. **Mr. J. Higgins** asked the Taoiseach if he will report on his recent trade mission to China. [1450/05]

11. **Mr. J. Higgins** asked the Taoiseach the matters discussed and conclusions reached at his meeting with the Chinese Prime Minister, Mr. Wen Jiabao. [1451/05]

12. **Mr. J. Higgins** asked the Taoiseach if he has received an agenda for the spring 2005 European Council; and if he will make a statement on the matter. [1464/05]

13. **Mr. J. Higgins** asked the Taoiseach his priorities for the spring 2005 European Council; and if he will make a statement on the matter. [1465/05]

14. **Mr. J. Higgins** asked the Taoiseach the official visits abroad he plans to make during the current session of Dáil Éireann; and if he will make a statement on the matter. [1467/05]

15. **Mr. J. Higgins** asked the Taoiseach the role he envisions the National Forum on Europe playing in regard to the proposed new EU constitution; and if he will make a statement on the matter. [1472/05]

16. **Mr. Kenny** asked the Taoiseach when he next expects to visit the United States; and if he will make a statement on the matter. [34095/04]

17. **Mr. Kenny** asked the Taoiseach if he will convene a meeting of the Ireland-America Economic Advisory Board during his next visit to the United States; and if he will make a statement on the matter. [34096/04]

18. **Mr. Rabbitte** asked the Taoiseach if he plans to visit the United States around St. Patrick's Day; the details of the programme agreed for such a visit; and if he will make a statement on the matter. [34258/04]

19. **Mr. Sargent** asked the Taoiseach when he next expects to visit the United States; and if he will make a statement on the matter. [34614/04]

20. **Mr. Sargent** asked the Taoiseach if he will convene a meeting of the Ireland-America Economic Advisory Board when he next visits the United States; and if he will make a statement on the matter. [34615/04]

21. **Mr. J. Higgins** asked the Taoiseach when he next expects to meet with the President of the United States of America, Mr. George W. Bush; and if he will make a statement on the matter. [1454/05]

22. **Mr. J. Higgins** asked the Taoiseach if he has spoken to the President of the United States, Mr. George W. Bush, since his recent inauguration; and if he will make a statement on the matter. [1462/05]

23. **Mr. J. Higgins** asked the Taoiseach if he will report on his recent contacts with the US Administration. [1463/05]

24. **Mr. Kenny** asked the Taoiseach if he will report on his recent official visit to China; and if he will make a statement on the matter. [2457/05]

25. **Mr. Kenny** asked the Taoiseach the issues he discussed during his recent meeting with the Chinese Premier; and if he will make a statement on the matter. [2458/05]

**The Taoiseach:** I propose to answer Questions Nos. 2 to 25, inclusive, together.

I made an official visit to China and Hong Kong from 18 to 22 January at the invitation of the authorities there. The overall purpose of the visit was to further enhance Ireland's strong economic and trade links with China. I was accompanied on the trip by my colleagues, the Minister for Enterprise, Trade and Employment, the Minister for Health and Children, the Minister for Agriculture and Food, and in Hong Kong by the Minister for Communications, Marine and Natural Resources.

The political element of the visit covered a number of important meetings. I met with President Hu Jintao, Premier Wen Jiabao and Chief Executive Tung Chee Hwa of Hong Kong and Chairman Wu of the National People's Congress. My discussions with the Chinese leadership focused on bilateral and trade relations, EU-China relations and political issues, including



[The Taoiseach.]

human rights and the proposed lifting of the arms embargo by the European Union.

I also had meetings with Mayor Han Zheng of Shanghai and Vice Mayor Tang of Shanghai where the proposed twinning of Cork with Shanghai and the hosting by Shanghai of the 2007 Special Olympics were discussed.

On this visit, I led the biggest trade delegation ever to leave Ireland. It comprised more than 200 people representing over 120 companies in a wide variety of business and academic sectors. This element of the visit was coordinated by Enterprise Ireland. The visit allowed for meetings between the Ministers accompanying me and their Chinese counterparts in bilateral sessions and at round table meetings. I spoke at three key business breakfasts organised by Enterprise Ireland. During the visit, I attended a number of tourism, agriculture, food and drink, education and Shannon Development events.

China is the world's fifth largest economy and it is essential that Ireland makes its presence firmly felt there. The visit was designed to drive forward our economic, trade, agriculture, education and tourism interests through dedicated commercial and trade events and signings with Chinese partners. I am pleased that contracts worth €125.8 million were signed by Irish businesses and colleges in the course of the mission. Significant investment to the tune of €46.5 million was made in China by Irish companies during the visit. The importance of the Chinese economy to Ireland is reflected in the Government's Asia strategy, a new phase of which is currently being prepared. My visit afforded political outreach and awareness-raising through keynote speeches at the prestigious Tsinghua and Fudan universities.

The importance of tourism, including cultural tourism, was addressed throughout the visit. The Irish traditional music group, Dervish, and a group of dancers performed at cultural events in Beijing and Shanghai. The Hong Kong leg of my journey coincided with a visit by the GAA All-Stars. I took the opportunity to watch them play and to meet the teams afterwards.

While in Hong Kong, I also had a short bilateral meeting with the Prime Minister of Canada, Paul Martin. We discussed bilateral relations, Canadian support for the Northern Ireland peace process and UN reform.

I will travel to Bulgaria and Poland on 11 and 12 February for bilateral meetings with Prime Minister Saxe-Coburg-Gotha and Prime Minister Belka. In addition to my traditional visit to North America for St. Patrick's Day, and my attendance at the European Council meetings in Brussels in March and June, I also propose to visit Spain and Germany. Dates for these meetings are still under discussion.

The Luxembourg Presidency has not yet issued an agenda for the Spring European Council. This is unlikely to issue before mid-February. The Spring European Council will focus on Europe's economic and social reform agenda, known as the

Lisbon Agenda. The Lisbon Agenda is subject this year to a mid-term review of progress. The Government's priority is to ensure that strong political focus is maintained on progressing with the series of reforms set out in March 2000 at the Lisbon European Council, so as to ensure that Europe meets its economic and competitiveness goals. Our focus has been on prioritising initiatives and reforms in the area of growth and employment.

As an independent body, it is a matter for the National Forum on Europe to decide the role it intends to play in regard to stimulating debate on the proposed European constitution. The National Forum on Europe has played a valuable role in facilitating open and independent debate on the work of the Intergovernmental Conference that led to the formulation of the text of the proposed European constitution and I am confident this work will continue. However, I do not wish to get drawn into any debate on how the forum will conduct its business in the coming months. As I have said, the forum is an independent body and it is a matter for it to decide how best to continue to facilitate debate on matters of importance on the European agenda.

I sent a message of congratulations to President Bush on his inauguration and I expect to meet with him in Washington for St. Patrick's Day. The programme for my visit has yet to be finalised. However, I expect to participate in the traditional ceremonies at the White House and on Capitol Hill and to meet with the Ireland-America Economic Advisory Board in the course of my visit.

**Mr. Rabbitte:** I congratulate the Taoiseach on the success of the mission to China. I especially congratulate him on managing to coincide with the All-Stars visit. I presume I will see him in Parnell Park under floodlights on Saturday evening.

In so far as it is possible to answer this question, will the Taoiseach indicate to the House what was the balance in terms of the success of the mission as regards investment in China and investment by China here in terms of trade?

What is the Government's attitude to the question of a consulate in Hong Kong, the location of the greatest number of Irish citizens in the south-east Asia region? Further, what is the Government's attitude to the issue of the EU arms embargo? Is it the Government's view that the Chinese Government has sufficiently met these requirements? Will the Taoiseach inform the House whether he raised the issue of human rights abuses in China? If so, was it a perfunctory compliance with the necessity to do so or did serious exchanges on the issue take place?

**The Taoiseach:** As the Deputy knows, two-way trade is important in the context of balance of trade. A small number of larger Irish companies are seriously examining the prospect of investing in the Chinese market. On this occasion we were involved with Kerry Group, which is due to open its ingredients plant. It sees a significant gain in

investing in the huge Chinese market and has therefore built up contacts and agents there in recent years — as it has done elsewhere — and it now has more than 40 companies worldwide.

A number of fairly small companies producing specialised technology products also see good prospects for them in investing on the ground in China. Few of those companies see themselves establishing manufacturing plants there but rather investing at a certain end of the market. The potential for investment does not involve a large number of companies. From what I have seen, a company needs to achieve a critical mass and have a very dedicated set up to be able to do so. Any company that invests on that basis will not work through local agents.

Last year the authorities in Shanghai brought in a Rover plant from the UK but they are now encouraging some of its big businesses to invest outside China and build up trade in other centres, which is a new departure for China that derives from the huge wealth in that region. There is a potential for Ireland to receive some of that investment too. France, Britain and Germany are fighting for such Chinese foreign investment in a hugely competitive market. In that context, this was my second visit to China in six or seven years, whereas President Chirac and Gerhard Schröder, in particular, seem to visit with huge delegations almost annually. Other countries are ahead in terms of attracting investment in a significant manner through building up extensive relationships. However, there are also opportunities for Ireland.

A large number of Irish companies now trade with China both directly and through agents — an area in which there is a huge potential for growth. I admire the efforts made by these Irish companies in order to enter the Chinese market. Many of these companies are small — some are larger — but they have developed business contacts and are doing serious business through agents in Shanghai, Beijing and other regions.

Last year the Irish Presidency of the EU dealt with the arms embargo on China and we brought the issue a long way. There was a great deal of pressure on the Presidency to finalise the matter at that stage but we did not, mainly because the British Government was holding out at the insistence of the US. My view is that the issue will probably be resolved, if not during the Luxembourg Presidency, by the UK Presidency itself, having been the main obstacle to it. I do say that in a cynical manner, but that is how these things happen and that is the position as I see it now. The British Foreign Secretary, Mr. Jack Straw, was in China last week and, judging by his speech, I would think the issues will be resolved by mid-year.

The Department of Foreign Affairs argued strongly that this issue was not just a question of lifting the arms embargo. The argument we made last year on behalf of the European Union was that we were anxious that a decision be made to lift the embargo but that it would not result in an

increase in the exports of arms to China. This is consistent with the Chinese Government's assertion that its concern to see the embargo lifted is driven by a desire to normalise relationships rather than one to pursue arms imports. That is its stated position, which has been widely repeated.

In December the European Council called for the early adoption of a revised EU code of conduct on arms exports. Work on this is progressing at a technical level. The Irish view is that we should not lift the embargo until that work is completed and accepted. That will happen this year. It cannot be finished until everyone comes on side. It now rests with the UK's position.

The current code with China has been operational for 17 years. It is a politically binding document, which contains criteria for assessing applicants for export licences for military equipment. These criteria include respect for human rights in the country or final destination and the preservation of regional peace security and stability. That ties in well to the Deputy's question on human rights.

This was the third opportunity in eight months on which I have had the opportunity to meet Premier Wen Jiabao. Interestingly, while the Chinese authorities do not like talking about human rights in the public domain or at press conferences, although Premier Zhu Rongji engaged with the media in a forthright manner in Dublin in 2001, privately they have no difficulty in doing so and accept the point that they must make huge progress. They accept that they are doing so under the EU-China human rights dialogue, of which there have been 17 rounds. They are engaging with the issues. I met the Chairman of the People's Congress — who will meet the Ceann Comhairle, the Cathaoirleach and a delegation later in the year — and he made it clear that they are anxious to engage at parliamentary level on these issues. They are making strides forward.

Nonetheless, the Chinese authorities make the point that theirs is a country of 1.3 billion people, who are part of a very different culture and tradition that includes many aspects which are totally unacceptable to people in Europe. However, the best way forward is to engage with them. I did not discuss Tibet with the authorities this time, although I did so during our last meeting because I had just met the Tibetan group here. They have started dialogue on Tibet, which is painfully slow but progress on the issue is encouraged because all parties raise it. However, the Chinese authorities do not fear this dialogue.

As Deputy Rabbitte will know, representatives of some countries get offended when one raises issues of human rights and do not want to talk about them. However, the Chinese representatives do not. During the EU Presidency, I got into a fierce tangle at a dinner with representatives of Burma-Myanmar, which turned into a shouting match with its foreign minister. I had no option but to get into the shouting match because I was

[The Taoiseach.]

carrying the EU brief. However, this is not the position with the Chinese authorities — they are prepared to engage. They are defensive of their system but they do not argue against the fact that they have to change. They want to do this in a controlled manner.

The last time I was in China, my visit coincided with that of Mary Robinson in her role as UN High Commissioner for Human Rights. It was one of the early meetings in starting the engagement that has continued since then. It has been slow and there are still major difficulties, but there is and has been real engagement. The authorities are still engaged with activities which are not acceptable anywhere but engagement is the only way of moving them forward and they are prepared to do so — they have no fear about talking about the issues.

**Mr. Sargent:** I was interested to hear about the Taoiseach's visit to China and I am glad to hear it was so successful. I am sure he will join me in extending best wishes to the Chinese people on their new year. Was the environmental impact of Chinese economic development raised in the Taoiseach's discussions with Chinese officials, particularly the mayor of Shanghai? For example, ten years ago 5% of transport means was car dependent while by 2015 it will be 50%. Apart from the congestion, respiratory illnesses and air pollution this will cause, greenhouse gas emissions will rise sevenfold. Did the Taoiseach discuss the degree to which China will become more dependent on sourcing oil from outside countries? While China's oil production rises 2% a year, demand rises 7% a year. China has a fiftieth of the world's oil reserves.

**An Ceann Comhairle:** Will the Deputy confine himself to the question?

**Mr. Sargent:** It is a pertinent question to Ireland. Were Amnesty International and Human Rights Watch reports raised in discussions? What was the Taoiseach's role as the head of a neutral country in dangling the prospect of arms proliferation in China? Was he speaking on behalf of Ireland, the EU or the West in general? While he presented himself as the head of a neutral country, I cannot relate this to his role in discussing the lifting of the arms embargo. Were any companies on the trip involved in arms exports, even for dual use?

**The Taoiseach:** It is an EU arms embargo. Every government and parliamentary delegation to China is asked about this as it is a big issue there. The first item raised at every press conference is the arms embargo. When the Chinese media visit Ireland, it also raises the issue. While it is seen by the Chinese as a great affront, we see it differently. I reiterated the Irish position on the matter, which is well-known to the Chinese authorities as they were dealing with us during the EU

Presidency. Department of Foreign Affairs officials spent much time then dealing with this. The Chinese would like to see the embargo lifted. I explained this can only be done in the context of the European Council. The code of practice on arms exports must be completed first. They reluctantly appreciate that position as it will not happen otherwise.

Deputy Sargent is right on environmental issues. In every area of resources, China is outstripping demand. Pollution and industrial development is becoming a major issue there. One sees people on the streets wearing protective masks. While the push bike is still the most popular means of transport in Beijing and Shanghai, there is a growing car dependence. Shanghai seems to be getting a grip on this matter. Deputy Sargent will be aware of the city's new public transport system that uses a new type of rail. It is enormously helpful in reducing carbon emissions. Shanghai has large environmental projects, including the clearing of slums and replacing them with green spaces and trees. However, it is still a large problem.

**Mr. Sargent:** What about oil demand?

**The Taoiseach:** Large amounts of bituminous coal are still burnt in China. This is a major problem of which they are aware. How it is resolved is another matter. One can imagine the effect of burning bituminous coal in a city with a population of 20 million people. We all remember what it was like in Dublin city with a population of only 1 million people. The Chinese people, particularly university students, are conscious of this massive problem. Shanghai has introduced programmes for dealing with this. However, problems remain in other cities with populations of 10 million to 15 million people. Grappling with this is an enormous problem and in presentations to our delegation it was admitted as the largest challenge for the next 20 years.

**Caoimhghín Ó Caoláin:** Was the ongoing Chinese Government's occupation of Tibet raised by the delegation? If so, what specific points were raised on the matter? The Taoiseach has given the view that the Chinese Government is intent on improving its human rights record. Did the Taoiseach raise the ongoing persecution of activists and dissidents arising from the 15th anniversary of the Tiananmen Square massacre? We are all advised that these continuing persecutions are brutal.

In the Taoiseach's upcoming visit to the US, I encourage him to raise with President Bush the ongoing detention and torture of prisoners at Guantanamo Bay. Recently, it was determined as unlawful by the US courts.

**The Taoiseach:** In my reply to Deputy Rabbitte, I explained that on this occasion I did not have discussions on Tibet. Before my last visit to China I met with Tibetan representatives in



Ireland and made a formal presentation of their case when I was there. The dialogue which we asked for has now commenced. We strongly support the ingoing dialogue with the Chinese authorities and the representatives of the Dalai Lama. We will continue to urge China to fully engage with the process. That is what we fought for the last time and it is now happening.

Deputy Ó Caoláin is correct on the human rights issue in that there are still many restrictions of movement and continuing house arrests, including that of a former premier who died while I was on the visit. I have raised other cases with which we have had success, such as the two Falun Gong students from Trinity College, Dublin. While the Chinese authorities are slow to move on these issues, they are listening to what the world, particularly the EU, is saying. The formal arrangement of the EU-China dialogue on human rights allows individual cases to be raised. That is how the Government was able to help in the release of the two Trinity College, Dublin students several years ago.

I do not believe I will have to raise the issue of Guantanamo Bay, as President Bush strongly gives his views on it. For the last three years, the issue has been discussed by us. I have no doubt it will be raised again.

**Mr. Kenny:** Condoleezza Rice expanded the American analysis of the axis of evil states to include Cuba, Myanmar, Belarus and Zimbabwe. During the EU Presidency, Ireland opened diplomatic relations with Myanmar yet human rights abuses continue there. The Burmese Government was asked to take steps to demobilise the recruitment of child soldiers from its national army. Last June a UN committee found that Burma was violating international law by recruiting and using children as soldiers, some as young as 11 years of age. According to Human Rights Watch, this is outrageous. Approximately 20% of its army of 350,000 soldiers is made up of children under the age of 18. The US Administration has noted Myanmar as part of the axis of evil. We formed diplomatic relations with a military junta there. What is the position in that regard?

On Sudan, a sealed file has been made available by the International Criminal Court containing the names of those responsible for crimes against humanity. The European Union supports strongly the prosecution of these people by the International Criminal Court but America does not. China and Russia do not want to see sanctions imposed against Sudan. Is it the Taoiseach's intention to raise this serious matter with the American President and the EU ambassador to the United States in view of the fact that genocide occurred in Rwanda? The international commission said that while genocide did not actually occur, individuals have committed acts with genocidal intent, including attacks on villages, the killing of civilians, rape, pillaging and forced displacement. This is a horrendous situation. I can understand the frustration of Bob Geldof in a

different sense in regard to Africa. This is something the Taoiseach, as leader of this country, should take to a much higher level. He should bring the issue to the notice of the American Administration which, I hope, will prevent further acts of this nature and save many thousands of lives.

**Mr. J. O'Keeffe:** Hear, hear.

**The Taoiseach:** I note what Deputy Kenny said about the position in Sudan. While I am not up to date with what happened at Monday's meeting of the General Affairs Council, I will probably receive a report during the week. The Minister, Deputy Dermot Ahern, was dealing with the matter on Monday at the General Affairs Council and I will check what happened. I note what the Deputy said about trying to engage with the American Administration on the issue.

On Myanmar, the Deputy will be aware that we were prepared to open diplomatic relations last year in order to try to help in this regard. The Department of Foreign Affairs was strongly of the view that the only way to deal with the issue was to open diplomatic relations. However, this did not happen. The situation continues to be difficult. The leaders in that country are not listening to the international community. I referred earlier to the exchanges I had last year when I had to confront strongly the issue, but they retorted in a strong manner. They just do not listen. They take the view that what is happening is no one's business. The meeting took place last June and they continue to adopt this attitude. It is a very difficult position and I am not surprised that Condoleezza Rice has moved in this regard. While there are difficulties in other areas, it is an area on which the European Union and America can usefully engage. It and other issues will be discussed in the future. President Bush will meet with the European Council this month to address a number of these issues and to agree a common line on some of these matters, which perhaps did not happen during his first term of office. It will be useful to try to engage in these issues.

**Mr. J. Higgins:** In the autumn I asked the Taoiseach to raise the treatment of workers in China as the regime rushed to replace its cruel Stalinist regime with rampant capitalism. There are more trade unionists in prison at various times in China than in any other country. Did he raise the issue of workers' rights, including the jailing of trade unionists, and what was the response? He said he met the Mayor of Shanghai. I cannot help feeling that the Taoiseach was "shanghaied" himself on the question of human rights in taking seriously the regime.

**An Ceann Comhairle:** The Deputy must confine himself to questions. I want to try to facilitate other Members.



**Mr. J. Higgins:** How can he take the regime's policy on human rights seriously when Amnesty International reported that more than 200 activists from the Tiananmen movement of 1989 were still in prison last year?

Will the Taoiseach veto any re-opening of arms sales from EU countries to China, not just on human rights issues, but because it is monstrous that countries such as Germany and France, while pretending to champion human rights, should be up to their necks in racketeering in the arms industry?

**Mr. Rabbitte:** Has the Taoiseach spoken to President Bush since his re-election and will he travel to the White House on St. Patrick's Day? Are Irish Government officials making representations to the White House to receive Sinn Féin members on St. Patrick's Day?

**Mr. J. O'Keeffe:** Can I ask the Taoiseach a question in regard to our China policy and Taiwan? Has there been a subtle hardening of our position in support of mainland China? I accept there has never been official recognition of Taiwan. However, unofficially and informally, we have supported its right to a peaceful existence and we have also opposed aggressive acts on the part of mainland China. I am worried that there has been a bit of a subtle shift and that, because of the prospect of doing more business in mainland China, we would cast our friends in Taiwan to the winds. I am fearful of such an approach.

**The Taoiseach:** There is no change in our position in regard to Taiwan. We acknowledge, as we have done through the decades, China's position in regard to Taiwan. I reiterated Ireland's and the European Union's consistent "one China" policy. Equally, we maintain the EU's interest in maintaining links with Taiwan in non-political fields consistent with the "one China" policy. I stressed the importance of constructive dialogue between Beijing and Taipei in the peaceful resolution of the Taiwan question.

In reply to Deputy Rabbitte, I have not spoken with President Bush but I sent him a message of congratulations following his re-election. Following the election, I spoke to his ambassador and to John Snow, Treasury Secretary, and conveyed to him my congratulations.

The arrangements for St. Patrick's Day are at a preliminary stage. I have said that I do not believe the politics of exclusion will serve any useful purpose. I would prefer people to confront issues and make known their views. President Bush, just as President Clinton before him, has been very helpful to the northern process. Both of them have been very forthright, which is helpful. I would prefer not to exclude people. However, I cannot be sure that President Bush will not take a different view.

**Mr. Rabbitte:** Are Irish Government officials lobbying to have Sinn Féin members invited to and received at the White House?

**The Taoiseach:** I do not think the preparations have yet reached that stage. However, I indicated to the ambassador, with whom I was discussing other matters, that I would prefer not to get involved in the politics of exclusion. However, I am not sure if the White House will take a similar view. We must wait to see what happens.

In reply to Deputy Higgins, I have been asked by the ETUC and others about workers' rights and trade union issues. As I said earlier, an enormous number of issues are totally inconsistent with our views. The best way to deal with the issue is through EU dialogue, where we can put forward views and statements. This is not an acceptable regime and we must fight the case of these people. I have certainly done so.

It is not our position that the arms embargo should be just lifted. We have said that the code, which is now outdated, must be completed. The policy has to be consistent so that it is not a question of just lifting the embargo to have more arms produced. That is not what we are trying to do. We have called for the early resolution of the revised EU code of conduct on arms exports and work is progressing on that in the EU. The current version of the code is a politically binding document which sets out the criteria for applications for export licences for military equipment. It applies the necessary controls and sanctions which include respect for human rights in a country of final destination. It is a good way to try to continue to improve a difficult situation and to improve on respect for human rights in these areas.

#### **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 call Deputy Arthur Morgan.

**Mr. Morgan:** I seek the adjournment of the Dáil to debate a specific matter of public interest, namely, the necessity for the House to debate the recently published NESC report on housing and the necessity for the Minister for the Environment, Heritage and Local Government to take action to implement the recommendations in that report particularly the NESC's call for "an expanded and more flexible stock of housing available at a social rent to ensure an adequate safety net for vulnerable households".

**Mr. Boyle:** I seek the adjournment of the Dáil to debate a specific matter of public interest, namely, the explosion of consumer credit here and the threat that this unacceptably high level of personal debt places on the future sustainability of our economy.

**Mr. Gogarty:** I seek the adjournment of the Dáil to debate a specific matter of national importance, namely the urgent need to carry out an audit of our domestic gas network to ensure that pipework and other equipment being used adheres to the highest international standards, that a proper system of certification be set up for people installing or repairing gas systems and that the clear and present risks to residents using natural gas is minimised before an avoidable tragedy occurs due to defective equipment being installed in many homes, including for example thousands of fittings that are soldered with corrosive flux paste which can eventually lead to gas leaks.

**Mr. Gormley:** I seek the adjournment of the Dáil to debate a specific matter of public importance, namely the fact that the new doctor-only medical cards which the Tánaiste promised would be ready within a matter of weeks when the estimates were published have not been issued and will not be issued for a considerable time, and the need for the Minister for Health and Children to take the necessary legislative steps to ensure they are issued as soon as possible.

**Ms McManus:** I seek the adjournment of the Dáil to debate a specific matter of public interest, namely the closure of the DART services on the south side of Dublin and Wicklow at weekends for the summer months and the consequences this will have for the travelling public and the commercial life of towns in north Wicklow, and the need for the a statement on the matter from the Minister for Transport.

**Mr. Sargent:** I seek the adjournment of the Dáil to debate a specific matter of urgent importance, namely, to address the difficulties which lie ahead in meeting electricity supply needs in the face of growing demands for energy, the threat of industrial action in the ESB as reported today and the inevitable rise in fossil fuel price due to oil depletion and correspondingly the lack of progress from Government in Ireland to conserve energy and develop renewable energy sources.

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

### Order of Business.

**The Taoiseach:** It is proposed to take No. 16, statements on European Council, Brussels; No. 15, Disability Bill 2004 — Second Stage (resumed); and No. 1, Dormant Accounts (Amendment) Bill 2004 — Second Stage.

It is proposed, notwithstanding anything in Standing Orders, that the proceedings on No.16 shall, if not previously concluded, be brought to a conclusion after 80 minutes and the following arrangements shall apply: (1) the statements shall, if not previously concluded, be brought to a conclusion after 60 minutes, and subject to (2)

the statements shall be confined to the Taoiseach and to the main spokespersons for the Fine Gael Party, the Labour Party and the Technical Group, who shall be called upon in that order, and which shall not exceed 15 minutes in each case; (2) Members may share time; and (3) immediately following the statements, the Minister for Foreign Affairs shall take questions for a period not exceeding 20 minutes. Private Members' business shall be No. 40, motion re Ireland's agri-food sector (resumed), to conclude at 8.30 p.m.

**An Ceann Comhairle:** There is one proposal to put to the House. Is the proposal for dealing with No. 16, motion re statements on European Council, agreed? Agreed.

**Mr. Kenny:** Yesterday I raised with the Tánaiste the issue of the Dublin metro. Will the Taoiseach confirm that the Cabinet has made a decision that there should be a Dublin metro, and when will the listed Bill be published?

Newspaper reports today and yesterday indicate that the Taoiseach gave a direction or at least encouragement to the Independent Monitoring Commission that it should not recommend sanctions against Sinn Féin arising from the report.

**An Ceann Comhairle:** That does not arise on the Order of Business. The Deputy will have an opportunity on Leader's Questions to raise that matter.

**Mr. Kenny:** When will the Independent Monitoring Commission report be published? Will the Taoiseach confirm what I have suggested? It would be wrong for the Taoiseach not to answer that.

**An Ceann Comhairle:** The question is not in order.

**Mr. Kenny:** It is.

**An Ceann Comhairle:** It is in order to ask when the report will be published.

**The Taoiseach:** I think the report will be published next week. It is an independent report and I can give no directions on it. The authors can write whatever they like.

**Mr. Kenny:** I am glad to have that confirmed.

**The Taoiseach:** There has been no final Cabinet decision on the Dublin metro but the legislation is being worked on and should be available shortly after the decision is made.

**Ms McManus:** Does the Taoiseach retain confidence in the Minister for Health and Children in view of the fact that she has publicly made promises——

**An Ceann Comhairle:** Has the Deputy a question appropriate to the Order of Business?

**Ms McManus:** I have. The number of medical cards is dropping despite the promise by the Minister for Health and Children that it would increase significantly. The item of legislation involved is something of a mystery as it has no title. Will the Taoiseach say when the yellow-pack medical card Bill will reach this House? Will he ensure that the Minister will have discussions with the doctors—

**An Ceann Comhairle:** The Deputy must confine her question to legislation and may not discuss the contents of the Bill in the House.

**Ms McManus:** The scheme has no name, no timeframe and no guarantee of being implemented.

**An Ceann Comhairle:** The Deputy is out of order.

**The Taoiseach:** As I said last week, a short Bill is being prepared to make statutory provision for the new medical cards and will shortly be before the House.

**Mr. Sargent:** I asked a question of the Tánaiste yesterday but did not get an answer. The Taoiseach might respond today. Ireland has signed the Aarhus Convention but has not yet ratified it. Having regard to Article 29.5.1° of the Constitution, when will the convention be ratified and laid before the Dáil?

Since my request to adjourn the Dáil under Standing Order No. 31 was disallowed, may I ask the Taoiseach about the Building Control Bill, which in September 2003 was promised for early 2004 and is now being promised for late 2005? Technically, the energy performance on building directive is to be introduced on 4 January, 2006. Indications from the freedom of information process are that it will be delayed until 2009. Will the Taoiseach take a leadership role in this and ensure that energy conservation is prioritised, given our lack of fuel security, not to mention climate change? Has the Taoiseach heard of the Aarhus Convention?

**The Taoiseach:** I will have to check on the matter of the Aarhus Convention. Will the Deputy repeat the name?

**Mr. Sargent:** The Aarhus Convention. Aarhus is a town in Denmark.

**Mr. Neville:** My question has been answered as a result of Deputy McManus's intervention.

**Ms McManus:** As far as it goes. The Deputy should ask the Taoiseach what "shortly" means.

**Ms O'Sullivan:** The register of persons considered unsafe to work with children Bill is on the

C list and we are informed it is not possible to indicate a publication date. This is important legislation relating to child protection but it also relates to the North-South Ministerial Council and clearly there are difficulties in that area. Will the Taoiseach indicate when that legislation will be proceeded with?

**The Taoiseach:** It is not possible to indicate at this time. The cross-departmental working group has reported to the Minister for Justice, Equality and Law Reform who is now appointing an implementation group to advise on the necessary legislation. That end of the work is advancing. We will bring it as far as we can so that we can try to find some resolution on a North-South basis. That will be the difficult part, but it does not stop us doing the rest of the work.

**Ms O'Sullivan:** Can the Taoiseach do it here, even if it cannot be implemented in the North?

**The Taoiseach:** That is what we will have to examine.

**Caoimhghín Ó Caoláin:** I wish to ask about two Bills, the first being the promised legislation to which the Tánaiste referred on the radio this morning and which the Taoiseach has described as a short Bill necessary regarding GP-only medical cards. Will that legislation be before the House and passed before Easter? I have no doubt that is what—

**An Ceann Comhairle:** The Deputy has asked his question.

**Caoimhghín Ó Caoláin:** —would be required if the new timeframe—

**An Ceann Comhairle:** I call the Taoiseach on the legislation.

**Caoimhghín Ó Caoláin:** I have signalled that I had two matters. With respect, I indicated that I wished to raise questions on two Bills. I now wish to refer to the second.

**An Ceann Comhairle:** It is not in the Standing Orders, Deputy.

**Caoimhghín Ó Caoláin:** The Ceann Comhairle is very eager to get away from me. I will ask about the second Bill, and I hope that the first will be passed in time for the new deadline of April delivery. On the nurses amendment Bill, formerly the nurses and midwives Bill, going by the September programme, publication is expected in 2005. There has been no change. Perhaps the Taoiseach will be more specific. The legislation has been promised for some considerable time.

**The Taoiseach:** It is to update the provisions relating to the regulation of nurses and midwives, and the heads of the Bill are expected shortly. As

soon as we can get that done, it can go for drafting.

**Mr. M. Higgins:** I wish to ask about the diplomatic immunities Bill. Perhaps the Taoiseach will state how many years have been spent on drafting the necessary constitutional adjustments.

**The Taoiseach:** The heads of the Bill were approved just before Christmas and it has gone for drafting. I have no date for it, but it has entered the drafting process.

**Mr. M. Higgins:** How many years?

**The Taoiseach:** How many years have passed?

**Mr. M. Higgins:** Is it seven?

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

**The Taoiseach:** My notes do not contain the answer.

**Mr. M. Higgins:** It is described as a mere technical Bill.

**The Taoiseach:** It is to amend the Diplomatic Relations and Immunities Acts 1967 to 1976 and to limit the Government's discretion in making orders in a way that would remedy any constitutional concern while not impinging on the general prerogative of the Government to make orders. I do not have a note telling me how many sections are included in the Bill.

**Mr. Boyle:** I wish to ask about the co-operatives Bill in light of today's announcement by Dairygold of further job losses. Can the Taoiseach give us any sense of the priority of the Bill? No publication date is given and there is a series of job loss announcements amounting to death by a thousand cuts in co-operative societies throughout the country.

**The Taoiseach:** On the co-operatives Bill, it is likely that a more fundamental review of the needs of the movement may be required before comprehensive proposals for legislation can be brought forward. The Department is working with the sector to facilitate its immediate legislative needs, whether by secondary legislation or inclusion in primary legislation, on this issue and others. Those discussions are currently taking place.

#### **European Council Meetings: Statements.**

**The Taoiseach:** I attended the European Council in Brussels on 16 and 17 December 2004. I was accompanied by the Minister for Foreign Affairs, Deputy Dermot Ahern, and the Minister of State with responsibility for European affairs, Deputy Treacy.

The Presidency's conclusions of the European Council have been laid before the Houses of the Oireachtas. The future enlargement of the European Union was the principal matter on the agenda at the Council. The Council also met Kofi Annan, Secretary General of the UN.

At the December European Council, several important decisions were taken on the future enlargement of the Union. At the Council, Ireland adopted a very positive and open approach to the EU vocation of Bulgaria, Romania, Croatia and Turkey. The future success of the enlarged EU of 25 member states, and its capacity to enlarge further, is inextricably linked to the ratification and entry into force of the European constitution. It is simply not possible for the Union of 25, and a potential Union of 30 or more states, to function effectively on the basis of treaty provisions agreed for the original community of six. The European constitution is fundamental to the capacity of the enlarged European Union to continue to take decisions promoting the economic development, security and prosperity of its 470 million citizens.

The European Council in December welcomed the successful conclusion of the accession negotiations with Bulgaria and Romania. It agreed that the accession treaty with those two countries should be signed in April 2005, provided that the European Parliament has given its assent. The European Council looks forward to welcoming Bulgaria and Romania as full EU members in January 2007. Ireland has been providing technical assistance, training and support to Romania and Bulgaria, as we have to most of the new member states in their preparations for EU membership. In view of the importance of strong bilateral relations with all EU partners, the Government has decided to complete its network of resident EU embassies in the 25 member states and open embassies in those countries that will accede in 2007. We will, therefore, open embassies in Latvia, Lithuania, Malta, Bulgaria and Romania. Those new embassies will play an important role in developing political, economic, social and cultural relations with our new EU partners.

The European Council also agreed to open accession negotiations with Croatia on 17 March 2005, provided that there is full co-operation with the International Criminal Tribunal for the former Yugoslavia. Croatia has made good progress in working with the tribunal, but there is one outstanding issue, the arrest of an indicted former army general. Ireland and other friends of Croatia have strongly encouraged the Croatian Government to resolve any remaining difficulties with the tribunal and ensure that they do not become a hindrance to Croatia's objective of EU membership. Much of the discussion at the December European Council was on the decision to open accession negotiations with Turkey. The Council was greatly facilitated by a detailed Commission recommendation on Turkey in a Commission document setting out the issues arising



[The Taoiseach.]

from Turkey's membership perspective. Our national approach to discussions over Turkey was guided by those important documents and by our own warm relations with Turkey. The report on Turkey of the Joint Committee on European Affairs agreed on 15 December also provided very useful input into our work.

Turkey's EU vocation has been expressed for many years. In 1999, the European Council took the key decision to recognise Turkey as a candidate country that was destined to join the Union on the basis of the same criteria that applied to other candidate states. Successive European Councils since have confirmed that if the 2004 December European Council decided that Turkey met the Copenhagen criteria for membership, accession negotiations should open without delay. Prime Minister Erdogan's Government has made considerable progress in adopting wide-ranging political and administrative reforms to a point where the European Commission was able to recommend that Turkey now sufficiently meets the political criteria for EU membership. The European Council asked that a framework for accession negotiations with Turkey be agreed with a view to opening negotiation on 3 October 2005.

The Commission also identified several important areas in which further progress is necessary. In its recommendation in October, it pointed to the zero tolerance policy regarding torture and ill treatment, freedom of expression, freedom of religion, women's rights, ILO standards, including trade union rights, and minority rights. Reforms in those areas will need to be fully consolidated and developed. In some cases, further legislation will be required. Turkey is also committed to bringing into force in the coming months six specific reform Acts already adopted by the Turkish Parliament. The Commission will continue to monitor all those closely and provide regular reports to the Council.

I have been strongly supportive of Turkey's application to join the Union. At European level, the perspective of full EU membership for Turkey places the Union's relations with a country of immense strategic and political importance in a well-defined framework for many years to come. The Union has shown itself open to the membership aspirations of a country that is making a strong and determined effort to demonstrate its commitment to the shared values of the Union.

From a national perspective, Turkey is an increasingly important economic partner for Ireland. Trade has been expanding rapidly. The combined total trade flows exceeded €550 million in 2003. Turkish companies are active in the Irish market, notably in the construction sector, where they compete actively and successfully for contracts. We believe that there are important future business opportunities for Irish companies in Turkey, where the economy has been growing

rapidly following a successful economic reform programme.

Given the scale of the issues to be addressed, accession negotiations with Turkey are likely to take a decade or more. The European Council conclusions make clear that the financial implications of Turkey's accession will not be addressed during current EU negotiations on the financial perspectives for 2007 to 2013. The conclusions also indicate that in areas such as agriculture, structural funding and the free movement of persons the Council can, if necessary, consider long transition periods, derogations and permanent safeguard clauses in the framework for the negotiations with Turkey.

The outcome of the negotiations with Turkey, as in any other negotiation, cannot be determined in advance. It is important, however, that both sides work together with determination and partnership towards the shared objective of Turkey's membership of the Union. Turkey's continued commitment to the implementation of reforms, particularly in areas such as the use of torture, religious freedom and women's rights, will be central to the outcome of the accession negotiations.

In 2004, during Ireland's EU Presidency, Turkey made an important and constructive contribution to the search for a comprehensive settlement to the Cyprus problem based on the proposals of the United Nations Secretary General. The search for a resolution of the Cyprus problem will remain a UN-led process.

In the meantime, however, progress is needed on the issue of the recognition of Cyprus by Turkey. Cyprus is a full member state of the Union that Turkey has applied to join, yet Turkey still does not recognise the Republic of Cyprus. Clearly, a meaningful gesture by Turkey on the start of a process of normalisation of its relations with Cyprus is necessary.

The conclusions of the European Council welcomed the statement by Prime Minister Erdogan that Turkey was ready to sign, before 3 October of this year, the protocol to the Ankara Agreement extending the EU-Turkey Customs Union to the ten new member states, including Cyprus.

While this does not constitute formal recognition by Turkey of Cyprus, it is an important confidence-building gesture that must be delivered on. Turkey's inability to resolve this issue fully at the European Council was unfortunate. It resulted in a difficult dialogue with Turkey at the European Council and injected a note of acrimony into an occasion of optimism and shared hope for the future.

On the financial perspectives for the years 2007 to 2013, the Dutch EU Presidency made progress in clarifying the issues that had to be resolved on the basis of the Commission's proposals. The issue now passes to the new Luxembourg Presidency, which I know will work hard to achieve agreement by the deadline of June of this year. Our aim in these negotiations is to ensure on the one hand that the Union is adequately equipped

to meet the challenges ahead and, on the other, that the citizen gets value for money.

The Common Agricultural Policy is a priority for Ireland. We have strongly emphasised that the agreement reached in October 2002 on future agricultural funding is fundamental and is not affected by the negotiations on the future financial perspectives.

We also wish to see adequate Cohesion Funding for the new member states. Where Cohesion Funding applies to richer member states, we have highlighted the continuing development needs of the Border, midlands and western region.

On the external relations side, the December Council had an important meeting with Kofi Annan, Secretary General of the UN. This was an opportunity for the European Union to show its support for the ambitious programme of reform of the United Nations that the Secretary General has driven forward. The Secretary General briefed the Council on key elements of the Report on the High Level Panel on Threats, Challenges and Change. The European Union's contribution to the work of the panel was prepared and submitted during Ireland's EU Presidency.

The Council's conclusions saluted the work of the Secretary General and affirmed the Union's determination to play a major role with the UN as we prepare for next September's UN summit.

The December European Council took place shortly before the re-run of the second round of the presidential elections in Ukraine. The Council adopted a declaration on the Ukraine commending the leaders and people for having found a successful outcome to the political crisis. It stressed the strategic importance of Ukraine as a key neighbour and partner. The European Union will now aim for an enhanced and distinctive relationship with Ukraine, making full use of the possibilities offered by the European neighbourhood policy.

The Council endorsed an action plan with Ukraine. Following the successful completion of the free and fair presidential elections, the EU-Ukraine Co-operation Council is expected to launch the action plan this month. This will provide the basis for more intensive co-operation between the European Union and a neighbour of great political and economic importance.

Overall, this was a successful Council with a fitting conclusion to a hard-working and effective Dutch Presidency of the Union. The decision on Turkey is particularly important. For our part, we look forward to the further strengthening of Ireland's relations with Turkey and the opening of a new and decisive phase of the Union's relations with one of its most important partners. This year we will work with Turkey and Croatia to ensure that all the elements are in place for the successful opening of their accession negotiations and the opening of a new chapter in the history of the Union.

**Mr. Kenny:** I wish to share time with Deputy Allen.

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

**Mr. Kenny:** I very much agree with the principal decision taken by the Heads of Government at the December meeting of the European Council to begin accession negotiations with Turkey. Given the progress the Turkish Government has made in terms of meeting the political and economic conditions set at the Copenhagen summit, it would have been very unfair if the European Union had not decided to begin the negotiating process.

I would not underestimate, however, the scale of this challenge. While Turkey has undertaken a large degree of change in recent years, it remains to be seen how deep these changes run. For example, a raft of new legislation has been enacted but there are serious questions about the extent to which these new laws are being implemented. Similarly, on the human rights front, some progress has been made but there are still many steps which need to be taken if Turkey is to be accepted as a fully democratic country.

Notwithstanding these challenges and difficulties, I am very hopeful that the accession negotiations, which may last ten years or more, will help to bring about the necessary changes so that Turkey can be brought to the point where European Union membership is a real possibility.

The other European Union related issue that I want to deal with in this contribution is the ongoing chaos and confusion within Government regarding the implications of the Government's insistence on maintaining the triple-lock mechanism. Last month, we had the chaotic situation where the Minister for Defence seemed to have no clear idea as to whether Irish troops could be sent to assist in the relief effort following the tsunami disaster in south-east Asia. His original position was that a specific UN Security Council resolution was required. Within a couple of days, his view was reversed to say that he was satisfied no such resolution was required. He then declared that the Cabinet had decided that if his legal interpretation was wrong, the Dáil would be recalled to authorise the sending of Irish troops to amend the Defence Act if necessary. In the end, the best the Government could do was send a four-man team to assist the UN logistical operation in Sri Lanka.

The situation has reached comical proportions in recent days with the Minister for Defence claiming that there were constitutional impediments to our Defence Forces participating in the new EU battle groups, which are specifically designed to respond quickly to crises. Just a few days ago, the position of the Minister, Deputy O'Dea, was completely contradicted by the Minister for Foreign Affairs who offered the view that there are no constitutional difficulties but that there are legal obstacles. The Minister for For-

[Mr. Kenny.]

eign Affairs indicated that he is of the opinion that the Defence Acts should be amended to facilitate Irish involvement.

If that is the case, I welcome this complete U-turn. Fine Gael has consistently argued that the current triple-lock mechanism is much too rigid and inflexible for today's world. Just a few weeks ago, my colleague, Deputy Timmins, and I, with the approval of the Minister for Defence, had the honour and pleasure of spending two and a half days visiting the Irish Defence Forces personnel who are working as part of the KFOR peace-keeping mission in Kosovo. There we had an opportunity to see at first hand the wonderful work being done by the 208 Irish men and women currently assigned to this mission. They are not only keeping the peace in their area of responsibility south of Pristina with total professionalism but are also utilising that unique Irish capacity to get along with people and win the confidence and respect of the local population.

During my visit, I held meetings with political leaders from both communities in Kosovo, the Kosovo Albanians and the Serb minority. The divisions between these communities are very deep but the one view they held in common was recognition of the very positive role being played by the Irish troops and their appreciation that our forces are in Kosovo for the sole purpose of improving people's lives.

One other critical aspect of the work of the Irish Defence Forces in Kosovo is less well known. It is the tremendous humanitarian assistance they give to the local population. For this purpose, they receive just €25,000 per contingent and they are required to go through incredible levels of bureaucracy to draw down this modest allocation. The result of this low level of Government support is that the troops have to fund-raise to support the very valuable projects they are undertaking. For example, those who were lucky enough to get home for leave at Christmas volunteered to bring back toys for local children. They organised sports days and other cultural activities to bring children from the divided communities together.

I highlight this work because of its importance in demonstrating to the indigenous population of Kosovo that the KFOR mission generally, and the Irish involvement in particular, is a positive and constructive source of security and help for the people of Kosovo. I ask the Minister for Foreign Affairs to examine the bureaucratic requirements to draw down very modest funds to allow Irish Army personnel to deliver real benefit in a local sense on small issues which involve no administrative costs. They just do the work but they have to fund-raise themselves.

For example, during my time in Kosovo, we visited a 62 year old local woman who had been living in a makeshift tent with no electricity or heating in freezing winter temperatures until the Irish Army provided her with a properly equipped and heated Weatherhaven portable

shelter. This is just one illustration of the excellent humanitarian work being provided by our troops which is very much a true reflection of the generosity of this nation. I hope this work will attract much greater financial and political support from the Government in the future. Those who write about these issues would do well to visit Kosovo to witness the work being done by the Irish Army, particularly in Serbian enclaves where there are serious tensions. These enclaves are literally tinderboxes.

One of the most striking elements supporting the Fine Gael position on the need to amend the triple lock mechanism exists next to Kosovo in Macedonia. There is an EU-led peacekeeping mission in Macedonia similar to the KFOR mission in Kosovo. Owing to the fact that China vetoed a proposed UN Security Council mandate for this mission because Macedonia had recognised Taiwan, Irish troops are debarred from participating. Thus we have the truly ridiculous situation where we are blocked by the Chinese regime from participating in an EU-led mission in an eastern European country while we have no difficulty in participating in the NATO-led mission in Kosovo which was not vetoed by China.

Members of the Irish Defence Forces are willing and able to play a part in helping keep the peace in Europe and elsewhere if they are set free from the shackles of the triple lock mechanism. Fine Gael wants to see these changes made so that in future we can decide as a mature sovereign state what role we should play in the world. I would like to see the requirement for Cabinet and Dáil approval remaining in place. In future, however, decisions should be examined on a case-by-case basis with a view to participating in some missions which might not have a specific UN mandate, provided these missions are consistent with the United Nations Charter. A change to the Defence Acts would allow this country to play a really positive role in Europe by signalling our willingness to participate in the new battle groups where it is appropriate and feasible.

**Mr. Allen:** The most recent European Council held in Brussels last December was important in terms of a range of issues. The Council reaffirmed the importance of the transatlantic relationship, referring to the partnership between the United States of America and the European Union as irreplaceable. The Council welcomed the participation of stakeholders on both sides of the Atlantic in consultations on the further deepening of transatlantic relations. I welcome this approach and also efforts being made to repair the fractured relationship between the European Union and the US.

The EU and the United States of America are each other's largest trading partners and most significant sources of overseas direct investment. It is clear that the divisions that have emerged between both parties in recent years have the potential to be very damaging in the long term. For this reason, Fine Gael last year proposed the



establishment of a foundation for transatlantic co-operation which could be of considerable assistance in promoting consultation and understanding on both sides of the Atlantic. Although the proposal received no support from the Government, I was interested to note that a workshop at the recent World Economic Forum in Davos concluded that good relations between both parties on each side of the Atlantic would be the anchor for future world security. The Government should seize the opportunity to put the foundation for transatlantic co-operation in place and take advantage of the considerable international support that exists for such a venture.

On external issues, the European Council also welcomed the agreement reached with Iran in mid-November, following discussions between Iran and the European Union. As a result of these discussions, Iran adopted a moratorium on uranium enrichment. It is essential that all enrichment and reprocessing activities cease permanently. There is much work to be done to ensure that this takes place. The development of nuclear capabilities by Iran could have a considerably destabilising effect on the region. All European Governments are anxious that this be avoided. The Acting Chairman and I visited the Middle East last week and saw that this threat hangs like a heavy cloud over the fledgling peace process between Palestine and Israel. This issue must be dealt with diplomatically but effectively.

In tandem with ongoing contact and negotiation on nuclear issues, the European Council confirmed the Union's readiness to develop further political and economic co-operation with Iran as a greater incentive to its dropping nuclear development. This, unfortunately, is in sharp contrast with recent statements by members of the United States Administration, particularly the Vice-President, Mr. Cheney, who confirmed that Iran is right at the top of the list of global trouble spots. Such assertions have serious implications. Current diplomatic efforts involving the United Kingdom, France and Germany negotiating on behalf of the European Union with the Iranian Administration must be given support and space to work in order that we can achieve in a peaceful way the result everyone seeks.

Perhaps the most important matter to be discussed by the European Council was Turkey's possible future membership of the Union. In recent years Turkey has embarked on a period of reform in a number of key areas. In November 2004 the European Commission report listed positive action in a number of ways. The Joint Committee on European Affairs issued a detailed report following its visit to Turkey. The important message emanating from that report is that the hope of accession to the European Union has been a catalyst for a litany of major changes in Turkish society. Those of us who met representatives of the Greek Orthodox Church, the Kurdish people who had been imprisoned for ten years and the other non-governmental groups will be

aware that they support the application for membership of the European Union. They see that application as the kind of catalyst to which I referred earlier.

The December meeting of the European Council described the work undertaken by Turkey as a far-reaching reform process and expressed confidence that the country would continue with its reform agenda. However, we cannot fail to recognise that significant work remains to be done. The fundamental criteria for entry to the European Union must be met by Turkey and all other states — Bulgaria, Romania and Croatia — seeking membership of the Union. We must not lose sight of the fact that as well as being an economic alliance, the Union is above all a partnership between countries that share the same ideals regarding human rights, individual freedoms of association and belief and the independence of judiciaries. Setting a specific date, 3 October 2005, for the commencement of accession negotiations sends a clear signal to Turkey that its reform efforts are worthwhile and must continue.

In the matter of overseas development aid, the European Council emphasised the importance of poverty eradication in all developing countries and confirmed full support for the achievement of the millennium development goals. It also indicated that new targets for ODA for the period 2009 to 2010 would also be examined this year. Last year the Government unfortunately backed out of its commitment in respect of ODA, abandoning the position it adopted in 2000 in front of the international community. It is a shame and a scandal that Ireland cannot lead an international alliance in favour of increasing aid because the Government has tarnished our standing and reputation on this matter of critical importance.

The European Council sent a message of support to the people of Ukraine on their having found a peaceful solution to the political crisis which placed their country in such turmoil late last year. I welcome the support the Council has given to Ukraine in this regard and the further deepening of political, cultural and economic relations between that country and the European Union.

**Mr. Quinn:** I thank the Taoiseach for his contribution and his report on the Council. It was not the sort of Council meeting to which we have become accustomed, being quite humdrum at one level. When one reads the conclusions, however, one becomes aware that many decisions were taken and much progress made. I wish to concentrate on some of the more prominent of those decisions.

The major issue to emerge is that of Turkey. There is a sense that, having made the decision to allow negotiations to commence on 3 October of this year, member states, including Ireland, have completed their task and that it is now the responsibility of Council officials and the Turks to complete the project and ensure that Turkey meets the standards set for it and other applicant



[Mr. Quinn.]

countries. That would be a mistake and we cannot afford to be complacent.

The nub of the issue is whether Europe is a Christian or a pluralist project. At the back of this issue is the forthcoming constitutional referendum in countries such as the Netherlands and France, where notwithstanding the current level of public opinion poll support for the ratification of the constitutional treaty, there are undercurrents that attempt to suggest Turkey is not fully eligible for membership of the European Union by virtue of its being a modern Islamic state, albeit a secular one in terms of separation of church and state. However, even the form of separation of church and state in Turkey is unique. It is not the type of separation of church and state, for example, one would associate with the Republic of France.

I, therefore, urge the Government and the Council of Ministers to ensure that the debate on Turkey's eligibility is maintained at a positive level. Turkey is as much a European country as Russia, the difference being that Turkey, like Russia, had a contiguous empire that stretched all the way to Basra, in one direction, and as far as Morocco and Rabat, in the other, just as the Russian empire continues to stretch as far as Vladivostok, north of Japan. Other European empires tended not to be contiguous in their territorial composition and, therefore, the mother country, so to speak, could be separated from outlying imperial posts.

Turkey was described in the 19th century as the "sick man of Europe". It was recognised by the power centres of Europe at the time, whether London, Berlin or Paris, that Turkey was an integral part of the European culture and body politic. One cannot look at the civilisation and culture of Europe without seeing the role that Turkey has played. When one drinks a cup of coffee in Budapest, for example, one recognises that the Turks were there for about 150 years because it is not exactly coffee that one gets from Starbucks.

The suggestion that in some way the Turks are not European is erroneous. We can simply say that a decision has been taken to open the negotiations and that is the end of the matter. There are, however, a number of points I want to make as regards this matter. Other countries have come into the European Union with equally difficult civil rights backgrounds and deficiencies as regards their democratic deficits. I am not referring to central and eastern Europe. Greece, Spain and Portugal were dictatorships until the mid-1970s or early 1980s, and yet they qualified for membership and have progressed. There is nothing inherent in the Turkish composition that prevents them from achieving the same level of democratic accountability, including separation of powers and the independence of judiciary, that has been achieved in Spain, Portugal and Greece. We should bear that in mind. I urge the Taoiseach and the Minister for Foreign for

Affairs to recognise that we cannot take this for granted. The debate and leadership of the debate must continue to be articulated. Otherwise the negativity associated with sectarianism, suspicion and fear of Islam because of what is happening elsewhere will confuse and confound it.

An outstanding item that is of particular relevance to Ireland in all this is the question of Cyprus and the extraordinary insult that the Prime Minister of Turkey gave, at the end of the proceedings, to that whole question. Ireland can relate in a particular manner to the Cyprus problem. The Cypriots must be strongly supported in their legitimate demand that the Ankara Government should at least recognise the existence and legality of the Cypriot state. While the analogy is less than perfect, it is possible for countries to have difficulties as regards territorial claims over adjoining areas while recognising them and co-operating at the same time.

The existence of Articles 2 and 3 in the early 1970s did not prevent Britain and Ireland from working closely together, even though it could be argued that territorial disputes were implicit in their legal status, which have happily been resolved, as the Taoiseach knows. As a smaller member state which has shared a similar history to that experienced by both Turkish and Greek Cypriot peoples, Ireland should be strong and steadfast in its support for the recognition of Cyprus, in a generous way, as a full member state, by the Ankara Government.

I want to turn to the Taoiseach's welcome announcement that he intends to proceed rapidly with the establishment of embassies in the five remaining candidate member states, including Bulgaria and Romania. I am not sure whether we have an embassy in Croatia, or whether that is next on the list.

**The Taoiseach:** We have no embassy there.

**Mr. Quinn:** I did not think so. We certainly have one in Slovenia. At an earlier stage, I was involved in ensuring that the exercise of An Córás Tráchtála, as it was then known, in having trade missions in Budapest and Prague, was reversed to a commitment between the then Department of Tourism and Trade and the Department of Foreign Affairs to open embassies in those two countries. That was in the late 1990s, 1996 and 1997. These are welcome developments.

I would, however, ask the Taoiseach to ensure that the right hand knows what the left hand is doing, while not attributing a left hand to him. I ask that decisions to open embassies are followed by commitments in the Department of Foreign Affairs and within the personnel section of the Department of Finance to provide the extra additional staff, fund them and enable them to operate. From my experience and calculations one is talking of five ambassadors, a minimum of two support diplomatic staff for a basic mission as well as the domestic support personnel on the ground. In areas where Ireland has a particular

interest in terms of promoting trade or whatever, there should possibly be a secondment of personnel from Enterprise Ireland to enhance the trade capabilities. That initiative will not happen unless somebody drives it. I hope the Taoiseach and the Minister for Foreign Affairs will ensure that drive is maintained. Given that the current occupant of Upper Merrion Street was previously in St. Stephen's Green, I hope there will at least be a degree of empathy in this regard.

On a wider point, which the Taoiseach and the Minister might like to return to at a later stage, excluding Luxembourg, Ireland had the smallest diplomatic staff of the former 15 EU member states. Given that the Irish diaspora is probably one of the largest in the world, we need to decide how this may be harnessed in a meaningful way, not just around receptions and green beer for St. Patrick's Day, but as trading agents, partners and contacts in a manner the Taoiseach has already explored in Hong Kong. While we have an interest in other parts of the world, we have a particular interest in this one.

The debate on the financial perspectives has not yet really started. I do not know whether it is appropriate for either the Minister for Foreign Affairs or the Minister for Finance to initiate that debate in the House. Again, there is the *béal bocht* mentality that has informed so many administrations which argues that we really only joined the European Union for the money and now that it is disappearing, so to speak, this is a matter of concern. I welcome the fact that Ireland will soon be a net contributor to the European Union. I look forward to the day when it will be a donor rather than a taker. There will still be much financial support in areas where it is needed and among sections of our community. Programmes will receive additional substantial sums of money and Exchequer funding will be matched by European money for programmes that apply to aspects of Irish life. When the accounts are completed, however, in the next four to five years, if not sooner, Ireland will be a net contributor.

Again, leadership has to come from the Government. This must be presented as the day in which the young kid brought home his or her first full salary and not as the day when we had to pay out money. It is a day Ireland will have come of age and by virtue of being a net contributor to the European Union, will assert itself as a successful and wealthy country. The tone of that presentation, how it is argued and presented, despite the nay-sayers asserting that Ireland no longer needs to be in the European Union, is pivotal. I hope we will not forget our experience as regards the support given by the European Social Fund, for example. Both the Taoiseach and I know how that transformed AnCO, latterly FÁS, in terms of the work it was able to do, including on community employment programmes around the country. I hope a negative attitude is not developed towards the role of the Union in supporting programmes in other parts of the EU

which desperately need our support. Anything that enables our neighbours and potential trading partners to become wealthy and secure is in our best interest. The contribution that Ireland should willingly make in the revised financial prospectus is something that we should welcome. I do not suggest that we should lose the run of ourselves, but I do not imagine that anyone from Merrion Street would ever lose the run of themselves in that regard. It is a question of presentation and that can best come from the lips of the Ministers in office. As this debate takes place over the next few months, we will see articles from the usual suspects in our newspapers saying that we should seriously question why we are giving this money. All the transported tabloid opposition to the European project will come with it. These are the concerns that I have, along with many others who are in favour of the European project. Leadership must come from the Government of the day. I invite the Taoiseach to continue the leadership that he has already displayed.

**Mr. Gormley:** I thank the Taoiseach for his contribution. Every so often we make statements in this House on European Council meetings. Too often such statements are not given adequate coverage. What happens at European Council meeting is much more important than who a Minister appoints as a spin doctor, yet it receives far less coverage. Unfortunately, this lack of coverage is reflected in a disturbing level of ignorance about European affairs in this country. The Acting Chairman and I laboured long and hard at the European Convention. I often ask myself if anyone knows what we were at, if anyone cares, or if anyone is fully *au fait* with the European constitution. It would appear that a majority of people do not know much about it. There is much work to be done, particularly by the Government. If there are spin doctors in place, perhaps they could be used to better effect. They could be used to let people know a little bit about the European Convention and the new European constitution.

Is this European constitution available to members of the public? I have had difficulty obtaining the latest version of it. I recently went to the European Commission building and was told that I could have a copy. There was a certain reluctance and they did not want to give me the declarations and the protocols. If elected representatives cannot get the latest version, then how can the ordinary citizen be expected to know anything about this constitution? Communications on the European constitution and on the Convention need to be improved. I suggested at the Convention that we have a Europe wide referendum. There are constitutional difficulties with this in certain member states, but it could have been done in those states on a consultative basis. It would have generated a momentum and we could have had a real debate about the future direction of Europe. It looks like that will not take place and, in its absence, it appears that indi-

[Mr. Gormley.]

vidual member states will have their referenda. However, there is a pecking order within Europe. If France rejects the referendum, it will be quite different from Ireland rejecting it. I do not think the French will be asked to vote again. If Ireland rejects it, I have no doubt we will be asked to vote again.

The Green Party fully supports Turkey's accession. I am disturbed by the reports I receive from France in my discussions with so-called moderate French politicians. The reports suggest that there is an underlying racism there. They do not want what they perceive to be an Islamic state joining up. The constitution will provide for a double majority voting system, which I support. The French are therefore concerned that Turkey will be the largest state under this system. I do not think those rules should be changed. We need to stick with the double majority. If a country has a large population, then so be it.

I do not believe that we are a member of a military alliance because of this constitution, nor do I believe that we are heading for a European army. However, we are heading inexorably towards a common defence. The triple-lock mechanism is under enormous pressure and this Government is under pressure to abandon it. I believe that this would be a mistake. In the Convention, I asked that European missions would be mandated by the UN. Rather than abandon the UN, we ought to reform it. It is in need of reform and is without doubt a flawed organisation. We require that reform, but it would be a major mistake to go down the unilateralist path like George W. Bush. We do not need to do the same.

**Aengus Ó Snodaigh:** I would like to begin on a positive note for a change. I welcome the European Council's decision to adopt an EU-wide drugs strategy for 2005 to 2012. This strategy has been described as a key instrument to confront drugs use and trafficking effectively with a view to ensuring a high level of health protection, well-being and social cohesion as well as a high level of security for the public. This balanced approach is laudable and is an area in which closer EU co-operation is valid and vital. I look forward to examining the three-year action plan which is to be presented for adoption at the European Council early this year. I urge the Government to schedule a Dáil debate on this critical area of public policy.

I congratulate Bulgaria and Romania for having concluded accession negotiations and I look forward to those countries becoming EU members in January 2007. I welcome their initiative and that of six of the new members states from eastern Europe which launched action plans as part of the decade of Roma inclusion. I urge the Government to join this initiative and commit to the eradication of anti-Roma and anti-Traveler racism and exclusion in Ireland.

The Council also agreed to open accession negotiations with Turkey and we support its accession in principle. We hope that Turkey will be in a position to join on time in 2015. However, its membership will ultimately be contingent on it ending the military occupation in Cyprus and the recognition of the Kurdish right to self-determination. Membership must also be subject to Turkey fulfilling the Copenhagen criteria, specifically durable and systematic change in its appalling human rights record. We agree that all EU accession negotiations should be subject to suspension in view of human rights violations and we accept this aspect of conditionality as recommended by the Commission. However, Turkey must be allowed to enter the EU on the same basis as all other states and there can be no second class citizenship within the EU. There should not be a referendum in other member states on Turkish membership. That includes Ireland. Once accepted, Turkish citizens must be allowed full freedom of movement on an equal basis with others.

We once again oppose the implementation of the Hague programme which advances the fortress Europe project. This is high on the Council's agenda. I have asked the Government in the past to debate this plan but so far, despite the State being committed to it, the Government has avoided holding a debate on the Hague programme.

I also note with concern the militarisation of the EU which continued at this Council meeting. It further endorsed development of the EU army as well as a work programme and a budget for the new European defence agency. As Deputy Gormley said, we support the strengthening of the UN peacekeeping and genocide prevention capacity but we do not support the outsourcing of such missions to EU battle groups. With due respect to the UN Secretary General, this development is the wrong direction for EU reform.

**Mr. F. McGrath:** I speak as an Irishman, an internationalist, somebody who tries to follow the great Connolly tradition on this island. It might not be politically correct but it is important always to question and challenge the European Council, particularly the proposed EU constitution. It is also important to ensure that our citizens are informed in a meaningful way on all developments.

It scares me to read the following quotes. Jean-Luc Dehaene, the former Belgian Prime Minister and vice-president of the EU Convention said in 2004:

We know that nine out of 10 people will not have read the Constitution and will vote on the basis of what politicians and journalists say. More than that, if the answer is No, the vote will probably have to be done again, because it absolutely has to be Yes.



The second quote is from the president of the European Convention, Valéry Giscard d'Estaing, in a speech accepting the Charlemagne prize for European integration in 2003. It is:

Our Constitution cannot be reduced to a mere treaty for cooperation between governments. Anyone who has not yet grasped this fact deserves to wear the dunce's cap.

The third quote is from the European Commission President, Romano Prodi, in 2003:

[The Constitution is] a big change from the basic concept of nation states. It's a change of centuries of history.

How many Irish citizens have heard these statements?

I also have other concerns. I am particularly fed up with the political snobbery among EU constitution supporters in this country. I wish they had the political cop-on to respect dissenting views on this issue. If they are so confident with their position, they should not run away from serious questions and debate.

Our citizens deserve answers to a number of questions. Does the EU constitution enshrine extreme neo-liberalism as the basis of the EU economy? Does it encourage the privatisation of public services? Take a look at Article III-166. Is there an enshrinement of permanent dominance of capital over labour? Does Article I-41 militarise the EU? Does a common defence policy lead to a common defence and end the formal neutrality of Ireland, Denmark, Sweden, Austria and Malta? Do the EU's top politicians have the right to amend the constitution without the need for new treaties? Does the EU constitution transform the present EU, which is a descriptive title for various forms of co-operation between its member states, into an EU federal state and reduce Ireland and other member states to the constitutional status of provinces inside this new European federation?

I raise these fundamental questions to ensure the Irish people are informed and their rights as citizens are protected. I hope the major political parties, the political elite and the media will have the courage of their convictions and be honest with the people.

**Mr. Connolly:** I note that accession talks for the expansion of the EU will begin this year for Romania, Bulgaria and Croatia. The Taoiseach stated, in the case of Croatia's accession talks which are due to start on 17 March this year, that he had a friendly word of advice for his Croatian counterpart, Mr. Ivo Sanader. His friendly words in Mr. Sanader's ear were that Mr. Sanader should improve his co-operation with the International War Crimes Tribunal for the former Yugoslavia, ICTY.

Co-operation with the ICTY means the apprehension and hand-over of a Croatian general, Ante Gotovina, who is a fugitive from the ICTY chief prosecutor, Carla del Ponte. This is an out-

rageous ultimatum to present to a country which has fulfilled all requirements for EU membership up to now. There is an implicit inference that Croatia is sheltering the fugitive general and the country's EU application is being impeded as a result.

There is a warrant in place in Croatia for General Gotovina's arrest since the socialist Government was in office. The current Christian democrat administration concurs and has maintained the warrant. Both sides are in agreement that Croatia is fully compliant with all ICTY demands and is vigorously pursuing the location, apprehension and hand-over of the general to the ICTY. However, Carla del Ponte has expressed doubts about Croatia's determination to arrest Gotovina and in recent days the EU enlargement commissioner stated that the 17 March accession talks with Croatia should not proceed.

I firmly believe that Turkey belongs to the European family and should be welcomed into the EU. I agree with Deputy Ó Snodaigh that Turkey should cease its 40 year occupation of northern Cyprus and permit Cyprus to work out its destiny. Members of a family should be equal and there should be no second-class EU citizens. Partnership is the future in the Balkans and there is a stabilisation and association process in the region which is the framework for relations within the region.

I look forward to the accession in 2007 of Croatia, Bulgaria and Romania and, in 2015, of Turkey.

**Acting Chairman:** The Minister for Foreign Affairs will take questions.

**Mr. Allen:** The Taoiseach did not refer to Israel and Palestine but there is ongoing interest in the new peace process there. Deputy Carey and I were there last week and one of the issues that continues to fester is the impact of settlers on Palestinians. The commitment of the Israelis to disengage and to withdraw all illegal settlements will I hope be achieved by the end of the year, provided the political situation remains stable.

I wish to bring a matter to the attention of the Minister. Members of the foreign affairs committee were in the region last week and visited south Hebron. We saw the impact of the official policy of the Israeli Government to place settlers in south Hebron and how it was affecting poor Palestinians, whose living standards are akin to those of 2,000 years ago. We visited a clinic and a school which were under construction but which were also under threat of demolition. We also spoke to cave people who, believe it or not, had been displaced from their caves and into tents.

Subsequently, we met the foreign affairs committee in the Knesset and brought some of these issues to its attention. We expressed our view that they should deal with those issues on a humanitarian basis. They promised they would and our chairman gave them details. We learned yesterday that shortly after we left, the Israeli auth-



[Mr. Allen.]

orities arrived on the scene, demolished some buildings there and arrested some of the people with whom we spoke. That is, in effect, a two finger salute to the committee and its role. It shows scant regard for human rights and will do little for the peace process.

The new Palestinian leaders need a sign of support from the Israelis. They need some prisoner releases and other issues to be addressed. This negative activity and oppression does

*1 o'clock*

not help the peace process. Will the Minister investigate what has happened? People were punished for speaking to us and their quality of life was even further reduced. Will the Minister take the matter up with the Israeli authorities and the ambassador? As the Israeli authorities had pleaded ignorance of circumstances in south Hebron, I could not believe my ears yesterday when I heard that instead of dealing with the issues, they oppressed people for even speaking to us.

**Minister for Foreign Affairs (Mr. D. Ahern):** I thank the Deputy for his statement. While I think I am answering a question on the matter later, I assure Deputy Allen that we will raise the specific issue to which he referred with the Israeli authorities. President Abbas is coming to the next Council meeting on 21 February and President Bush will come on 22 February. The EU will use the Council strongly to encourage positive developments in the sector from which Deputy Allen said good signs were emerging. We abhor any incidents of the type Deputy Allen described and are on record as condemning the separation barrier. I intend to visit the Middle East in the not too distant future and will engage with the Israeli and Palestinian authorities.

**Mr. Quinn:** I return to the question of embassies for which the Minister has direct responsibility. Will the Minister outline the timetable for the establishment of the five embassies and will an Ireland House approach, with which he is no doubt familiar, prevail in the process? Such an approach would provide us with the capacity to accommodate not just consular, diplomatic and ambassadorial facilities but also cultural and trade missions which replicate Ireland House activities in more established areas. As Ireland is heavily engaged in the provision of English language training services, it should be possible to use embassy buildings to house such activities. Given the relative strength of our finances, will the Minister indicate if he will persuade the Office of Public Works where practical to purchase rather than rent property?

**Mr. D. Ahern:** The money is available in the Estimates immediately to open the missions in question. Work is ongoing in that respect and the Deputy may have seen recent advertisements for new staff. The Department of Finance has agreed to the provision of staff for new embassies and

we are more than happy with the number of personnel being made available. I will follow the example of successive Governments in the recent past and use embassies not only for diplomacy but to provide an economic promotion service for Ireland. The Deputy also referred to culture which can be addressed as time moves on. The initial stages will constitute a lead-in phase for the missions in question.

We will endeavour to do what we can on the purchase of property. Any Member who has visited embassies over the years, some of which have been leased and others of which have been purchased, will know that it is better to purchase. While we may not in a position to purchase property in the initial stages of a mission, it is better to buy premises as quickly as possible in all cases. There is an ongoing process involving the OPW in this respect.

**Mr. F. McGrath:** Deputy Allen asked about the EU position on Palestine. During the week, I met Palestinian representative Ali Halimeh, Dr. Jamal Zkhalka of the National Democratic Assembly and an Arab member of the Knesset. They asked me and other Members of the House on a cross-party basis to convey the message that while the vast majority of Palestinians, including smaller groups like Hamas, want a complete cessation of violence, they have significant concerns about the attitude of Mr. Sharon. Will the Minister convey that message to the EU and the UN?

People like me are genuinely concerned about whether the proposed constitution will create an EU with a strong military dimension which is closely aligned with a nuclear military bloc like NATO. Is the constitution committed to increasing military expenditure and support for the arms industry? It is a question many people ask us in our constituencies.

**Mr. D. Ahern:** The answer to the second question is simply "No". The matter was made quite clear in the recent amendment to the constitution on common defence. As with its predecessors, the Government is not adopting a path to a strong military dimension with nuclear capability.

On the attitude of Mr. Sharon, we must accept that the matter is extremely difficult. It would have been solved years ago if it had been otherwise. It is fair to say that Mr. Sharon has at least shown he is willing to engage with the new Palestinian President. While the portents are quite good, no one is under any illusion about the potential of an incident involving extremists on either side to derail the process. Any efforts we make must be slow and somewhat tentative. The period preceding the Council meeting later this month is an opportunity to engage with the USA to ensure its influence is stronger. I will visit the USA next week where I will have meetings with Condoleezza Rice. As a representative of the European Union, this will be one of the issues I will raise directly with her.

**Mr. Allen:** I do not want to spoil Question Time by asking questions about Iran which are relevant to this discussion. I will defer them.

Does the Minister believe the effectiveness of the European Union in dealing with the Israeli-Palestine problem has been diluted as a result of enlargement and the attitudes of some of the accession countries? Poland has a very pro-USA attitude to this problem. How does the Minister consider EU policy in this area of conflict will evolve on foot of enlargement?

**Mr. D. Ahern:** While I was not in office prior to the accession of countries like Poland, my honest impression since I began to attend General Affairs and External Relations Council meetings has been that there is unanimity on EU moves and the conclusions which flow from the Councils on the Middle East peace process. The basis for the above is the roadmap, a two-state solution and encouraging the USA to use its influence with the Israeli authorities to a greater extent. We want the USA to engage more with the process and to support the Palestinian Authority. That is the two state solution on the basis of the roadmap trying to get the US to use its influence more and more with the Israeli authorities and to become more engaged to support the Palestinian authority as well. Enlargement has not changed that. That is the impression of my officials who have been there for some time.

**Mr. Quinn:** Deputy Gormley raised the question of access to documentation and the full text of the constitutional treaty, including the protocols, about which people have concerns. Does the Government intend to distribute the complete text to every library and public representative? What are the Minister's concerns in this area?

**Mr. D. Ahern:** I am concerned that there could be difficulties regarding the communications of these documents but there is time. I assure the Deputy there will be a significant campaign. When the Referendum Commission is appointed, it will have the job of explaining the text in significant detail. The documentation issued by the Government in latter months of last year in this regard was the first shot. It has been distributed widely throughout schools and libraries in the form of a large document and a small document. We intend to issue as much information as widely as possible.

**Aengus Ó Snodaigh:** When will the referendum be held, given that other countries have announced when theirs will be held? Will the Government make a clear and unequivocal commitment to accept the verdict of the people in the referendum, even if they say "no"?

I refer to the Hague programme. Will the Minister encourage the Government and the Chief Whip to agree to a full, meaningful debate on this aspect of policy within as short a time as possible

so that we can discuss the full implications of the programme?

**Mr. D. Ahern:** There is no problem discussing EU issues in the House. It is a matter of time and it is up to the Whips to decide.

The Government has not made a decision on a date for the referendum. Work is ongoing regarding the wording that may be put. Following Question Time, I will attend a meeting on that issue. We will then negotiate with political parties, particularly those which are pro-treaty, to ensure there is as much agreement as possible before the referendum is put to the people.

**Mr. Allen:** Will the referendum be held this year?

**Mr. D. Ahern:** I cannot say. No discussion will take place at Cabinet until work is done in this regard.

**Mr. Boyle:** Spain will hold its referendum this month while France, the Netherlands and Denmark will hold theirs before the summer and the UK will hold its referendum in 2006. Did the European Council discuss the co-ordination of ratification in all the member states? Did countries that will not hold referenda indicate when they will address the issue in their national legislatures?

Recently other EU Governments asked the Taoiseach to link progress on Chinese human rights to a relaxation of the sales of EU arms during his visit to China. Is there an area of questioning a Government representative will not pursue on behalf of the EU, if he or she feels it is repugnant to or not consistent with Government policy? As a neutral country, I wonder why a Government representative would even mention arms sales to a third country.

**Mr. D. Ahern:** There was no discussion at the Council meeting about the co-ordination of the ratification of referenda. Each country is conscious of and takes account of what others are doing but each member state must decide when it will embark on the process, whether that is through parliamentary ratification or by referendum.

**Mr. Boyle:** The Taoiseach, during questions earlier, said he brought up the issue of opening arms sales between the EU and China and linked it to human rights in China because he had been asked by EU representatives to do so. Is there an area of questioning that a Government representative will not bring up on behalf of the EU even if it is repugnant to our policies, goals and aims?

**Mr. D. Ahern:** That is a hypothetical question.

**Mr. Boyle:** Are arms hypothetical?

**Mr. D. Ahern:** The issue of the Chinese arms embargo has been raised time and time again in

[Mr. D. Ahern.]  
the House, at the foreign affairs committee and by the public. It is on the table at EU level on the basis that a number of member states have a difficulty with the lifting of the embargo because of human rights issues in China. Irish representatives articulate the view of the Oireachtas regarding our position.

**Mr. Boyle:** The Taoiseach stated the embargo would be relaxed if human rights improved. Why is Ireland saying that as a neutral country?

**Mr. D. Ahern:** We do not believe an arms embargo in this day and age, given how good our relations are with China, is an instrument to do business with or to hold as a bargaining chip in regard to other matters about which we might have difficulties.

**Mr. Connolly:** Why is the EU Commissioner for Enlargement seeking to cancel accession talks with Croatia scheduled for 17 March? Why is the EU making Croatia's accession contingent on the capture of fugitive general, Ante Gotovina? It is similar to having deferred Ireland's application for EU membership until people such as the Border Fox were caught. It is not fair, helpful or logical. There is no proof the general is in Croatia and rumours are circulating that he may be in Ireland.

**Mr. D. Ahern:** The commissioner raised this issue at the meeting and there will be discussions between now and 17 March in this respect. However, our view is the discussions with Croatia should take place on 17 March and should continue thereafter. The handing over of Gotovina is a vexed issue and the Croatian Government is doing all it can to ensure he is brought to justice. It is a matter of concern to the Commission that Carla Del Ponte indicated again recently that she believes not enough is being done in this respect. Between now and 17 March, there will be further discussions at Commission and Union level. I anticipate the negotiations will commence as originally intended.

#### **Disability Bill 2004: Second Stage (Resumed).**

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

**Mr. Crowe:** I wish to share time with Deputy Boyle.

**Acting Chairman:** Is that agreed? Agreed.

**Mr. Crowe:** Government backbenchers have exposed the Government's real position by rejecting a rights-based approach in no uncertain terms, going so far as to call it fundamentally flawed. They have tried to play cute by insisting that their approach is superior to this, using the Orwellian description of their approach as being delivery-based. It is a massive understatement to

say that the Government has followed anything but a delivery-based approach with regard to people with disabilities. However, aside from this, its position is based on fallacy.

Deputy Power said last night that a rights-based approach is favoured only by academics who, presumably, are out of touch with reality. Academics may favour a rights-based approach, but so does the disability legislation consultation group which cannot rightly be described in such a condescending manner. The Government approach also ignores the fact that the rights identified are not arbitrary or optional but reflect international consensus, international agreements and international instruments. Equality and human rights are not optional. This is made clear in the Universal Declaration of Human Rights. The Human Rights Commission has been quite emphatic on this point. The Government must cop on. A rights-based approach is what people want. They deserve nothing less.

The disability legislation consultation group has said that for this Bill to be effective, it needs to introduce not only positive enforceable rights for people with disabilities but also positive duties and requirements on all public and private bodies providing services to remove barriers to equal access and full participation for people with disabilities. It should establish a statutory basis for mainstreaming equality for people with disabilities in all areas of public policy and services. It should impose a requirement to disability-proof all public policies, programmes, plans and law. I agree with this approach.

What does all this bureaucratic terminology mean? To put it more simply, if we want to recognise the equal rights of people with disabilities and make their exclusion a thing of the past, we must stop ghettoising them and treating them only as an afterthought. Instead, we must recognise them as fully equal citizens who deserve to be included as of right. This means we must start to design all aspects of our society so that it fully integrates everyone. Therefore, it is not enough to provide disability-specific services through the Department of Health and Children or the Department of Social and Family Affairs. All services provided by public bodies must be made accessible to people with disabilities, the same as for people without disabilities. Above all, we need sanctions for those bodies that continue to exclude people with disabilities or there will be no incentive to change.

If we look at what has been done with the provisions of the Northern Ireland Act 1998 resulting from the Good Friday Agreement, we see that section 75 imposes a duty in law not only not to discriminate, but also to promote equality actively as an integral part of overall work. There is a requirement on all public bodies to set equality objectives, create strategies for inclusion, conduct impact assessments, monitor outcomes and actively involve people with disabilities in this process. This is the least of what real mainstreaming would require. It is also the minimum



equivalence in equality and human rights provisions we have a right to expect in this jurisdiction as a result of the Good Friday Agreement. However, the Bill does not deliver this, not by a long shot.

Sinn Féin wants disability legislation to be a cutting-edge tool to end exclusion, marginalisation and the astronomical rate of 70% unemployment and the resulting poverty among people with disabilities. This Bill proves that the Government is not serious about mainstreaming nor about equal rights for people with disabilities. For proof of this, one need look no further than the six draft sectoral plans found in Part 3 of the Bill.

In these plans, instead of full mainstreaming and statutory duty provisions, what we get is six very weak and vague draft sectoral plans which do not even cover all Departments, much less all public bodies. We get no statutory duty equivalent to section 75, no disability-proofing process, no deadline for achievement of mainstreaming and no sanctions for non-compliance. We do not even get consistency between the six sectoral plans. Therefore, there is nothing in these sectoral plans that guarantees equal rights or substantial progress towards equality for people with disabilities in the foreseeable future.

For example, under the Department of Health and Children's sectoral plan, disability awareness training is not mandatory. Under the plan of the Department of the Environment, Heritage and Local Government, universal access to local authority owned property will not happen until 2015. Even on that, the Minister could change the date. There are also no targets for access to appropriate accommodation or for independent living, even though this is one of the major issues for people with disabilities.

The sectoral plan of the Department of Social and Family Affairs does not include targets for lifting people with disabilities out of poverty nor does it introduce a cost of disability allowance to offset the additional pressures on the fixed income of those with disabilities. The sectoral plan of the Department of Enterprise, Trade and Employment gives no targets for a reduction in unemployment of people with disabilities. This is mind-boggling considering the disproportionate rate of 70% unemployment which pertained even during the highs of the Celtic tiger period. This plan does not even commit to a clear affirmative action process to train and hire people with disabilities for the scores of jobs that will result from this Bill.

The sectoral plan of the Department of Transport is dependent on the discretion of the Minister for Finance to make funds available. Therefore, there is no guaranteed access to transportation within any timeframe. Even more disturbing is the fact that the Departments of Justice, Equality and Law Reform, Arts, Sports and Tourism, and Community, Rural and Gael-tacht Affairs did not appear to feel the need to make plans to include people with disabilities.

It goes without saying that the Bill imposes no obligation on the private sector. It is welcome to continue to exclude people with disabilities without ever giving the matter a second thought. Recently we saw a situation where a nightclub in this city displayed a sign for a toilet for the disabled but the door went nowhere. This is the sort of situation the private sector appears to get away with.

This Bill is all smoke and mirrors. It is a public relations exercise. It will not deliver equal rights for people with disabilities. Therefore, I call on the Minister to withdraw it. As it stands, I cannot support it.

**Mr. Boyle:** When the Government withdrew its first attempt at a disability Bill, it had the opportunity to get it right the second time around. However, despite the lengthy period between the withdrawal of the original Bill and the presentation of this one to the House, it is sad that the promised consultation does not seem to have delivered and that those with whom consultation should have been an engaging exercise continue to have widescale reservations about this Bill. The Government seems intent on pushing through a philosophy towards disability that does not meet the needs or recognise the rights of many in our society.

The Opposition has a duty to ensure there is sufficient questioning of that philosophy. If the Government is still intent on proceeding with this Bill, our duty is to ensure that we bring forward all possible amendments to improve it and put it on a better road. I am not particularly confident that a Government that did not listen on its first opportunity is prepared to listen more carefully on its second.

Debate adjourned.

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

## **Ceisteanna — Questions (Resumed).**

### **Priority Questions.**

#### **US Military Intervention.**

87. **Mr. Allen** asked the Minister for Foreign Affairs if he has had discussions with his counterparts in the European Union regarding recent statements from the highest levels in the US Administration that military action may be taken against Iran to halt the possible development of nuclear capabilities; the approach he is taking to this situation; and if he will make a statement on the matter. [2908/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** There is widespread international concern about Iran's development of its nuclear programme, in particular its uranium enrichment component,



[Mr. D. Ahern.]

and its compliance with its obligations under the Nuclear Non-Proliferation Treaty. This concern is the subject of regular consultations between the European Union and the United States.

Based on these consultations, it is my understanding that the US supports the EU's efforts to engage with Iran with a view to addressing through dialogue the concerns of the international community about its nuclear programme. I am not aware of any intention on the part of the US to take military action against Iran and I have not discussed such a possibility with my EU counterparts. Rather, our attention is very much focused on our efforts to reach a satisfactory outcome to our current dialogue with the Iranian authorities.

Last November, discussions between Iran, the UK, France and Germany, supported by the EU High Representative, resulted in an agreement with Iran on nuclear issues and future co-operation. Under this agreement, Iran, *inter alia*, reaffirmed that it does not and will not seek to acquire nuclear weapons and committed itself to full transparency and co-operation with the International Atomic Energy Agency. Moreover, it decided to voluntarily suspend all enrichment and reprocessing activities and to invite the IAEA to verify and to monitor the suspension. The agreement further provided for negotiations between EU and Iran on a long-term agreement that will cover political and security issues, technology and co-operation, and nuclear issues, work on which commenced last month. Iran's commitment to sustaining the suspension while these negotiations are under way is stated in the agreement to be essential for the continuation of the overall process.

The European Council last December welcomed this agreement. It underlined that sustaining the full suspension of all enrichment-related and reprocessing activities was essential for the continuation of the overall process. It supported further efforts with a view to reaching an agreement on long-term arrangements. The European Council confirmed its conclusions of 5 November 2004 on the resumption of the negotiations on a trade and co-operation agreement after recent verification of suspension. The European Council confirmed the Union's readiness to explore ways to further develop political and economic co-operation with Iran, following action by Iran to address other areas of concern to the EU regarding the fight against terrorism, human rights and Iran's approach to the Middle East peace process.

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

A steering committee to launch these negotiations met in December 2004 and established working groups on political and security issues, technology and co-operation, and nuclear issues. Those working groups met last month, and their work is ongoing. Under the terms of the Paris Agreement, the steering committee will meet

again before the end of March to receive progress reports from the working groups and to move ahead with projects and/or measures that can be implemented in advance of an overall agreement.

Initial exchanges have taken place in an encouraging and businesslike manner. It is important to allow these discussions the time and the calm atmosphere which they need to proceed.

**Mr. Allen:** A parliamentary delegation was in Palestine and Israel last week and the assessment over there is that the perceived threat from Iran and its nuclear programme is having a destabilising effect on its fledgling peace process. There is a belief that within 12 months the enrichment and reprocessing programme will be irreversible and that Iran will have a nuclear weapon manufacturing capability.

Despite the best efforts of the European Union, last Thursday Vice-President Cheney stated that the US may have to take action on this matter and if it does not, he believed that Israel would take action, in other words would make a pre-emptive strike. Does the Minister agree that such intemperate language at a time of delicate negotiation is unhelpful to say the least and at worst almost giving Israel a free hand to use its best judgment to do what it needs to do in regard to the perceived threat from Iran?

**Mr. D. Ahern:** As I said in my reply, discussions at EU level between the UK, France, Germany and the Iranian authorities have been extremely successful. I will not repeat that reply which outlines how far we have come at this time. Both Prime Minister Mr. Blair and Foreign Secretary Mr. Straw had recent contacts with the US authorities in this respect and they stated categorically that they are not aware of any consideration by the US authorities of any attack on Iran. Dick Cheney, to whom Deputy Allen referred, said he backed the diplomatic efforts of the EU in this respect.

While there may be some unease, and there is undoubtedly unease in respect of reports emanating from Israel in regard to what it might do, equally the US has not said at any stage that it would threaten military activity against Iran. Suspension and monitoring of the situation is ongoing, particularly at IAEA level, and as far as the EU is concerned that type of effort is bearing fruit, which I think is acknowledged by the US. While the start was relatively tentative a great deal of work has been done. I listened intently to Mr. Jack Straw in particular who took part in those negotiations. He clearly said that issues exist which need to be addressed but that Iran appears to be dealing with the EU on the basis of proper diplomatic relations. The Iranians have views regarding their sovereignty and what they do within their state, but at the same time they acknowledged the international context and the requirement to ensure that there would not be a proliferation of nuclear arms.

**Mr. Allen:** Given that US political judgment in regard to that region is not great can the Minister be sure that there is not a conflicting two-handed approach here, one by Europe and one by the US? Will he take the earliest possible opportunity to bring this country's views on this issue to the attention of the new secretary of State as quickly as possible when they meet?

**Mr. D. Ahern:** Part of my discussions with Condoleezza Rice will revolve around the Middle East and the Iranian situation. As far as the European Union and I are concerned there is no twin-track approach on this. Discussions are ongoing with the Iranian authorities and they are bearing fruit. All those who are involved, both the US and the Israeli authorities appear to be happy with the fact that discussion and dialogue is taking place rather than unilateral military intervention in that region. Military intervention is highly unlikely while talks are ongoing given the US experiences of the invasion of Iraq. That has to be acknowledged.

### Humanitarian Relief.

88. **Mr. M. Higgins** asked the Minister for Foreign Affairs the Government's medium to long-term proposals with regard to aid for the victims of the recent tragic tsunami in south-east Asia and overseas aid in general; if the Government will reconsider its broken promise and provide for an allocation of 0.7% of GNP for overseas development aid; if the €10 million which has been set aside for aid for the victims of the disaster is money in addition to Ireland's existing aid budget and not simply taken from the existing fund; and if he will make a statement on the matter. [2911/05]

**Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan):** All our lives have been touched in recent weeks by the events in the Indian Ocean region of Asia. We have witnessed the awesome destructive power of nature, the ensuing enormous loss of life and the heartbreak for families and friends of victims. We have also seen the best of human nature demonstrated in the global response to the disaster. My colleague, the Minister for Foreign Affairs, Deputy Dermot Ahern, saw the devastation at first hand and has already reported on the matter to the Dáil.

The emergency phase is slowly coming to an end. The immediate and initial focus on saving lives and recovery of the dead has been completed. Many thousands of survivors remain in temporary accommodation in public buildings and in some camps. These people will continue to require assistance for some considerable time to come. The Government is supporting key NGOs and UN agencies in meeting the immediate needs of these displaced persons.

India, Indonesia, Sri Lanka and Thailand have all been badly affected by the disaster. The death toll in Indonesia is more than 225,000; in Sri Lanka it is more than 30,000; in India, more than

10,000; and in Thailand the figure exceeds 5,000. These figures are shocking but they do not adequately convey the sense of loss of the families and communities which have been decimated. The physical reconstruction can get underway soon. However, rebuilding the lives and livelihoods and a sense of community will take enormous effort, time and assistance.

The Government has allocated €20 million for the relief of the victims of the tsunami crisis. Some €10 million is additional funding to the budget for overseas aid announced in the Estimates for 2005. The remainder will come from the Government's emergency humanitarian assistance fund, which is specifically designed to be flexible in order to respond to disasters and crises wherever they occur.

As far as disbursement of funding is concerned, approximately €9.5 million has been approved by me so far in response to requests. This funding will be used to meet immediate and ongoing humanitarian needs in the affected communities. Contracts are currently being processed and payments are being made.

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

Ireland's assistance is targeted at the most vulnerable populations in the affected region. The key areas being addressed are food assistance, shelter, livelihood rebuilding, care and protection of children, water and sanitation.

The technical team appointed by the Government to visit Indonesia, Sri Lanka and Thailand to assess the immediate and long-term needs of these countries post-tsunami has now returned. The team's preliminary assessment is currently being studied with a view to guiding Ireland's medium term strategy in the worst affected countries. As the region moves away from an emergency response to one oriented towards recovery and reconstruction, further funding will be made available. This will take account of the recommendations of the team and will be in line with emerging needs and priorities in the countries concerned.

Former Minister of State, Mr. Chris Flood, the current chairman of the advisory board of Development Co-operation Ireland, has been appointed by the Government as a special envoy to the region to monitor Irish funding. He will track the use of Ireland's funds and ensure that these are employed in line with best international practice.

The Government remains strongly committed to achieving the UN target for expenditure on ODA. In the coming months, Development Co-operation Ireland will launch a consultative process that will lead to a Government White Paper on development assistance. All interested stakeholders will be asked for their views. The issue of how best to meet the UN target and in what timeframe will be taken into account in the preparation of the White Paper.

**Mr. M. Higgins:** In the context of the tsunami disaster, will the Government return to its commitment to an overseas development aid budget of 0.7% of GDP, given that there has already been a major deflection by other countries of aid from, for example, the African project within the world millennium development goals? In this context, it would be very valuable if Ireland returned to its solemn commitment to the United Nations.

The Minister of State referred to the figure of €20 million which has been pledged to the disaster. Before the Finance Bill is introduced, will he make sure the €10 million from the humanitarian assistance fund will become additional if necessary? For example, the humanitarian assistance fund is reported to the Dáil in terms of a gross sum. Will there be a specific reference to the €10 million and how it will be replaced within the fund so we can claim the €20 million is genuinely additional?

I noted with interest the Minister of State's statement that Irish aid would concentrate on Irish NGOs. How is such Irishness to be defined? For example, will it include all the affiliated NGOs in Dóchas or is there another criterion of Irishness which he wishes to announce?

I do not attribute anything to it, but the Minister of State made no reference to Somalia or Burma in his list of mortalities. There are very particular reasons why we do not know the figures in Burma, whose military regime was unfortunately recognised by the Government with poor results not so long ago. The omission of Somalia appears to be the result of a certain amount of disinterest on the part of the international community. Will the Minister of State reply to those questions specifically in the time available?

**Mr. C. Lenihan:** As I have said in response to previous questions asked about the commitment to an ODA budget of 0.7% of GDP in the Houses of the Oireachtas, we have not retreated from it but rather we hope to achieve it. Moreover, we hope that before the White Paper process — which will be announced shortly in newspaper advertisements — is exhausted and we travel to New York in September for the high level event with my colleague the Minister for Foreign Affairs, Deputy Dermot Ahern, and the Taoiseach, we will put in place a new timeframe for the achievement of the target of 0.7%. However, I emphasise that the percentage target as a figure stands and the issue is now how we can realistically reach it in steps and set out the indicative figures, percentages and amounts of money which will be required in order to reach the target figure.

I reassure the Deputy that there is no question of Ireland following the practice in other countries in previous crises such as the Iranian difficulties in Bam and the floods in Mozambique, whereby pledges made were not followed up in terms of an actual contribution. This has never

been the case with Irish emergency humanitarian assistance. We have always honoured our pledges by disbursing the amount pledged. There has been a practice internationally of the authorities over-pledging and not delivering.

However, we have put in place specific procedures. We are appointing our own envoy to scrutinise and oversee the spending of the money. At OECD level, I have asked Mr. Richard Manning, the chairman of the development assistance committee, whom I met in Paris prior travelling to the Indian Ocean region, to put in place a system to track the donations. He will correspond and deal with Jan Egeland of the UN so that we can track the money properly.

In regard to Somalia and Burma, I must emphasise that the recommendation from the task force of officials from my section of the Department of Foreign Affairs, namely, Development Co-operation Ireland, which travelled to the region, is that we concentrate in two countries, namely, Indonesia and Sri Lanka because they are in most need. I emphasise that the €9.6 million which we have already disbursed reflects the emergency needs of this crisis. The next €10 million will be focused on the reconstruction and recovery cost and it will be a slower spend than the early disbursements which, by their nature, were emergency funds. The follow-on figure of €10 million will be spent in a far more careful and cautious fashion, concentrating on the two countries in greatest need. Critically, however, we will also be making funding available for smaller lesser-known areas in which devastation has taken place. The Maldives have been mentioned, to which issue I intend to respond.

**Mr. M. Higgins:** Perhaps the Minister of State will communicate with me on the issue of defining Irishness and the mechanism by which he proposes to secure the second €10 million, whether that is before or after the publication of the Finance Bill.

**Mr. C. Lenihan:** I do not intend to get into the definition of Irishness because all the allocations from Development Co-operation Ireland are open to all NGOs, whether they are international or Irish. There is no restriction on any NGO or organisation applying for funding from the Irish sources.

**An Ceann Comhairle:** The time for this question has concluded. Six minutes are allocated for each question and we have already exceeded eight minutes on this one.

**Mr. C. Lenihan:** May I briefly answer the other question about the Supplementary Estimates?

**An Ceann Comhairle:** No. I would prefer that the matter be dealt with in a different manner. We have already spent eight minutes on this question.



### Overseas Development Aid.

89. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs the reason he has decided to produce a White Paper on development assistance. [3041/05]

**Mr. C. Lenihan:** I welcome this opportunity to confirm to the House the decision to produce a White Paper on Ireland's official development co-operation programme. The Deputy will be aware of the increases in funding for official development assistance with €545 million being allocated this year, an increase of €70 million over 2004. In addition, further increases of €65 million have already been agreed by the Government in each of the two succeeding years to 2007. Taking these substantial increases, together with the extraordinary expression of sympathy and generosity of the Irish people to the victims of the recent disaster in Asia, it is obvious that the Government and the people are of one mind in wishing to strongly assist those who are at risk in the world today.

I intend to use the production of a White Paper as an opportunity to engage in a broad public consultation regarding the future direction of the Government's official development co-operation programme. The public, as well as NGOs and others who are familiar with the problems of the developing world, should be given every possibility of expressing their views on all aspects of our development co-operation policies. During the course of our consultation, we will seek to inform and engage the public in the work we do, not only in offering assistance in the event of natural disasters such as the Asian tsunami, but also in our bilateral country programmes in Africa and elsewhere, and in collaboration with our partners in Europe and with the United Nations and other international organisations. This consultation will lead to a White Paper, setting out coherent, effective and sustainable policy priorities for the Government's official programme of development assistance. It will also accurately reflect both public and expert opinion and meet with best practices in the field.

**Aengus Ó Snodaigh:** Does the Minister of State accept that consultations on the UN overseas development aid target are unnecessary? Will he admit the proposal is nothing more than a cheap stalling tactic which insults people's intelligence? The public has demonstrated how fundamental the issue of international solidarity is by donating €50 million of its hard-earned cash to the tsunami relief fund, more than twice that of the Government. Will he accept that the development co-operation sector, including the umbrella organisation Dóchas and Development Co-operation Ireland, has made it crystal clear what is required to implement the overseas development aid target of 0.7% of GNP by 2007? This is the only acceptable timeframe and there is a consensus, other than on the part of the Minister of State, on this issue. Rather than delaying with the con-

sultation process, he should be working to deliver the target endorsed by the Government.

**Mr. C. Lenihan:** I disagree with every sentiment expressed by the Deputy. However, it is hardly surprising since the Deputy did not open his ears before giving his monologue.

**Mr. Allen:** The Minister of State should cool down a little.

**Mr. C. Lenihan:** If Deputy Ó Snodaigh was listening, I indicated earlier that the consultation process is not about the 0.7% target. He has conflated two distinct issues.

The White Paper process to which his question formally relates, but his subsequent verbal content did not, is simple. It is designed to raise public awareness of the programme. It is also designed to get greater public expressions of concern as to how to progress the programme. It is a listening exercise that will enshrine certain principles in the White Paper. It mirrors what the then Minister for Foreign Affairs, Mr. Dick Spring, did some years ago with the White Paper on Foreign Policy.

There are certain issues where the public are entitled to express an opinion and should be brought into the picture. It is not a stalling or long-fingering tactic nor is it about the 0.7% target. I have indicated that we will not prohibit the public from contributing opinions on the issue. It is my intention, shared by the Minister for Foreign Affairs, Deputy Dermot Ahern, and the Taoiseach, that the timetable for achieving the 0.7% target will be put in place before we travel to New York in September for the Millennium Project Summit. It is ignoble and wrong of the Deputy opposite to suggest that the White Paper is a stalling tactic. However, it does not surprise me as the Sinn Féin Party does not believe in including the public in its calculations, as evidenced from its record over the last 30 years. I hope I have made clear our intentions in this area.

**Aengus Ó Snodaigh:** How can the Minister of State say the public is not aware of this issue and has not expressed an opinion?

**Mr. M. Higgins:** Hear, hear.

**Aengus Ó Snodaigh:** Public contributions to the tsunami relief have exceeded what the Government has promised. The timetable for the target on overseas development aid is tied in with the White Paper. The White Paper is discussing the same issues. How can the Minister of State claim the opposite? The timetable was already agreed by the Government agency, Development Co-operation Ireland. Now the Government is turning its back on its commitments. Is the Minister of State claiming that Development Co-operation Ireland's timetable is now wrong?



**Mr. C. Lenihan:** A timetable will be put in place in advance for the Millennium Project Summit.

**Aengus Ó Snodaigh:** Yet it is already in place.

**Mr. C. Lenihan:** Planned growth and expansion of the programme is required. We do not believe in unplanned growth but in achieving best value for the taxpayers' money pledged to overseas development aid.

#### **Middle East Peace Process.**

90. **Mr. Allen** asked the Minister for Foreign Affairs if he has met or spoken with the new president of the Palestinian Authority; the steps the Government will take to assist in the development of improved relations between Israel and the Palestinian Authority; and if he will make a statement on the matter. [2909/05]

**Mr. D. Ahern:** I have not yet had the opportunity to speak directly to President Mahmoud Abbas. The Taoiseach telephoned President Abbas to congratulate him on his success in the elections and assured him of Ireland's continuing support for efforts to bring an end to the Israeli-Palestinian conflict. This contact also gave an opportunity for the Taoiseach to re-emphasise Ireland's consistent concern for the situation of the Palestinian people and the Government's ongoing commitment to supporting international efforts to bring about a lasting peace in which the two states, Israel and Palestine, can live side by side in peace and cooperation.

We are also in regular and ongoing contact with the Palestinian Authority through diplomatic channels. I intend to visit the Middle East region in the coming weeks when I hope to meet with President Abbas. I also expect to meet him in the course of his forthcoming visit to Brussels to meet with the EU later this month. The Government stands ready, in concert with our EU partners, to assist the parties to the conflict in their efforts to move forward on the basis of the roadmap. Ireland, through its membership of the EU, and its relations with Palestine, Israel, the United States, Arab and other key partners, will strongly support early action, led by the international quartet, to advance the implementation of the roadmap.

On Monday, the General Affairs and External Relations Council reaffirmed the EU's commitment to support the efforts of both parties to relaunch political contacts at all levels. Developments in recent days have been encouraging and we look forward to a constructive outcome from the meeting scheduled to take place between President Abbas and Prime Minister Sharon on 8 February.

**Mr. Allen:** When the Minister makes contact with President Abbas and the Israeli authorities, will he impress upon them that the new peace process should not be derailed by the first atrocity

that occurs? Lessons from the Irish peace process should be learned. The Omagh atrocity did not derail our peace process. Will he impress upon the Israeli authorities that President Abbas now needs credibility among his people? President Abbas needs delivery from the Israeli authorities on the disengagement of illegal settlements and the release of non-terrorist prisoners. He also needs delivery on the plantation of Hebron by Israeli settlers which sees poor Palestinians being driven from shanty towns by official actions of the Israeli Government. Last Friday, people who spoke to an Oireachtas delegation to the area were subsequently arrested and their properties razed to the ground. Will the Minister give a guarantee that this appalling incident will be raised? These incidents are not helpful to a peace process.

**Mr. D. Ahern:** We are aware of the incident and have been in contact with the Israeli authorities through our embassy. The portents have been good regarding last week's contacts between the Israelis and Palestinians. Public statements from all parties are encouraging. Some of the moves, apart from the incident described by the Deputy, are positive. We are under no illusion that the process could be derailed by an atrocity. At EU level we will endeavour to impress this on President Abbas and the Israeli authorities.

#### **Overseas Missions.**

91. **Mr. Gormley** asked the Minister for Foreign Affairs if he will report on his discussions with the Foreign Affairs Ministers of other EU States regarding EU battlegroups; and if he will make a statement on the matter. [2993/05]

**Mr. D. Ahern:** The battlegroups-rapid response elements concept is one that has been under development in the European Union for some time. From the outset of the establishment of the European Security and Defence Policy in 1999, it has been envisaged that, to carry out the full range of so-called Petersberg tasks, the EU's crisis management capabilities would need to include rapid response elements, available and deployable at very high readiness.

Significant work was done during the Irish Presidency in the first half of 2004 to develop these capabilities. The overall battlegroups concept was agreed under our Presidency in April 2004. Since April, work has progressed on developing the concept and, at a military capabilities commitment conference last November, member states committed up to 13 battlegroup formations, which will be on stand-by for a six month period to deploy to crises within a 15 day period. In the initial 2005-07 period, these formations will be primarily national. From 2007 onwards, it is envisaged that battlegroup formations will be largely multi-national in character. As the Deputy will be aware, the United Nations Secretary General has strongly supported the development of

3 o'clock

the battlegroups concept. These formations have the potential to play a significant role in support of the UN, including through deploying at the request of the UN as a “bridging force”, i.e. deploying quickly to a crisis for a relatively short period, while a larger and longer-term UN peace-keeping force is established.

The Minister for Defence has already outlined to the House the parameters of the Government’s position in terms of a possible Irish contribution to rapid response elements. After consideration by the Government, Ireland indicated at the military capabilities commitment conference in November 2004 that we were prepared to enter into consultations with partners with a view to potential participation. An important element of such consultation includes discussions at foreign minister level. I have already held bilateral consultations in Stockholm and Helsinki last week with both my Swedish and Finnish counterparts. These consultations included the issue of the ongoing development of the European security and defence policy and the role rapid response elements can play in enhancing the EU’s crisis management capabilities. We discussed plans by Finland and Sweden to participate in the initiative, including the establishment of a Swedish-led battlegroup with the participation of Finland and Norway. I briefed both Ministers on considerations that will be brought to bear in considering Ireland’s participation in the initiative, including our commitment to the triple lock policy, involving the need for Government, Dáil and UN authorisation in the deployment of defence forces personnel to crisis management missions overseas. I also informed my colleagues of the decision to establish an interdepartmental group, which includes representatives of my Department, the Department of the Taoiseach, the Department of Defence, the Defence Forces and the Attorney General’s office, to examine the policy, legislative and operational issues arising from Ireland’s possible participation.

**Mr. Gormley:** I thank the Minister for his reply. I am particularly interested in the discussions he held with the Finns and the Swedes. Will he agree that the Swedes, Finns and Austrians accept that while we are not members of a European army, we are heading towards a European common defence? Why do the Swedes and Finns now describe themselves as “non-aligned” and not “neutral”? Will the Minister agree that the description “non-aligned” is far more accurate for Ireland’s status at the moment? What problems associated with the triple lock did he discuss with his counterparts? Do they consider the triple lock compatible with membership of the battlegroups? Will participation in the battlegroups inevitably lead to increased defence spending? Is it the case that we will have to commit ourselves to improving our military capabilities under the new EU constitution, and does that inevitably mean increasing military spending?

What legislative changes will be required if we are to participate fully in the battlegroups? I am asking particularly about the Defence Act 1960. I asked the Minister for Defence to supply me with information on the legal opinion on this matter. While I have not yet received the information, I would be very interested to know the Minister for Foreign Affairs’s opinion on the matter.

**Mr. D. Ahern:** I must say as a preamble, I was intrigued by the discussion that took place this morning at the European Council meeting. One the one hand, the Deputy appears entirely wedded to the triple lock while, on the other, his potential rainbow coalition partner is totally at variance with this view. I am not sure about the Labour Party.

**Mr. Gormley:** I certainly am.

**Mr. D. Ahern:** I would be very interested to hear about the negotiations on a Mullingar accord or a Dublin 4 accord.

**Mr. Gormley:** On a point of order, we ask the questions here and the Minister should answer them.

**Mr. D. Ahern:** I am not asking questions; I am just making a point. I am entitled to make a point. It is a very interesting point, something the Deputy should articulate at some stage. While Deputy Kenny said recently that it is not the time to air the policies of the alternative Government, I would be intrigued to hear the Deputy’s views on that issue.

**Mr. Gormley:** I will not lose sleep over it.

**Mr. D. Ahern:** Most of the discussions with my Swedish and Finnish counterparts were not about battlegroups, they were about the civilian response in the aftermath of the tsunami. After expressing my sympathy, particularly to the Swedish people, most of the discussion involved trying to examine the need for the EU to be prepared, from a civilian point of view, to deal with this concept and, if necessary, to use its military capability, not from an aggressive point of view, but from the point of view of what is happening in Sri Lanka. Our military personnel are currently out there helping the people to build up their road infrastructure and so on. We also discussed the issue of the EU mandate. I made it quite clear that this was our position, and remains so. They have a slightly different view in this regard. I do not wish to get involved in using tags. The Deputy may wish to use descriptions.

**Mr. Allen:** What about Willie O’Dea?

**Mr. D. Ahern:** It is the wish of the Irish people that—

**Mr. Gormley:** They are more honest.

**An Ceann Comhairle:** The Minister without interruption.

**Mr. D. Ahern:** —our troops should be involved in humanitarian assistance worldwide. They expect the Army to be used in a positive way in that sense. They also want to be sure that if the Army goes abroad, it is with a UN mandate, the mandate of an organisation to which they adhere.

There are issues in regard to our troops going abroad on such missions as battlegroups and rapid response forces. One of the issues involves training, and whether it is possible for them to train with other troops if they were part of one of these groups on foreign soil. I do not think that even Deputy Gormley would want our troops participating blindly in a multi-national group, whether for military crisis management or civilian crisis management, without having trained with the personnel with whom they are supposed to work.

### Other Questions.

#### Humanitarian Relief.

92. **Mr. Cuffe** asked the Minister for Foreign Affairs if he will report on the Irish aid effort to Asia following the tsunami disaster; and if he will make a statement on the matter. [2808/05]

98. **Mr. Kenny** asked the Minister for Foreign Affairs if he will report on his contacts with other heads of Government regarding the humanitarian crisis following the tsunami in south east Asia; and if he will make a statement on the matter. [34314/04]

112. **Mr. P. McGrath** asked the Minister for Foreign Affairs the steps being taken to ensure that moneys pledged by the international community to assist countries affected by the Asia tsunami will be collected and used in the humanitarian effort; and if he will make a statement on the matter. [2639/05]

125. **Mr. Rabbitte** asked the Minister for Foreign Affairs if he has been in touch with the heads of Government of those countries surrounding the Indian Ocean, which suffered such serious devastation arising from the recent tsunami disaster; and if he will make a statement on the matter. [34312/04]

133. **Mr. Rabbitte** asked the Minister for Foreign Affairs if he has had made contact with other EU heads of Government with a view to better coordination of the relief effort arising from the recent tsunami disaster in the Indian Ocean; and if he will make a statement on the matter. [34311/04]

138. **Mr. Bruton** asked the Minister for Foreign Affairs if he intends to increase the amount pledged by the Government in humanitarian

assistance to the countries affected by the Asia tsunami; if further Government aid will be taken directly from the emergency relief fund; and if he will make a statement on the matter. [2621/05]

141. **Mr. McGinley** asked the Minister for Foreign Affairs the amount that has been dispersed by the Government to aid agencies working in response to the Asia tsunami; the agencies that have received moneys; the broad uses that these moneys have been put to; and if he will make a statement on the matter. [2620/05]

142. **Mr. O'Shea** asked the Minister for Foreign Affairs the amount which has been pledged by the Government to date to assist relief efforts in the aftermath of the tsunami in south Asia; the way in which this money will be spent; the countries in which Irish aid will be directed; and if he will make a statement on the matter. [2773/05]

144. **Mr. Deasy** asked the Minister for Foreign Affairs if he will report on the humanitarian situation in Thailand, in view of the recent devastating tsunami; and if he will make a statement on the matter. [2649/05]

158. **Mr. Bruton** asked the Minister for Foreign Affairs if he will report on the humanitarian situation in India, in regions affected by the recent devastating tsunami; and if he will make a statement on the matter. [2650/05]

177. **Mr. J. O'Keeffe** asked the Minister for Foreign Affairs if he will report on the humanitarian situation in Sri Lanka, in view of the recent devastating tsunami; and if he will make a statement on the matter. [2619/05]

183. **Mr. J. O'Keeffe** asked the Minister for Foreign Affairs if he will report on the humanitarian situation in Indonesia, in view of the recent devastating tsunami; and if he will make a statement on the matter. [2648/05]

193. **Mr. Cuffe** asked the Minister for Foreign Affairs if he has made representations to the Indonesian Government concerning the dispersal of aid to all areas of Indonesia affected by the tsunami disaster; and if he will make a statement on the matter. [2809/05]

**Mr. C. Lenihan:** I propose to take Questions Nos. 92, 98, 112, 125, 133, 138, 141, 142, 144, 158, 177, 183 and 193 together.

I refer to my earlier response to Question No. 88.

**An Ceann Comhairle:** These are oral questions—

**Mr. Gormley:** I think the Deputy said he refers to an earlier response.

**Mr. C. Lenihan:** That is correct.

**Mr. Gormley:** What does it mean for Deputies who were not present?



**Mr. C. Lenihan:** I am referring to my earlier response to Question No. 88 when the Deputy was not in the Chamber. I will be pleased to answer any supplementary questions the Deputy may ask. If the Deputy would like me to repeat the reply, I will be pleased to do so.

**Mr. Gormley:** In light of the Irish aid effort in Asia, the Minister of State now appears to have altered his opinion about the Irish aid agencies. He was critical of the way they managed their affairs and the fact that there is too much bureaucracy. The Minister of State can clarify his remarks. However, I heard him on "Morning Ireland"—

**An Ceann Comhairle:** The Deputy should confine himself to a question.

**Mr. Gormley:** This is the question. In light of the great work being done by Irish aid agencies to help alleviate the suffering of the tsunami victims, has the Minister of State now changed his opinion and does he agree they do fantastic work and should not be criticised in the way he criticised them?

**Mr. C. Lenihan:** I disagree with almost everything the Deputy has said. I have never changed nor will change my opinion of or my attitude to the non-governmental organisations which work in partnership with Development Cooperation Ireland, the section of the Department of Foreign Affairs which I head up as Minister of State. I have always had a very strong, positive view of the non-governmental organisations which we fund and support through the Department. I may have made comments which caused great offence to the Deputy opposite, but not to the NGOs themselves, many of whom I have met since and with whom I have deep, involved discussions on our commitments on the aid target of 0.7% of gross national product and our response to the tsunami crisis.

I have not changed my opinion and the issue I raised in a radio interview was one of advocacy and its role. That is a question almost everyone would raise at various stages. It was not raised with the specific intention or purpose of being critical of any non-governmental organisation. It was merely a comment on what the public might feel about issues of advocacy and administration. That remains a major concern for the public not only with regard to general Government support but also to our response to the tsunami crisis. When they give money, the public expect value for money in return. They expect that the money given to relieve the tsunami crisis should go to the target of the initial charitable instinct which prompted the donation in the first place.

**Mr. Gormley:** Are they getting value for money?

**Mr. C. Lenihan:** That is a justified concern which people should have about money, which is

why we have appointed Mr. Chris Flood as an envoy to the region to ensure that the public are and will be satisfied that the money pledged and donated goes to the intended target.

**Mr. Allen:** No amount of slippery talk or polished words will mask the fact that the Minister of State upset the NGOs when he implied that they could not effectively spend the money they were getting so that they would therefore get only what they could prove they could spend. That was the message that came from the Minister of State.

**Mr. C. Lenihan:** The Deputy did not read what I said.

**Mr. Allen:** I read it and listened to it.

**Mr. C. Lenihan:** The Deputy is bluffing again.

**Mr. Allen:** Having welcomed the appointment of Chris Flood, has the Minister considered the situation whereby the EU sends observers to elections to ensure they are democratically run, and will he therefore consult his EU partners on the possibility of sending observers to ensure that moneys raised by the generosity not only of the Irish people but of people throughout the European Union are targeted effectively to the areas most in need? The purpose would be not merely to meet the fire-brigade situation there but to develop long-term programmes to help people out of the long-term poverty trap they are in.

**Mr. C. Lenihan:** The Deputy's latter point is well made. The Minister has asked his European colleagues to follow our example and appoint to the region, at national level, their own special envoys. I am delighted to note that the UN has followed our example in appointing Bill Clinton as a special envoy. At EU level the Commission has given a commitment that it will monitor the efficacy of what is donated, pledged and spent, but on a separate level this issue was raised by the Minister for Foreign Affairs at the meeting of Foreign Ministers, which was the first official European response to the tsunami crisis. It was an Irish position from day one, enunciated by the Minister, which led to the wider European adoption of the idea. It was an Irish initiative and we were thanked for that. It was not as if the UN and other agencies were afraid of being monitored or having their work second-guessed. The initiative was greatly welcomed.

I also met Mr. Richard Manning in Paris. He is the chairman of the development assistance committee of the OECD and we got agreement from him at OECD level that he keep in contact with Jan Egeland of the UN to ensure that the moneys and pledges are tracked right through to becoming full, proper allocations and donations to the countries involved. The generosity of the response has been matched by an interesting and parallel concern among people and governments giving money both to NGOs and others. That concern parallel with the sympathy, solidarity and



[Mr. C. Lenihan.] support has taken the form of a consensus that whatever money is collected should go to the needy and that there should be no wastage or misallocation.

**Mr. M. Higgins:** Were Questions Nos. 115 and 135 on the list for this reply?

**Mr. C. Lenihan:** They are to be responded to later.

**Mr. M. Higgins:** I might then use this time to allow the Minister for State to complete his reply to me with regard to the arrangements for the Finance Bill to deal with the second €10 million promised by the Government from the humanitarian assistance fund. He might outline the arrangements. If the money is removed from the fund, will the arrangements be published before the publication of the Finance Bill or will the allocation be handled by way of a separate Vote? That might be covered in the combined reply to the questions before us.

**Mr. C. Lenihan:** I would like to answer that question which I hoped to answer earlier.

**Mr. M. Higgins:** I will return to it as I have other questions.

**Mr. C. Lenihan:** The simple answer to the Deputy's earlier question is that there will not be a provision in the Estimates for the topping up or replenishment of the moneys which will be expended from the emergency fund. By definition that fund is an emergency fund. There will be no effort to replenish it until it is exhausted, but if we find ourselves in a situation in the middle to the end of the year whereby the emergency fund is spent, the Government will have to introduce a supplementary Estimate to replenish the fund should other humanitarian crises or disasters arise.

**Mr. M. Higgins:** We will not argue as to whether the money involved is genuinely additional or represents the depletion of a contingency fund, which is in fact the case.

**Mr. C. Lenihan:** I must correct that in case the Deputy creates the wrong impression in the House.

**Mr. D. Ahern:** The contingency fund was intended to cover disasters.

**Mr. C. Lenihan:** The Government has made a clear pledge that the emergency fund is designed to be used for precisely this kind of emergency. It is impossible to predict whether emergencies will occur but the Government commitment is clear. If there is a difficulty towards the middle or end of this year in regard to other unforeseen disasters, whether they be famine, flood, fire or whatever, we will replenish the fund to meet the

obvious demands and needs of a further crisis or disaster.

**Mr. M. Higgins:** I have a further question since the Minister of State has raised the issue of an emergency. I agree with some international observers in this field on the definition of an emergency. If one considers the Government commitment of €2 million, then the increase to €10 million and the final increase to €20 million, was the emergency not obvious at the time of the €2 million donation? Why were the additional funds not committed among the international community until different people had visited? Does that argue against the principle that once an emergency presents itself it should be recognised as such?

Will the Minister of State address the various questions involved? He raised the issue of advocacy. Does he agree that the issue of advocacy enables poor people to tell their stories, for example, or draw attention to the absence of democracy? That arises crucially in the case of Burma, for example. How would an NGO be doing wrong by encouraging people to demand democracy in Burma-Myanmar so that the number of dead could be counted? If one were to compare that kind of advocacy with the recognition by the Irish Government of the Burmese military regime, which would be the most likely to enable the people of Burma to tell the full story of the dead and the displaced? The Minister of State might reflect on that.

When the Minister was in discussion in particular with his Scandinavian colleagues, who suffered great losses in the tsunami disaster, did the Irish Government seriously consider the establishment of a disaster logistics core either on its own or in co-operation with other members of the European Union?

**Mr. C. Lenihan:** That is a very pertinent question and it arose at the meeting of Foreign Ministers attended by the Minister, Deputy Dermot Ahern, and me in Brussels. The issue of enhancing the EU's civil logistics response capability is actively under consideration. It is being pursued as we speak at European level. In effect, we are trying to ramp up our capability and ensure that Europe can respond in a timely and efficient fashion to future disasters, even though they may be unforeseen. The Minister for Foreign Affairs, Deputy Dermot Ahern, has met several Scandinavian colleagues on that topic and others, as he said in the House. I will reflect on the Deputy's ideas and notions of advocacy, which are worth considering. The Minister wrote specifically to the Burmese authorities regarding allowing non-governmental organisations, NGOs, and similar organisations to enter the country to assist. In that sense, we have covered that.

I am not quite clear what the Deputy was trying to say regarding the amount pledged to the emergency appeal. It is fair to say that, as the disaster unfolded following St. Stephen's Day,

expectations regarding the death toll changed daily. In other words, the initial allocation of €1 million was given in the immediate response as the first reports were coming in. I remind the House that when officials contacted me and we spoke of the unfolding emergency, the projected death toll in the first 24 hours after the disaster was approximately 6,000 to 8,000. As we all know, within a matter of days, that figure had risen dramatically, leading to a doubling of our assistance to €2 million.

Before New Year's Eve, there were discussions between me, the Minister for Foreign Affairs, Deputy Dermot Ahern, the Taoiseach and officials from his Department with regard to further and increased levels of support in the light of the rising death toll. As the Deputy is aware, €10 million in assistance was announced that day. Thereafter, we had a very significant meeting, which the Taoiseach and the Minister attended, with leading Irish NGOs involved in emergency assistance and work. Out of that meeting and the earlier Cabinet meeting, the decision was taken that the Minister should travel to the region to see the devastation at first hand. During that visit, the Minister announced — rightly, in my view — a further €10 million in assistance, bringing our total to €20 million.

In fairness, Deputy Michael Higgins will accept, as the Seanad spokesmen of his party and Fine Gael did this morning during an exchange of statements on the tsunami and as, I believe, everyone does on a cross-party basis, that the Government's response was speedy and generous. That was reflected by members of all the parties represented in the Seanad. Perhaps Deputy Michael Higgins will also take that on board.

**Aengus Ó Snodaigh:** It is a strange day. Earlier I praised the European Council, and now I will praise the British Government. Will the Minister consider the British Government's policy of agreeing to match the generosity of its public with the equivalent in Government aid? If Ireland were to do likewise, the Government would be donating €50 million rather than the miserly €20 million that it has so far committed. The British Government's position is good and should be adopted by our own. Does the Minister agree that it would be popular and right? Is there an ongoing review of the commitments that the Government has given to relief aid, and will the Minister ensure that the British Government's policy of matching public funds to private generosity and donations is included? In that way, we could see an increase in the amount that this Government of the fourth wealthiest nation in the world is giving towards the humanitarian aid required.

**Mr. C. Lenihan:** I hate to be hard on this, but the Deputy has stated virtually nothing with which I could agree. I admire his ability to agree with the British Government for a change. It is

marvellous to see, and perhaps we will see more of the same in coming weeks and months on other issues. He may see things as it does regarding criminality too. It is astounding to hear someone describe the Irish Government's contribution as miserly, but it does not surprise me from this source. On a *per capita* basis, Ireland was one of the most generous countries on earth in its response, financial and otherwise, to the crisis. Those are the facts.

**Aengus Ó Snodaigh:** We are one of the richest countries in Europe.

**Mr. C. Lenihan:** The Deputy, in his desire to be negative and oppositional in this House, may be on his own. Virtually every other party in the Seanad and in this House has acknowledged that the Irish response, at Government and non-governmental level, has been extraordinarily generous.

For the Deputy's benefit, I would like to quote someone who is very highly regarded in the development community worldwide, Mr. Jim Wolfensohn, who was president of the World Bank, which has not been raided for a long time. Mr. Wolfensohn is a highly respected figure who has refocused the World Bank over the last ten or 20 years in a pro-development sense. He said on "Morning Ireland" that he was deeply impressed by what Ireland had done, stating that, quite apart from the Government contribution of €20 million, the public had come up with €50 million and that €70 million from a country of 4 million people was quite remarkable. He said that he had been able to tell the Taoiseach what an example Ireland was and talk to the Minister for Finance, Deputy Cowen, and the Minister of State with responsibility for development, since their country had shown tremendous capacity and heart, and the Irish people were to be congratulated on their approach to development. That is what one of the leading development figures globally said about our contribution.

**Aengus Ó Snodaigh:** Then increase the figure.

**Mr. C. Lenihan:** I have no intention of adding further to my answer other to say that the Deputy's contribution is miserly in the extreme and in sharp contrast to the attitude adopted by the responsible Opposition parties, namely, Fine Gael and Labour. It is cheap beyond belief but somehow does not surprise me.

93. **Mr. J. Higgins** asked the Minister for Foreign Affairs if he will report on his meeting with aid agencies to discuss the spending of the Government's donation to the Asian tsunami disaster relief efforts. [1468/05]

94. **Mr. Kenny** asked the Minister for Foreign Affairs if he will report on his meeting with representatives of the overseas development aid agencies on 4 January 2005; and if he will make a statement on the matter. [34313/04]

135. **Mr. Noonan** asked the Minister for Foreign Affairs if he will report on his recent visit to the tsunami-affected countries in south-east Asia; and if he will make a statement on the matter. [2657/05]

163. **Ms O'Sullivan** asked the Minister for Foreign Affairs if he will report on his recent visit to south Asia in the aftermath of the tsunami; the groups and organisations he met during his visit; if he observed the manner in which Irish aid is being spent; and if he will make a statement on the matter. [2775/05]

236. **Mr. Allen** asked the Minister for Foreign Affairs if he will report on his recent visit to the tsunami-affected countries in south-east Asia; and if he will make a statement on the matter. [2906/05]

239. **Mr. Sargent** asked the Minister for Foreign Affairs if he will report on his meeting with aid agencies on 4 January 2005 to discuss the aftermath of the tsunami in Asia; and if he will make a statement on the matter. [34617/04]

**Mr. D. Ahern:** I propose to take Questions Nos. 93, 94, 135, 163, 236 and 239 together.

On 4 January, the Taoiseach and I met several aid agencies to discuss the tsunami disaster in south Asia. The meeting provided a valuable opportunity for an exchange of views on the situation in the region and the best way to proceed to ensure maximum effectiveness of Irish assistance. The importance of co-ordination was emphasised, along with the central role of the United Nations in this regard. The requirement to ensure that our assistance complements local efforts and builds local capacity was also emphasised. We also agreed that international pledges of assistance must be honoured in the region. This is a matter which I have followed up at EU level at the meeting of EU Foreign Ministers earlier this week as well as on 7 January. At that meeting, the Council adopted a plan of action designed to improve the EU's response to the tsunami and similar crises.

Shortly after the meeting with the aid agencies, I travelled to Sri Lanka, Thailand and Indonesia with the chief executives of Concern, Goal, Trócaire and the Red Cross to view the situation at first hand. I witnessed the truly appalling scale of the disaster. The loss of life and destruction of property are almost beyond words. The acute emergency phase of operations is ending in most areas and we are now moving into the recovery and reconstruction phase, which will take years.

During the visit I met humanitarian workers from NGOs and other agencies, all of whom shared the immediate objective of meeting the needs of the injured, the displaced and the bereaved. I also witnessed the enormous efforts of local people, communities and national organisations working to re-establish basic services and seeking to return to some sort of normality. I pay tribute to them all and the selfless way that they have gone about their enormous tasks.

I also met several senior Ministers in the affected countries, including the Prime Minister and Foreign Minister of Sri Lanka, the Minister of the Interior of Thailand and the Minister for People's Welfare of Indonesia, to discuss the challenges that they face during the recovery and reconstruction phase and how Ireland can best assist. In my discussions, I emphasised the importance of facilitating the work of NGOs and international aid organisations without any hindrance. In line with the best-practice principles of good humanitarian donorship to which Ireland fully subscribes, aid should be delivered in an impartial, independent and neutral manner to all affected populations on the basis of need.

The technical team sent to the region to carry out a rapid assessment has presented its preliminary findings and these are being studied with a view to guiding Ireland's medium-term strategy in the region. Deputies will also be aware that the Government has appointed an envoy, Mr. Chris Flood, who will monitor Ireland's assistance to the region.

**Mr. Gormley:** Does the Minister agree, from his discussion with the aid agencies, that we are getting value for money? The implication from his colleague was that the aid agencies had to be watched. I listened carefully to the Minister of State's reply. Will the Minister state categorically that we are getting value for money from the aid agencies, that they are doing fantastic work and that they should not be criticised for investing money in advocacy? I would like the Minister, as the senior Minister, to clarify that.

Will the Minister agree also that what we are seeing with this disaster is a foretaste of what we will see when global warming becomes a serious reality on this planet and flooding occurs, as is predicted, throughout the world, particularly in low-lying areas like the Maldives, which were affected by the tsunami? The Minister said we cannot know where emergencies will happen but we do know that they will happen with global warming. Will the Minister agree that we, and foreign ministers throughout the world, must prepare for that eventuality?

**Mr. D. Ahern:** On the issue of value for money, €540 million of taxpayers' money will be spent this year in various regions, but particularly in Africa. There are mechanisms in place to ensure value for money and accountability. I did not take from what my colleague said that he was in any way critical of the NGOs. In all my discussions with the NGOs, particularly the intensive discussions I had with the chief executives of the major NGOs during my visit to the tsunami region, they were acutely aware of the problem. One of them, John O'Shea of GOAL, frequently says that the percentage issue is not the real issue. He is not particularly concerned with the percentage issue. He constantly refers to the fact that we have to ensure there is strict accountability and that the money gets to the people who deserve it.



I totally agree with him in that respect. All the other NGOs are of that view also and they welcome the initiative we have taken in appointing Mr. Chris Flood to oversee this area. That is not to say he will be examining the accountability issue. His role will be to ensure that if logistical difficulties arise on the ground for NGOs working for the organisations we help to fund and are reported to us, we in turn will be able to raise those issues with either the national or local authorities.

**Mr. Gormley:** What about global warming?

**Mr. D. Ahern:** That is not an issue to be discussed here.

**Aengus Ó Snodaigh:** Where else would we discuss it?

**Mr. D. Ahern:** My Minister of State, Deputy Conor Lenihan, attended a significant conference on the impact of environmental issues on humanitarian situations. He was criticised to a certain extent for attending that conference but it was right for him to attend it because we are part of the group sponsoring the examination of and research into the effect of environmental issues on a deterioration in humanitarian situations, particularly in low-lying areas of the world.

**Mr. M. Higgins:** I repeat my request for information on who is handling the relationship with Somalia. My own reading on it is that there is an interim Government in place but there has been very little news from Somalia regarding the number of deaths, destruction or whatever. In so far as it is not represented strongly at the inter-state relationships, it would be a further punishment since the Somalian famine if, in turn, it was not assisted in the same way as others.

It would be very useful if, in the coming weeks, we got an idea of what has been pledged internationally by way of aid post-tsunami in terms of loans and grants. Many of the international pledges have been loans rather than grants and some of the aid promised is tied to significant conditions. Equally, regarding the debt release that has been promised for the five countries affected, it is not clear whether that is full cancellation or deferral. On first reading it would appear to be deferment and one has to ask about the implications of that for Africa.

I put it to the Minister, Deputy Ahern, that the use of the gross figure is something that has enabled the United States, for example, to claim that in respect of overseas development aid it is the largest gross player but it masks the fact that the figure is at 0.12% in terms of proportion of gross income and it is at the bottom of the table in respect of international commitment to ODA. The target set in the United States in the post-tsunami situation would reveal the same thing when population is taken into account. We should pay tribute to the Irish response but also

warn against the use of gross figures. If John O'Shea is not concerned, I am. The percentage figure is a true figure because it relates to the contribution, *per capita* and per citizen, to overseas development aid.

**Mr. D. Ahern:** The Deputy is somewhat critical of the American response. I can only say from what I saw on the ground, and in Banda Aceh in particular, the people doing the most work was the American military.

**Mr. M. Higgins:** I accept that.

**Mr. D. Ahern:** If they had not been there, the people of that area would have been in much greater difficulty.

**Mr. M. Higgins:** I accept that. It is on the calculation.

**Mr. D. Ahern:** We have to make a statement and be fair to nations when they contribute. I do not want to be critical of other people who were there but from what I and the people who were with me saw, and in Sri Lanka also, the Americans were magnificent.

Regarding the percentage target, we are fully committed to that and believe other nations should reach the percentage target also. I reiterate what my colleague said. We are wedded to the 0.7% target. Over the lifetime of this Government we hope to be at 0.5%. We want to sit down with the aid agencies, and I had discussions and close contact with them when I visited the regions affected by the tsunami with them. I want to agree, in partnership with them, realistic timetables because even they accept that, given the growth rates this country has seen since the promise was originally made, it was virtually impossible for us to reach that target within the timeframe. Even they admit that.

**Mr. Allen:** They have changed their tune in the past three weeks.

**Mr. D. Ahern:** They have agreed that they will work in partnership with the Government and in consultation with other NGOs and the general public who would have a view on this to put in place a realistic timetable—

**Mr. Allen:** They have changed their attitude since Christmas if that is the case.

**Mr. D. Ahern:** —which people know may or may not be reached depending on the growth rates that are possible.

**Mr. M. Higgins:** That is a new condition.

**Mr. D. Ahern:** I assure the Deputy that it is a commitment of this Government to reach the 0.7% target.



**Mr. Allen:** Is the Minister telling me that the NGOs are accepting the Government's failure to reach this target because if he is, there has been a major shift in attitude on the part of the NGOs since early December? Will the Minister clarify that? Is he now saying that the Government's reneging on its promise made at the United Nations is acceptable to them? Have they changed their attitude since mid-December when, both in committee and publicly, they were critical of the Government reneging on its commitments made at the United Nations and in other fora?

**Mr. D. Ahern:** John O'Shea continually states that the percentage is not important and that the overall amount and how it is spent is vital.

**Mr. M. Higgins:** He is alone in that regard.

**Mr. D. Ahern:** In light of the growth rates the country enjoyed in recent years, it has been acknowledged that we are chasing a target, 0.7%, which keeps moving away. It is accepted that we should work in partnership to put in place a realistic timetable we know we can achieve. It is important that we reach whatever target we set and maintain it forever and a day.

**Mr. M. Higgins:** "Forever and a day" is the important phrase.

**Mr. D. Ahern:** The Deputy should examine his record when he was in government. He made commitments and did not comply with any of them.

**Mr. M. Higgins:** The Minister should be careful about the statements he has issued. They are simply not accurate.

**Mr. Boyle:** We are not interested in history, Minister.

**Mr. D. Ahern:** We have the record.

**Aengus Ó Snodaigh:** I wish to pose three simple questions which are related to the last questions, in respect of which I did not receive many answers. Is there an ongoing or planned review of the amount pledged by the Government with a view to increasing that amount? Has the Government capped the amount to be donated to the relief fund? Was consideration given to matching public generosity with Exchequer funds?

**Mr. D. Ahern:** In terms of the previous question, Deputy Michael Higgins referred to some other countries which do not, in reality, match the pledges they make.

**Aengus Ó Snodaigh:** I was referring to the relief fund, not ODA.

**Mr. D. Ahern:** I accept that and I am referring to the relief fund. It has been proven, in respect

of previous disasters, that countries pledge certain amounts in the initial phases of responses to disasters but when the position is examined following a couple of years it emerges that these pledges are not all honoured. There was one disaster — I do not recall which — when only one third of pledges were fulfilled.

**Mr. M. Higgins:** Bam.

**Mr. D. Ahern:** Ireland's position, regardless of the nature of the Government in office, has always been that if it makes a pledge, it fulfils it. Unlike some other major countries, we do not link our ODA to trade. Unfortunately, some of these countries link it to the trade in which they are involved with affected nations.

The money has not been capped. However, a number of the aid agencies have already closed their appeals in respect of the tsunami because they are aware that the amount of aid pledged worldwide is four times as much as that pledged for any previous disaster. They make the point that we cannot remove our focus from, in particular, the continent of Africa and we have no intention of doing so. That is why most, approximately 85%, of the €540 million allocated by the Government on behalf of the Irish people will be spent in Africa next year.

**Mr. Gormley:** Some interesting suggestions emerged from several Heads of State at Davos about how to deal with global poverty. One of these, put forward by President Chirac, involves a tax on aviation fuel. Has the Government considered this proposal and would it lend its support to it?

**Mr. D. Ahern:** There was a small amount of discussion about that matter at EU level. However, I am of the opinion that it is not a runner. Most of the larger countries were opposed to it and did not believe it would be able to facilitate an immediate response to this type of situation. I cannot see this suggestion being a runner, particularly in light of the diversity of issues that would arise not only from country to country but also continent to continent.

**Mr. Boyle:** So it will not fly.

### EU Constitution.

95. **Ms O. Mitchell** asked the Minister for Foreign Affairs the timescale within which the new EU constitution will be put to referendum; and if he will make a statement on the matter. [2622/05]

169. **Mr. Eamon Ryan** asked the Minister for Foreign Affairs the plans for the ratification procedure for the EU constitution in the various member states; the implications of any member state of the EU failing to ratify the constitution; and if he will make a statement on the matter. [2813/05]

**Mr. D. Ahern:** I propose to take Questions Nos. 95 and 169 together.

To enter into force, the European constitution must be ratified by all member states of the European Union in accordance with their own constitutional requirements. The constitution sets a target date of 1 November 2006 for the completion of this process. Two member states, Lithuania and Hungary, have already completed their ratification procedures and the Slovenian Parliament approved the constitution yesterday.

Referenda are either certain or highly likely in ten member states, including Ireland. Spain will be the first member state to hold a referendum and will do so on 20 February. While definitive dates for the other referenda have not yet been set, it appears they will take place at different times between the late spring or early summer of this year and the summer of next year. No decision has yet been taken on the timing of a referendum in Ireland, although it will be held in good time to allow for the completion of the ratification process by the target date. The necessary legal preparatory work is under way.

Should one or more member states fail to ratify the European constitution, it cannot legally enter into force. The Union would clearly enter into a period of major political difficulty and uncertainty but there is no point in speculating about how the situation would then unfold. A declaration by the Intergovernmental Conference, which negotiated the constitution, simply provides that if, two years after signature, four fifths of the member states have ratified and one or more have encountered difficulties, the matter will be referred to the European Council.

**Mr. Allen:** When will the legislation relating to the referendum be introduced? Does the Minister expect that the referendum will be held in the autumn? Is he concerned about the recent Eurobarometer findings that 45% of Irish people have not even heard of the European constitution? As regards our awareness of the constitution, we are, in football parlance, in the relegation zone, coming 22nd out of 25 in the order of ignorance. Does the Minister agree that the level of ignorance about the European constitution is dangerous and that there is a possibility that there could be a rerun of the previous catastrophe? What action does he intend to take in respect of this matter?

**Mr. D. Ahern:** A decision has not been taken on when the referendum will be held. As stated earlier in respect of the discussion at the European Council meeting in December, when I leave the House I will attend a meeting of the Cabinet sub-committee aimed at progressing the issue of the wording and dealing with the legal implications etc. involved with holding the referendum. I assure the Deputy that, following the publication of the legislation, the Referendum Commission will be granted ample time in which to encourage a good public debate on this issue. In light of the previous efforts of the commission

when provided with such time, the low awareness figures to which the Deputy referred will be turned around quickly.

*Written Answers follow Adjournment Debate.*

### Adjournment Debate Matters.

**Acting Chairman (Dr. Cowley):** 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 Durkan — if the Minister will take steps to address the issues now likely to affect the postal and packaging service; (2) Deputy Ring — the Minister's plans to provide a permanent site for a school in County Mayo (details supplied); (3) Deputy Seán Ryan — the urgent need for a post-primary school in Donabate, Dublin; (4) Deputy Cowley — if the Minister is aware that there is a total cessation of all elective orthopaedic operations at the Mayo orthopaedic unit; (5) Deputy Connolly — to discuss the resolution to the ongoing difficulties of more than 100 women arising from their maltreatment at Our Lady of Lourdes Hospital, Drogheda; (6) Deputy Lynch — the reasons for the ongoing delay in the provision of the new BreastCheck unit in Cork; (7) Deputy Ó Caoláin — that the Minister establish a redress board for those women victims of malpractice at Our Lady of Lourdes Hospital, Drogheda; (8) Deputy McManus — the closure of DART services on the south side of Dublin and Wicklow at weekends for the summer months and its consequences; (9) Deputy O'Sullivan — if the Minister will approve funding for a resource centre in Limerick under the equal opportunities child care programme; (10) Deputy Gormley — the growing problem of uncontrolled burning of waste which is a major threat to the environment and public health; (11) Deputy Perry — that the Minister appoint a task force incorporating IDA Ireland and Enterprise Ireland to treat Sligo as a special case for job creation in 2005; (12) Deputy Sargent — the Minister's plans to implement the Ramsar Convention on Wetlands 1971, given the ongoing demise and degrading of many wetlands in Ireland in recent years; (13) Deputy Boyle — that the Minister address the additional job losses within the Dairygold company in Cork city and Mallow; and (14) Deputy Costello — that the Minister publish the Nally report on the Omagh bombing.

The matters raised by Deputies Perry, McManus, O'Sullivan and Gormley have been selected for discussion.

### Disability Bill 2004: Second Stage (Resumed).

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

**Mr. Boyle:** I pointed out earlier that this second attempt at a Disability Bill has not been followed through in terms of the consultation the Govern-

[Mr. Boyle.]  
 ment stated it would deliver. Proof of this is the facilitation by the National Disability Authority of an organisation known as the Disability Legislation Consultative Group, the membership of which is comprised of people directly involved in the disability sector. This group, in its report on the Bill before the House, has indicated that there are ten fundamental flaws with the legislation. It is not talking about minor modifications or areas that are subject to amendment, but fundamental flaws. The series of flaws may be put into two categories which are at the heart of how public services are delivered and can be resourced by people with disabilities and their families. There are the specialist service areas, affecting how the disability of the individual may be treated on a daily basis. Then there is the wider area which involves ensuring that people with disabilities can fully access every public service that is open to citizens of this State. Under both of these headings the Government has been found wanting. If it is to listen or engage in any exercise of consultation, this Bill should be withdrawn and put together in a manner that not only the Opposition, but those in the disability sector can accept is proper legislation. Unfortunately, that is not likely to happen because the Government, since the inception of any legislation in the disability area, has opted for a divide-and-rule approach. Rather than embrace all-encompassing legislation such as in the Swedish model or the Americans with the Disabilities Act, it has chosen to divide the disabilities legislation into different components.

We have had the Education for Persons with Disabilities Act 2004, as approved by the House, for which the Minister for Education and Science will be directly responsible. While it makes some advances in that area, it does not tackle the basic concept that education should be about enhancing the individual rather than making a person into some type of economic act. That is at the heart of the Government's philosophy with regard to education. People with disabilities in particular fall into that category.

**Ms Hanafin:** That is wrong.

**Mr. Boyle:** I will argue from my experience, having worked with the National Rehabilitation Board, which the Government made a mistake in getting rid of.

**Ms Hanafin:** The Deputy said this was the basis of the Education Bill, which is far from true.

**Mr. Boyle:** The experience is that people who have——

**Ms Hanafin:** We have only started to implement it.

**Mr. Boyle:** There are thousands of families with members over the age of 18 with physical and intellectual disabilities who cannot access any

education that helps develop them as individuals as they progress through life. That is the reality for thousands of people and the Minister has a responsibility for that.

**Ms Hanafin:** The Act addresses that. The Deputy does not know what he is talking about.

**Mr. Boyle:** The Act may address it, but the reality of people's lives is not being addressed.

**Ms Hanafin:** The Deputy should not refer to the Act when he is talking about——

**Mr. Boyle:** The Act is meant to be the mechanism through which these people have their needs addressed on a daily basis. Those needs are not being addressed.

**Ms Hanafin:** The Act is not even in place a year yet.

**Mr. Boyle:** If those needs are not being addressed, the legislation is flawed. However, to get back to the central tenet of my argument, that was just one Bill. This is the second Bill and the third is the Comhairle (Amendment) Bill 2004. The idea of divide-and-rule is also a central piece of the Government's argument. Give people a piece of everything and the impression is conveyed that all is being done. By dividing up the resources and the legislative inputs as regards how people will access services or have their rights conferred on them, the Government is just engaging in a smokescreen. This rights deficit issue is a fairly repugnant concept in a republic since they should exist automatically. We should not go around this type of carousel in the Chamber as regards how such rights are defined and properly resourced.

In trying to access their rights, citizens of this State who live with disabilities will have to go through a myriad of legislation to try to vindicate what should be their natural rights. The Government stands indicted for not only failing to properly resource services for people with disabilities but also providing a defective legislative framework in this regard.

If the Government has engaged in effective consultation with the disability sector and the groups which represent it, why is there such constant lobbying of Deputies about the unsatisfactory nature of the legislation? Why will a major meeting, almost of rally proportions, of the people involved in the disabilities sector be held next week in this city to express their unhappiness with this Bill? If this was a truly representative Government, we would not have seen a Bill of this type before the House. Those whom this Bill is meant to serve would have welcomed it had the Government engaged in effective consultation.

Given the personal interest of the Minister for Finance and the budgetary package, there was at least a recognition that resources had to be increased, and that was done, but they are still somewhat short of what is necessary. The



Government seems to be missing the bigger picture, however. The provision of the resources for people with disabilities is only part of the picture. In framing legislation to meet the needs of people with disabilities, not alone have current needs to be considered, but also how the rights of those concerned can be conferred well into the future.

It is unlikely there will be major legislation dealing with disability for another generation. Members of voluntary organisations dealing with disability have had to put up with a virtual history of reports. It is ten years since the report of the Commission on the Status of People with Disabilities, with its hundreds of recommendations, most of which have never seen the light of day. All of them require a particular political focus and on most of them the Government seems incapable or unwilling to deliver.

Given that the coalition is made up of two parties, one of which is prepared to shape itself ideologically to the whims of its current partner at the time, we must question the views of some members of the Cabinet who appear to query the existence of certain rights if they come with a price tag. Of course there is a wide variety of rights that all citizens should have. There are civic and political rights, but there are also economic and social rights. It is in this area that the Government has proven negligent in the day-to-day delivery of services. With this Bill, insult is added to injury on the lot of people with disabilities and, more importantly, their families.

Members of the Government have pointed out some areas of advancement that the Bill has achieved over the original aborted Bill. It is churlish not to acknowledge that some effort has been made to meet existing concerns. However, there appears to be some political philosophical wall that the Government is not prepared to go beyond. It will tweak around the edges and throw a few euro here and there so that the perception seems somewhat better, but it is not prepared to address the reality. The reality for one person in 12, or 8% of Irish society, is that their ability to be full citizens is compromised by the way the Government allows them to access and enjoy their rights. It can be seen every day as regards access to employment, with up to 80% of the disability sector unable to gain such access. It can be seen in terms of how they access public transport — usually there is no such access. It can be seen in housing, in terms of the basic rights and needs that most citizens expect. Most of all it is seen in terms of shortage of resources and lack of infrastructure and a legislative base to ensure resources are provided on a regular basis for the specialist services these people require. The Government can take no pride in putting a Bill before the House and using its majority to have the legislation passed. The Bill changes very little as regards how people with disabilities can improve their lot as citizens.

It is not a matter for me, as a Member of this House, for the Opposition or for my party in particular to table amendments to the Bill. Given the

views of the Disability Legislation Consultative Group, this is a Bill that does not need amendments. It needs to be withdrawn because of its fundamental flaws.

**Minister for Education and Science (Ms Hanafin):** I would like to share time with Deputy Cregan. I welcome the opportunity to speak on this Bill, which is of fundamental importance to the Government's strategy to support participation by people with disabilities in all areas of society. Access to education is key to full and active citizenship and the fulfilment of personal potential as a member of society. This has quite rightly been identified as an issue of major importance to persons with disabilities, who can face daunting obstacles in their efforts to progress through the education system. There has been significant progress in recent years at each stage of our education system in enabling and supporting participation among people with disabilities. I want to highlight some of the steps that are being taken in that regard. In recognising those advances, I accept that we still have some way to go in ensuring that those with a disability have full and timely access to the range of education services and supports that are appropriate to their needs. The education provisions of this Bill should greatly strengthen the efforts that are already under way in this respect.

This Bill and the Comhairle (Amendment) Bill 2004 are both complementary elements of a developing statutory framework that started with

Education for Persons with Special Educational Needs Act 2004. This Bill will take up where that Act

leaves off as it will provide a mechanism to address the educational needs of those over 18 years. Both pieces of legislation provide a mechanism for assessment of need and for the preparation and delivery of a statement of needs. In each case, the National Council for Special Education has a pivotal role. That council has now been established with general functions to carry out research and to provide expert advice to the Minister on the educational needs of children with disabilities. That body was working on a non-statutory basis for the past year and has now been formally established since 1 January 2005. Its advisory function will now be extended under Part 2 of this Bill to include advice on how to meet the educational needs of adults with disabilities and to assist the Health Service Executive with the educational assessment of adults with disabilities. Where an assessment identifies an educational need in an adult, a service statement will be prepared which includes measures to address the need. The council will identify an education service provider that can meet that need and will arrange for the provision of the service on behalf of the Health Service Executive. This represents an important extension of the established functions of the council under the Education for Persons with Special Educational Needs Act 2004.

[Ms Hanafin.]

That Act has now provided a map to the future development of special educational needs services. It builds on a period of significant investment in special educational services which has seen much growth in resources following the Government's decision in 1998 that children with special educational needs should be given an automatic response to those needs. This has produced a dramatic expansion of available supports. The number of resource teachers at primary level has grown from 104 in 1998 to more than 2,500. The number of special needs assistants at primary level has grown from 300 in 1998 to more than 5,000. In the area of equipment to assist pupils with special needs, provision has grown from €800,000 in 1998 to over €3 million. Significant expansion has also occurred at post-primary level where there are now 1,400 teaching posts and more than 600 special needs assistants. The funding allocation in the area of special needs education this year now stands at €628 million, which is an increase of 12% on 2004. The implementation of the Education for Persons with Special Educational Needs Act 2004 will have further consequences for the allocation of resources in the education sector. The challenges of gearing the system to deal with the demands placed on it will be intensified by the expanded role of the council provided for under this Bill. It is vital that all of us in the education system rise to these challenges over the coming years.

I would like to highlight some of the measures that have been taken over recent years in the further and higher education sectors for adults with disabilities. The research work of the Association for Higher Education and Disability, or AHEAD, has been invaluable in both identifying progress and pinpointing the areas in need of improvement. Data available from vocational education committees on adult literacy provision for 2003 indicate that 27 out of 33 VEC adult literacy schemes made provision for persons with disabilities. Statistical returns for the back to education initiative for 2003 show a figure of 15.3% of participants classifying themselves as having a disability. Two special schools receive funding under that initiative for courses for former pupils who are now either in employment or have left full-time education. Useful initiatives have been introduced in some centres in conjunction with the former health boards to provide education for people who need support to function outside long-term residential care. In other cases, the back to education initiative providers are working in conjunction with organisations that provide support for people entering employment for the first time.

In the higher education sector, the Higher Education Authority has provided approximately €8.5 million since 1996 for the development of a core infrastructure in our universities to support the participation of students with a disability. This has enabled the development of academic policies and procedures as well as physical struc-

tures to accommodate students with disabilities on all programmes. Dedicated disability support offices and specialist staff are in place across the institutions. Training is provided for academic and non-academic staff. Units for the provision of assisting technology for students have been established. Pre-entry programmes and links to second level schools have been established and post-entry orientation and support programmes are in place, while other forms of direct support are provided. These measures are aimed at creating as supportive an environment as possible for students with disabilities.

Preliminary indications from the latest research conducted by AHEAD are that these measures are yielding very positive outcomes in participation rate increases over the past five years. However, this is from a very low base. The work of the recently established national office for equity of access to higher education will be important in promoting the further progress required on this front. It is important to recognise that we are not yet adequately dealing with the full range and level of demand for educational services that exists from adults with disabilities. I am committed to using this Bill to advance progress on this front and to ensure that models of best practice are in place throughout the further and higher education sectors.

There has been a palpable pace of development in the needs of persons with disabilities in recent years. I am especially pleased with the warm welcome that was given to the Education for Persons with Special Educational Needs Act 2004. This Bill is a near mirror image of the systems and procedures inherent in that Act. I am convinced that these will revolutionise approaches throughout the education system by placing the educational rights of every person with a disability at the centre of our concerns. It would be naive to think that this Bill alone will provide all the solutions. I believe, however, that it provides a strong basis for action and progress. It points a clear way forward for my Department, for the National Council for Special Education, for education service providers and adults with disabilities.

**Mr. Cregan:** I thank the Minister for sharing time. In 1997, Fianna Fáil committed itself to introducing legislation for people with disabilities. Legislation was published just before the previous general election which contained much that was modern, innovative and radical. While it certainly improved the position of people with disabilities, it attracted a firestorm of criticism and was rightly withdrawn in my view. There were two principal difficulties with the original legislation. There was no independent assessment of needs and there was no right of redress. The withdrawn legislation gave the right to assessment, but it was to be conducted by the very body that would deliver the service. The suspicion was that the assessment would be influenced by the fact that the organisation assessing the needs

would ultimately have to bear the cost of delivering them.

The new legislation will provide for an independent assessment of means by the health boards. There will be a body established to ensure that the assessment of needs is genuinely independent. This body will set standards. It will also provide training for those assessing the needs and this is an important step for those in society with disabilities. I want to stress that the system being put in place will be genuinely independent and constantly monitored to ensure its independence. A person living in a particular health service area would not have his or her needs tested by that health service. A body will also be established to ensure that the assessment of needs is genuinely independent. The body will set standards.

It will also provide training for those assessing the needs. This does not mean that specialists such as physiotherapists, child psychologists and so forth will work exclusively on assessing needs. There is already a severe shortage of people with these skills and critics of the Bill would do well to take a long-term view of the issues. With the best will in the world, we cannot train and roll out extra numbers of trained individuals to work in this area overnight.

Another aspect of the Bill that is worthy of praise is the provision for redress. The withdrawn legislation was criticised for not being rights based. The criticism was based on a narrow interpretation of rights based legislation. According to this interpretation, if a person with disabilities does not get what they consider to be the appropriate redress from the State, they should be entitled to go to court and have a judge assess both needs and delivery of service. In practical terms, this would have meant that the amount the State spent each year on disabilities would be decided by judges and the courts.

A significant percentage of overall disability expenditure, therefore, would be swallowed up by legal fees and would not improve the lives of people with disabilities. Furthermore, resources would be allocated by professionals and courts without reference to the Oireachtas or the availability of resources. Disability groups were consulted in the drafting of this Bill, which is a sign of the Government's commitment to improving the lives of people with disabilities. However, the Government is unable to write a blank cheque.

I wish to refer to the significant level of investment by the Government in disability specific services across a range of Departments. Currently, €2.5 billion, representing 7% of gross current public expenditure on services, is provided specifically for people with disabilities. This includes health sector services for persons with an intellectual disability or autism, physical or sensory disabilities and mental illness; first and second level special needs education funded through the Department of Education and Science; the specialised training and employment support services provided by FÁS; and the cost

of various tax relief schemes and local authority spending to adapt accommodation for people with disabilities. I hope to see more spending by local authorities to ensure that building regulations are enforced properly and that every citizen, able bodied or disabled, has equal access. Our efforts should be concentrated on ensuring that local authority staff get every support from the State to enable them to do their job properly.

The figures I have mentioned do not take account of the income support and other services provided through the Department of Social and Family Affairs or the fact that many people with a disability participate in or benefit from mainstream public service programmes and services. Speech and language therapy, physiotherapy and other similar key services for people with a disability, for example, are provided as part of the mainstream health services. Similarly, improving access to public transport services for persons with mobility and sensory impairment is an integral requirement of all Exchequer funded new investment in buses, rolling stock and station infrastructure.

This year's budget will undoubtedly bring about certain changes but it is the multi-annual funding from 2006 which those working in the sector believe will make a real difference in providing better services. The multi-annual investment programme was designed with the intention of supporting the prioritisation of disability support services over the period 2006-09. The Government has pledged an additional €900 million for spending in those years. I would prefer if it was to run from 2005 to 2009 and I ask the Government to examine this again with a view to bringing that date forward. It would make a huge difference.

Publication of the Bill was accompanied by the announcement of new funding arrangements for capital and current spending on disability support services. In accordance with requests from those in the disability sector, funding is based on a five year multi-annual programme. This is the first time a Government has adopted this approach towards spending on services and it is a positive step. This new approach demonstrates the Government's commitment to funding for disability support services and to implementing the initiatives announced with the publication of this Bill.

Every day can be a challenge for parents of a disabled child and in recent years the voluntary sector has continually campaigned on the issue of respite care. It is critical that parents and carers of the disabled have access to high standard care for their loved ones. The Government has reacted by pledging an additional 4,260 new residential and respite day places by the end of 2009.

This Government has treated this issue with seriousness and responsibility by providing more funding and ensuring that the funding will make a real difference. The Opposition parties had a chance to do the same when they were in Government but they chose not to do so. The



[Mr. Cregan.]

Comhairle Bill, the Disability Bill and the accompanying sectoral plans as well as the huge funds allocated to improving services for people with disabilities represent a turning point for this country.

I agree the Disability Bill does not go far enough; I am not so naive not to accept that. However, it is a very good start. It is the best attempt ever at introducing legislation that caters for people with disabilities. We have shown our firm commitment in this area. In particular, the Minister, Deputy Cowen, did so in the recent budget when he announced a €900 million package for the multi-annual programme. That is what will make the difference and it shows where this Fianna Fáil led Government's commitment lies.

I look forward to the implementation of the Bill. I sincerely hope that whatever difficulties remain between people with disabilities and the Government can be resolved for the benefit of everybody.

**Mr. Crawford:** The Disability Bill 2004, first published in September of that year but only now being debated, must be dramatically changed if it is to be of benefit to those it proposes to protect. The Bill was first promoted as a Government guarantee for disabled people in 1997. Its predecessor was published in 2001 by the then Minister of State, Deputy Mary Wallace. However, it was subsequently withdrawn following overwhelming rejection by disability organisations and activists.

In March 2002, an expert consultation team was given the task of consulting with all stakeholders and reporting to the Government. At the same time, the National Disability Authority was asked to facilitate meaningful dialogue at national level with people with disabilities, their families, carers and service providers. From that arose an umbrella group called the disability legislation consultative group. After many false starts and promises, the Bill was launched, with much fanfare about the promise of multi-annual funding, by the Taoiseach and most of the Cabinet. I am sure the Minister of State, Deputy Brian Lenihan, was also present.

However, the Bill falls far short of what the consultation group recommended. Many of the disability groups want Fine Gael to once again reject this Bill. We will not do so. That would be an excuse to delay it further. One legal expert stated the Bill is the most convoluted, turgid, incomprehensible legislation the person had ever read. Its complexity was intentional and avoidable. If this was the response of a legal expert to the Bill, how will an ordinary person be able to deal with it? It will be even more difficult for somebody with a disability.

Fine Gael hopes it will have the opportunity, on Committee Stage, to insert reasonable amendments to make the Bill workable. Total rejection of the Bill will only give the Government an opportunity to put the problem on the long finger. We expect to have dialogue with the Mini-

ster and subsequent improvement of the Bill. If the Bill is enacted as published, many new officials and structures will be put in place but there are few guarantees that services will be delivered to those who need them. Judging by statements made by Ministers, the Government appears to be more uneasy about administrative structures than meeting the needs of the persons assessed.

There is no timeframe for when their needs might be met. Instead of providing for realistic targets, the Bill, supposedly the best legislation for people with a disability since the foundation of the State, is 80% concerned with the State running away from its responsibilities and the remainder is a small attempt to give a little. The complaints system provided for in the Bill is too complex and must be simplified to make it more easily accessible. There is another plethora of officialdom in the complaints process and this threatens to exclude rather than include.

If the Bill is to have meaning, it must provide for ring fencing of disability specific resources. Political promises have been made but if no commitment is enshrined in the Bill, those promises might be meaningless given the Government's past history. The Government has an unenviable record of producing major plans with a great deal of fanfare only for them gradually to be shelved as more urgent, short-term political priorities arise. As evidence, we need only consider the €30 million spent by the previous Minister for Health and Children on 115 reports, not including a further 35 which have yet to be costed. We cannot allow this to happen again. The Bill must provide for a clear statutory duty on all Departments and public bodies to include people with disabilities in their plans and services with appropriate monitoring and accountability. "Public services" in this context should be defined to include all public services provided in the public system by statutory and non-statutory entities.

There has been much talk in the Dáil during the debate on the Disability Bill of massive increases in resources over the past few years in an effort to suggest that all the problems have been solved. Such contentions do not reflect the reality on the ground. Parents often must pay for their children's assessments while others cannot access respite. Restrictions on carer's allowance continue to be imposed. Many carers feel abandoned and isolated. While the new respite grant announced in the budget represents a degree of admission that this problem exists, it is another example of the provision of too little too late from an economy which makes so much money available through increased tax yields. In the recent Asian disaster, the Irish demonstrated as a people their commitment to those in need by giving voluntarily three times the amount the Government committed. Similarly, the Irish taxpayer would support the Government if it made a genuine attempt to deal with disability once and for all.

In putting together my contribution to this debate, I returned to disability groups. I have in my hand a notice for a meeting next Tuesday night which reads as follows:

People with disabilities, their families, carers and service staff need your support. This year the Government are committed to seeing the Disability Bill 2004 enacted into legislation. The Bill as it stands is fundamentally flawed. Since the Bill's publication last year all sectors of the disability community have expressed their grave concern that it contained little of what had been identified as essential for such legislation. The Government asked the disability community what was needed. They told them but were ignored again. What is more, the funding package announced in the budget falls far short of dealing with current waiting lists not to mention further needs.

The circular reflects the extreme concern of disability groups that they were not listened to. People want to see the disabled looked after well.

I cannot help but refer to the disability group in my constituency chaired by Mr. Dan Rogan which has shown the way on how to best use funds to ensure that people with disability are looked after. Mr. Rogan has worked closely with Mr. Billy Davey, an executive of the North Eastern Health Board, to use voluntary housing funds to take over a house in Tiernaneil in north Monaghan to accommodate disabled persons. Staff were provided by the health board. It is an example which should be considered in a national context. They have done a tremendous job and I pay tribute to the work of voluntary groups with locals. A number of housing places have been supplied in a tripartite agreement among the voluntary sector, the health board and Monaghan County Council. A great service is provided for those in need.

I mention this example in the context of a meeting I had to attend in my constituency recently. It was not until I arrived that I realised how great a service was being provided by the voluntary group in question in conjunction with the statutory bodies. Approximately 40 people have been accommodated, some of whom had to come to north Monaghan as facilities were not available elsewhere. I do not blame the Government solely. It was shown in north Monaghan that the voluntary sector could lead the way. Every effort must be made to ensure that those in need are properly looked after.

I am sorry the Minister for Education and Science has just left the Chamber. She raised a number of very important issues in her address to the House. She spoke of how children with special educational needs should be given an automatic response and said this approach had produced a dramatic increase in available supports. She said the total funding for special educational needs this year is €628 million, representing an increase of 12% from 2004. I received a letter addressed to the Taoiseach

which was passed to me on behalf of the parents of children attending the Holy Family special school in Cootehill. The school is a brilliant educational facility which caters to two counties. It reads:

Dear Taoiseach,

We as parents of the children who have moderate learning disability, severe profound learning disabilities and autism are extremely concerned about the problems arising due to the lack of space at our school. The situation is now one of crisis. Some of our children are being educated in classrooms measuring 11.9 m<sup>2</sup> [nine feet by 11 feet] while the Department of Education and Science has stipulated in a circular that class units should have a minimum space of 55.7 m<sup>2</sup>. You must appreciate our concerns especially when these small rooms also have to accommodate wheelchairs. These conditions are totally unacceptable.

In addition to the school's cramped conditions, there are also pupils awaiting placement in the school. The number of new children enrolled this year has risen by ten. There are 104 pupils at the school. This far outweighs the number of children leaving. We know the board of management has applied for an extension to the school and this has yet to have the funding sanctioned. This to us is a major priority for our children and the staff. In the meantime, the school has applied for temporary rented accommodation that is some distance from the school and which will also bring its own problems and concerns.

These problems include addressing the various dietary and other needs the children have which require the services of the main school. According to the parents, the temporary accommodation will present many difficulties for children and staff. They are not happy with this state of affairs and seek an assurance that the alternative accommodation will constitute a temporary solution. I emphasise the highest possible standards obtain at the Holy Family school. I know many families in receipt of its services.

The letter to the Taoiseach was accompanied by a personal letter to me which I have no intention of reading. As the families are desperate, I put down a written question to try to help them, but am concerned when I compare the answer I received to the Minister's speech. The Minister replied that her officials were nearing completion of a review of all projects which did not proceed to construction as part of the 2004 school building programme, including the school in question. She stated that all projects were being assessed against the published prioritisation criteria agreed earlier this year with the education partners. I beg the Minister of State to accept that the project in question is a special one for people with special needs which cannot be considered with all the others. It will take approximately €5 million to €6 million over a three-year period to finance the project, and that is the reason I mentioned the

[Mr. Crawford.]

total budget available to the Minister to fund education. A sum of €6 million on its own seems significant but out of a budget €628 million, it is not that large. If that sum is spread over three years, it amounts to €2 million a year. The Taoiseach visited that school and his presence was appreciated. I recall Jack Charlton visited that school to open a special classroom. He had an hour to spare when he arrived but, having spent a half hour in the school, he cancelled his appointments for the day and stayed until the school closed. He was a complete outsider but he recognised the great service and facility the school provided. I hope the Minister for Education and Science will understand this case must be a priority. The school cannot be treated similar to all schools. If the Government wants to demonstrate commitment, it must address this case.

I refer to other cases that could demonstrate the Government's commitment to people with handicaps. I came across a young man with spina bifida recently. He got a good job in Dublin but then he wanted to move closer to home for family reasons. He was granted a transfer to a town that does not have a bus service or other facilities. One only has to look at the lad to see he cannot drive a car. One does not need medical expertise to see that, but he has been refused a primary certificate. The system is completely haywire.

An 87 year old neighbour of mine has two handicapped adult children. Her family has suffered many a sad bereavement. She lies awake at night worrying what will happen her children when she passes on. She has had great difficulty getting respite care for them for a few weeks to give herself a rest.

I had a case of a handicapped child waiting for more than year in a small school in County Cavan for a classroom assistant. Recently, well into the current school year, the school got word that it would be provided with a 50% service. The Government states millions of euro have been provided for these services. However, that child was in a special language class in a much larger school and had a full classroom assistant for two years. If the service means anything, the assistant should be transferred immediately.

I and others were fortunate to secure a house for a young blind man on his own beside his place of worship and adjacent to the main road where he can avail of the local bus service. He has made tremendous progress but he needs to make alterations to the house. It would require him buying it but, because of a technicality, the county council cannot sanction his purchase of the house. There has been reference to all the developments that will take place as a result of the legislation but I am afraid it will be tied up in technicalities such as this and, therefore, it will not achieve half of what we would like it to.

The key challenge of the legislation is to put right for the future the continuing wrong that has reduced the life opportunities in Ireland of people with disabilities, their families and carers.

It is our duty and responsibility in Government and Opposition to get it right. I hope and expect that the Minister will seriously engage with us in this task on Committee Stage. It is not a solution to just say "no". Every amendment must be examined and we must listen to what people with disabilities and their carers say is necessary. We need to take on board their arguments and suggestions and ensure the legislation is the best possible.

The complaints system is an administrative game of snakes and ladders because it goes on forever. This matter must be addressed so that the complaints system is workable and simple. The Minister referred to international legislation in her speech. However, the European Union has adopted methods to enforce equality as a legal right. People with disabilities want legal rights to ensure they do not have to wait indefinitely for admission to facilities and for the resources needed subsequently.

The legislation requires a great deal of work which we must do together. The Bill, in the eyes of those who understand legislation such as this much better than I, needs to be taken apart and put together again to make sure the best interests of all those it is supposed to serve are served. I have dealt with many people with disabilities as a public representative. Their parents and carers do tremendous work and it is not too much ask that we should listen to their needs. It will not be possible to put everything they want in the legislation but we should improve it.

**Mr. Calley:** That will be done. We will listen.

**Ms Cooper-Flynn:** I welcome the opportunity to contribute to the debate on this long awaited legislation. It was originally introduced in 2001 but was then withdrawn. However, the intervening years have provided the Government with a major opportunity to consult extensively on what is required in the legislation and provided people with disabilities, their parents, carers and support groups an opportunity to meet and lobby politicians about the areas they feel need attention.

That happened in my constituency and I refer to a meeting I had with representatives of the Mayo Autism Support Association to discuss their needs in November 2004 following the publication of the legislation. They outlined their experiences, which highlighted a geographical issue among others. The experiences of people in the west, particularly in County Mayo, are worse than in many other areas. The association's representatives stated they received a poor service or in the case of Erris and Achill absolutely no service.

People with disabilities in County Mayo have no problem getting assessed and, in some cases, they were assessed not once or twice but three times. However, following the initial assessment, no service was provided. Parents had nobody to call for advice or help and there is little speech or occupational therapy. The Western Health Board



and Western Care, which are responsible for services in County Mayo, have a major difficulty recruiting and retaining staff. The speech and occupational therapy service must be addressed at another level because if this service is not provided, the assessment and sectoral plans will make no difference because professionals will not be available to deliver them at the end of the day. It will be difficult to resolve this problem in the short term.

Many parents, carers and groups at the meeting did not know who was responsible for the educational and health needs of people with disabilities. No support service is provided. For example, if a speech therapist becomes pregnant or ill, nobody is available to cover her area meaning the service collapses completely. The loss or withdrawal of such services is a retrograde step for the individual involved and it is not acceptable because it causes a great deal of hurt and anger among the families affected.

There was also a feeling that once an assessment is conducted and a plan put in place, the individual should have a right to the service proposed. It was also felt inadequate respite and transport facilities were in place and the group was concerned about provisions in the legislation relating to resources and the practicability of providing services. In other words, rather than getting a rights-based Bill they were getting a resource-based one. This was a subject of much criticism.

Last October, before I met this group, I wrote to the Western Health Board to ask it about the services it offered to people with disabilities, and received two interesting replies. The first reply stated that those on the board were all in agreement that the current Government funding levels were inadequate to meet the requirements and that they had made submissions to the Department of Health and Children to highlight this. The other letter, from a person directly involved in the services, said that, unfortunately, the autism service was currently restrained by a lack of adequate resources to provide the level and intensity of supports believed necessary for children and families of children with autism in County Mayo. It went on to say that any help to lobby the Government in that regard would be welcome. The Western Health Board is the same health board that will carry out the assessments and the service plans on individuals under this new legislation, yet it feels its hands are tied due to the lack of available resources.

It is important that our view is balanced. The fact that we are discussing this legislation is a step in the right direction. It is important to recognise the amount of money that has been spent in the area of disability services. I compliment the Minister for Health and Children from 2000 to 2002, Deputy Cowen, who was very sincere in his efforts in the disability area. He announced a package at the time of €220 million for the provision of services for people with disabilities. Again in December of this year, in his first budget

as Minister for Finance, he introduced a multi-annual programme of €900 million over 2006-09. This must be welcomed. I am delighted disability groups have welcomed the sincere effort he is making to deal with the issue.

It must also be recognised that there is an allocation of €2.8 billion in the Book of Estimates for the current cost of disability services. This is not an insignificant amount of money and represents a serious increase in the allocation of resources over several years. The sad reality, however, is that we are coming from a low base. Prior to this, services for people with disabilities were so inadequate that as a result we have massive problems in the country.

If we look at the people with disabilities, we see an aging population and improved mortality rates. There are more people getting older who will require these services for a longer time. This will require more residential places and respite services, which are currently inadequate.

A report was produced by the National Federation of Voluntary Bodies, which did an analysis of needs for people with an intellectual disability for the years 2005-08. With regard to the unmet need, it stated that in 2003 there were 2,284 people who were either without a service or without a major element of the service. It went on to highlight the need for day services, residential services, additional supports etc. Despite the fact that there has been a significant increase in funding, there are many needs that are unmet. This is a grave concern. While I welcome the move in the right direction, we must acknowledge that this can be improved upon.

While I welcome the fact that there was some consultation and that the Government showed some flexibility with regard to the preparation of this Bill, it must be acknowledged that it does not go far enough. I hope some improvements in the legislation will be brought about as a result of this debate.

Part 2 of the Bill establishes a right to an independent assessment of need, an individual service statement and redress. The assessment of need is carried out by an officer of the health board. This officer is supposed to be independent and will be appointed by the CEO. Most people in County Mayo have had no difficulty with the current assessment procedure. They can get the assessment, but the problem is they cannot get anything after the assessment. From now the situation will be somewhat similar. The person carrying out the assessment of need will be independent within the health board. The assessment will only cover the areas of health and education. It must be recognised that people with disabilities have many other needs. Admittedly, health and education may be the most important of their needs, but they have other needs such as housing, transport and employment. While this Bill deals with sectoral plans, when those plans are produced and finalised they will have to be evaluated in detail to examine how they deal with the needs of people with disabilities.

[Ms Cooper-Flynn.]

To return to the assessment of need carried out by an independent officer of the health board, it will be carried out without regard to cost considerations and will be a true assessment of the needs of the individual. This will create huge expectations. In dealing with parents and people with disabilities, I have found that when they get the assessment of need they feel they know exactly to what they are entitled, yet when it comes to the provision of the service they are caught up by the inadequate resources of the health board and cannot get the service they have been assessed as needing. Now that this right is enshrined in legislation and people will have the assessment within a three-month period from when they apply, people will have huge expectations. I expect there will be much anger among the families who have their needs assessed and ultimately cannot get the required services.

Section 10 deals with the individual service statement. A liaison officer from the health board will be appointed, but will, supposedly, be independent of it. It is not good enough for a person to be declared independent, he or she must be seen to be independent. In a situation where a health board officer carries out an assessment, prepares a service statement and, ultimately, deals with an appeal, we must ask whether the service will be seen to be independent. This lack of independence is the criticism I get most from groups looking after people with disabilities and it should be addressed.

Once the assessment has been carried out and the liaison officer comes to produce the service statement, the problem is that the legislation requires the liaison officer to have regard to the health board budget for that year and other criteria, including the eligibility of the person for the services and the practicability of providing the service. This is the real stickler in this situation. I already mentioned that two letters I received from my local health board stated that resources were inadequate. In practical terms, speech and occupational therapists are not available on the ground. With this Bill we have created an expectation in the minds of individuals and families that once they get their assessment of need they will get the services. Sadly, however, when the health board budget and the practicability of providing the service is taken into consideration, the service cannot be provided.

We hope to see much improvement in the area of resources, but this will not happen overnight. Even if the Disability Bill gave a person an automatic right to what was in the assessment of need, it could not be provided because we do not have the people on the ground to provide the service. How we marry these two factors is a difficult area for the Government. Staffing, in particular with regard to speech and occupational therapy, is a significant problem in County Mayo. Something must be done in this regard. I know children with autism and other disabilities in my constituency who have never seen a speech therapist. In some

cases children will be contracted out to attend a private speech therapist for six sessions only. It would be better not to do anything than to provide that level of service for a child suffering from a disability and then stop it. I see significant problems in this area. How will a person with a disability be better off as a result of this legislation, if passed, than he or she was six months ago?

Section 12 deals with records and reports. This is an important measure. The Bill provides that health boards must keep records of the service planning and that these records must be submitted each year to the Minister for Health and Children. I am concerned about the level of service in County Mayo *vis-à-vis* other parts of the country. The only way this will be highlighted on an annual basis will be if the report goes to the Minister and it turns out that a person in my constituency is getting a substandard service to that of a child or adult with a disability in another part of the country, which is unacceptable. I believe that is the situation. My experience is confined to County Mayo where a substandard service is provided. This matter must be addressed. We have many policies on the regions and so on that do not work and we cannot allow it to continue in this area.

There are three stages in the redress process; the complaint, the appeal and enforcement of the plan. Section 13 allows for making a complaint in regard to an assessment or a service. Section 14 requires the CEO of the health board to appoint the complaints officer who will be independent in the performance of his or her function. The problem is that while complaints officers may be independent they must also be seen to be independent. There may be a better way to organise the appeals system so that one would appeal to a body other than the health board. Is it realistic for an officer of a health board to overturn a decision made by another health board officer, bearing in mind that they must both have regard to the exact same conditions in terms of resources and the practicability of providing a service? This issue is a stumbling block.

Sections 15 and 19 deal with the appeals officer who will be independent in the performance of his or her functions and will be appointed by the Minister for Health and Children. Although there is a move away from the health board the jurisdiction still comes under the Department of Health and Children. In effect, everybody dealing with the assessment and service plan comes within the remit of the Department of Health and Children. We could improve on the independence of the appeals process.

The appeals officer is given substantial powers to call witnesses, obtain documents, enter premises and ultimately, if necessary, to secure a search warrant from the District Court. An appeals officer may make a recommendation but he or she has to take into account the same considerations in regard to resources, eligibility and practicability to which the liaison officer also had regard in the provision of the service plan.

I have a problem with section 19, which provides that the determination of the appeals officer will be final and will not be referable to the courts except on a point of law. The entire process is carried out under the remit of the health boards and the Department of Health and Children without any real independence and a person who believes he or she is not getting his or her entitlements can only go to court on a point of law. I consider that a removal of a right from an individual. I ask the Minister of State, Deputy Callely, to inquire of the Minister responsible if anything can be done with this section.

I already referred to the predicament of people who had their needs assessed but, unfortunately, their service plans fell far short of what was required due to a lack of resources. As a result, many people are dissatisfied and angry. Having met many groups and individuals in my seven and a half years as a Deputy, I sense there is a great deal of anger out there. It is very hard to tell the parents of a disabled child that while their child needs help he or she cannot have it because the resources are not available. In County Mayo in particular the resources do not appear to exist and people are not getting any service. I find it understandable that parents are angry when they raise these matters.

Part 3 deals with access to buildings and services. As a member of Mayo County Council I proposed the adoption of the Barcelona Declaration by the council for the provision of accessible buildings for people with disabilities. I am aware that many county councils and urban councils also adopted that declaration but the reality is that while this has been taken on board in principle it is not always put into practice. I have heard it said that many buildings may not be accessible until 2015. We should ensure that all people, able-bodied and disabled, can gain access to public buildings. We should examine this matter as a priority.

The Minister for Education and Science spoke in the House recently about the treatment of children with special needs and how education services are improving for children in schools. I brought a matter to her attention some months ago and she is now carrying out a review in the area of support and resources for children with special needs in schools in view of the weighting system that was to be put in place in September 2005. I am not happy with the allocation of resources based on the weighted system. In particular I am not happy with the allocation of resources for disadvantaged schools in rural areas as opposed to urban areas. I remind the Minister that we anxiously await the outcome of that review. Many schools catering for children with special needs will be in a worse position in September 2005 unless that decision is reversed or seriously amended.

I am aware the Minister is actively consulting on this matter and examining it in a serious manner. I commend the Minister because when she was newly appointed she put her hands up in the

House and said that she accepted discrimination existed in this area.

I am also concerned about individual sectoral plans. Assessments will be made regarding education and health but many other areas are also involved such as housing, employment, transport and so on.

There has been little reference to personal assistants although the debate about personal assistants for people with disabilities has waged for many years, especially because many of them were employed through community employment schemes. Unfortunately, once they had completed three years, personal assistants had to abandon their posts. It is important that this would be covered under the sectoral plan. I accept that there is a 12 month period before the plans must be finalised but this area needs to be examined.

The Bill is a step in the right direction. I welcome the significant increase in resources for people with disabilities. I ask that the Minister would focus on some of the points raised because with the contributions of Members on all sides of the House, we will ensure that people with disabilities get a better deal than they had in the past. Certain improvements could be made to the Bill which would be acceptable to everybody in the House.

**Mr. Callely:** Well done.

**Mr. Costello:** I welcome the Minister of State, Deputy Callely. The disability area is an extremely important one and at last the Disability Bill is before the House. The previous Bill on this subject came before the House in December 2001 but it was withdrawn because of the opposition of the disability sector. All of the disability organisations were vociferously opposed to it because it did not include basic elements of entitlements that the sector found were necessary for the provision of a proper service. Unfortunately, the organisations in the disability sector that have been involved are also strongly critical of the legislation before us. There is general agreement that the Bill is fundamentally flawed and is lacking in the level of entitlement they expected.

All of us in this House deal with areas of disability in one form or another, be it physical or intellectual. I know a ten year old pupil who is attending St. Mary's Drumcar school for children and young adults at St. John of God, Dunleer, County Meath. Parents of children at the school have just been informed that facilities are no longer available for respite care. They were just told that was it. Respite care had been provided a couple of times a month. Although these young people have severe intellectual disabilities, parents have been told no alternative facility will be provided. This decision will impact on the young people, their parents and families. Significant funding was provided in the recent budget to ensure that services are properly resourced but



[Mr. Costello.]  
this service has been withdrawn. I urge the Minister to examine this matter.

**Mr. Callely:** The level of funding has been increased.

**Mr. Costello:** I refer to St. Mary's, Drumcar, Dunleer, County Louth, where the authorities told parents a month ago that there would be no further respite care for the families, who are all now up in arms. One of the families who contacted me about the issue have a youngster with attention deficit disorder and this development is a serious blow to them.

A young man in my constituency, with whom I have been dealing for a number of years, has an intellectual disability, is hard of hearing and has attended the school for the deaf in  
5 o'clock Cabra. Services of one sort or another were available to him until he reached 21 years of age. However, he is now 24 and has had no services for the past three years. He has ended up in St. Ita's in Portrane where he remains even though it is totally unsuitable. There has been no improvement in this respect even though we have been fighting for a decent service for him. The resources are seriously flawed in regard to providing adequate and appropriate services for people in need.

**Mr. Callely:** That is not a fair reflection of the position.

**Mr. Costello:** It certainly is not and his family is furious that they have been fighting for so long trying to get a decent service for him. He entered the education system and had a brief period in a community employment scheme but, at the age of 21, there was nothing for him. There was no employment, further education or appropriate services available to him. There are also other complicated matters to which I do not wish to refer.

**Mr. F. McGrath:** What happened to the extra hours which were promised in the budget?

**Mr. Costello:** Deputy Finian McGrath's point is a good one because the extra funding which was supposed to be provided has not reached the services for some reason, which is a constant complaint. When will the money, which was supposedly poured in by the budget, percolate down to provide services because it is not in place at present?

**Mr. Callely:** It is not just 2005 we should be talking about. Tremendous progress has been made in the provision of services in recent years.

**Mr. Costello:** The Minister of State will get his chance to put everything he wishes on the record.

**An Leas-Cheann Comhairle:** Deputy Costello should be allowed proceed with his contribution without interruption.

**Mr. Costello:** I am recounting my experience and that of the people I represent.

**Mr. Callely:** The Deputy stated that the case to which he referred has unique complications. I am sure he will agree that it will take some time to put the services——

**Mr. Costello:** They are not unique complications.

**An Leas-Cheann Comhairle:** The debate should not continue on these lines. Deputy Costello should make his contribution.

**Mr. Costello:** I just said that there were other complications but they are not unique by any means. That is no excuse for a person ending up in Portrane.

**An Leas-Cheann Comhairle:** Deputy Costello should address his remarks through the Chair.

**Mr. Costello:** It is no excuse when a service has been taken away even though the budget injected new funds.

**Mr. Callely:** I do not believe it.

**Mr. Costello:** I have just given the Minister of State the details.

**An Leas-Cheann Comhairle:** The Deputy should address his remarks through the Chair.

**Mr. Costello:** There is no sense in the Minister of State saying he does not believe it. Why would I put it on the record of the House if it was not a fact? Does the Minister of State want me to state the case again? I will if he claims he did not hear me.

St. Mary's in Drumcar is a school belonging to St. John of God's and is located in Dunleer, County Louth. The respite care for all the parents of the children attending the school has been withdrawn since January 2005.

**Mr. Callely:** The Deputy is referring to the previous issue.

**Mr. Costello:** I do not know where the Minister of State is coming from.

A third example of problems concerns an old lady whom I encountered today. She has serious mobility problems and cannot get a place in St. Mary's, Phoenix Park, because it is full. She has a serious physical disability and has no toilet or central heating in her house. She is seriously ill and yet there is no possibility of getting her into a residential care place, which is a basic service. I attempted to deal with the problem today but no service is available. What will happen to this

woman? These are examples of the position at present.

Will the Minister of State check to see what has happened to the funding promised in the budget? I acknowledge the substantial increase in funding for the disability area in the budget but is it percolating down to the service providers? This seems to be the problem because I have been told the money is not being provided. People are still waiting for funding to come through but it has not yet done so. Why else would a respite care place be withdrawn? Why else would adequate services for a young man or a residential care place for a person in need not be available?

It is neither today nor yesterday that the debate began on this issue. The Commission on the Status of People with Disabilities was established in November 1993 with Mr. Justice Feergus Flood in the chair.

The usual wide consultation took place and the commission drew up a strategy for equality with 402 recommendations, which we discussed in the House on a number of occasions in the past ten years.

Recommendation No. 9 of the commission's report reads:

A Disabilities Act should be introduced which sets out the rights of people with disabilities and means of redress for those whose rights are denied. The Act should outlaw all discrimination against people with disabilities and should require public and private bodies, employers and educators to make reasonable accommodation to meet their needs.

I am not sure if this Bill has fulfilled the recommendations of that report.

The Long Title of the Bill sums it up where it states that this is "An Act to enable provision to be made for the assessment of health and education needs occasioned to persons with disabilities by their disabilities". In other words people have a right to an assessment of their health and education needs. The Title continues on to say that it is "to enable Ministers of the Government to make provision, consistent with the resources available to them". Immediately the Bill has undermined the entitlement already referred to. When is an entitlement not an entitlement? One either has an entitlement or one does not.

The Minister for Education and Science, Deputy Hanafin, informed the House earlier that everything was hunky dory and that she had all the special educational needs personnel in place. However, one must still obtain assessments from the private sector if one is to have all the youngsters in a school assessed. There is a huge waiting list of principals of primary and secondary schools waiting to have children assessed. They cannot get them assessed through the State system because not enough qualified people conduct assessments. This means they must buy in the service if they have the money to do so. If they do not, they must simply do without it. This

approach has been ingrained once again as it is consistent with the resources available to the principals and their obligations in regard to the allocation of services to meet the needs of people with disabilities.

The Bill also provides for appeals, complaints and so on. It provides for a flawed system which is not much different from anything we have had before. It provides for a commitment to provide the service but this is immediately cautioned by the need for resources. If the resources are not available, the services will not be provided. One can appeal the matter or make a complaint, for which there is a mechanism. Once the assessment is carried out, one goes to a liaison officer who seeks a provider of the service in so far as is practicable as section 10 states. However, no progress has been made in this area as there is a backlog of service requirements. Unless the commitment is phenomenal, we will not get the results people need and youngsters will fall through the system. Even if the needs assessment is delivered upon, the services will not be there to back it up.

The issue of prisoners' health, education and employment are again in the news. The An Agreed Programme for Government states:

We will complete the programme of expansion of appropriate care places for people with disabilities with, in particular, the ending of the inappropriate use of psychiatric hospitals for persons with intellectual disabilities.

What has happened to this commitment? There is much to be found wanting in this area. The programme also states, "We will increase funding for the full range of open and supported training and employment schemes for people with disabilities." Again we must wait to see if this promise will be delivered. The programme states: "We will complete consultations on the Disabilities Bill and will bring the amended Bill through the Oireachtas and include provisions for rights of assessment, appeals, provision and enforcement." While the right of assessment is included in the Bill, the right of provision is subject to the availability of resources. When one looks at the fine print, the rights of assessment is subject to the same caveat, meaning this is not a rights-based Bill. The programme further states, "We will expand the income limits for the carer's allowance so that all those on average industrial incomes can qualify". This could be dealt with in a meaningful fashion in the provision of resources. The best people to care for anyone, elderly or disabled, are the family and neighbours but they do not have the financial back-up to do so. The Government should not have expanded the means-testing for carer's allowance but eliminated it. If it was abolished it would create categories of carers, willing and anxious to provide care that would be better than any offered by State service or institution. If the Government acted on this meaningfully, with one real action, a huge difference could be made.

[Mr. Costello.]

The programme for Government states, “We will legislate for the achievement of the employment quota for people with disabilities in the civil and public service.” Is legislation coming through to ensure this? Dublin City Council may have achieved the 3% quota in this regard, but I am aware of no other Department or public sector employer which has done so. Legislation must be introduced to achieve this promise.

The entitlement of people with an intellectual disability in a prison environment is in need of attention. It seems not to be improving but deteriorating. Many Members will have seen last night’s “Prime Time” programme, dealing with the Central Mental Hospital and the prison system. It indicated there was a large increase in certificates being granted that resulted in people being involuntarily transferred from prison to the hospital. They were then subject to receiving medication against their will, effectively being denied their rights. The number dealt with in this capacity has increased enormously in the last two years. Is that a sign of equal citizenship? How can the Departments of Health and Children and Justice, Equality and Law Reform connive to deprive prisoners of their rights in this manner? There is no review mechanism. The argument was made that the prisoners are psychotic and, therefore, cannot consent to whether they wish to go to the hospital. Many of the prisoners transferred and certified as insane are not insane. Yet they are transferred to the Central Mental Hospital and subject to medication against their will. Their rights are undermined as they would have been 100 or 200 years ago. This is not progress. There is no provision in the Bill to change this.

The issue was raised on the Order of Business to which the Tánaiste, in reply, referred to the Criminal Law (Insanity) Bill. That Bill has been around since 2002, resting in the Seanad. Like much of the legislation from the Minister for Justice, Equality and Law Reform, it seems to hang around for a long time. When will it be updated so that prisoners will have the same rights as other citizens? In last night’s television programme, the authorities claimed that as there are now more clinics in prison, they are discovering more prisoners with mental handicaps. That is putting a good gloss on the matter, as if the authorities are doing something beneficial. Last year 295 prisoners were transferred to the Central Mental Hospital. None had a say in the matter. They are simply certified as insane, irrespective of their situation.

Much work has to be done in this area. The proposal to locate the Central Mental Hospital on the same site as the new prison shows us the direction of this policy. Will the Minister of State at the Department of Justice, Equality and Law Reform, Deputy Fahey, allow the Minister for Justice, Equality and Law Reform to rule the roost on the location of the Central Mental Hospital? Approximately 35% of the hospital’s patients have not gone through the court system.

There is no reason to have it located on prison grounds.

There is more to be desired in this Bill. I am delighted the budget will provide new resources for the area. However, those funds must go to those providing the services on the ground. I hope the Minister will accept amendments to make the Bill more rights based.

**Cecilia Keaveney:** I am pleased to have an opportunity to speak on the Bill. It is important legislation and, as most people said, it came before us in a different guise in 2001. It is a shame it has taken so long to come back to this House. I am aware people have varying views on how it deals with the issues they want addressed.

When one considers the whole issue of disability, it is a case of thinking “There but for the Grace of God go I” because some people are born with a disability and others acquire a disability. Very few disabilities are equal in severity, therefore, to find an all-embracing Bill to deal with each type and level of disability, and the variations, is difficult at the best of times. No one understands the situation as well as those who are close to people with disabilities. Any of us might need the protection of this legislation in the future, therefore, it is important to examine it and how it can be maximised to advance people with disabilities and to be instrumental in sustaining progress in the longer term. This is not legislation in isolation. Significant funding supports it. It has been recognised on all sides of the House that there has been a massive increase in funding.

How to distribute resources on the ground is sometimes the biggest issue. We have given in to despair in the past. I recall being in this House when the Minister for Education was Niamh Breathnach. People alluded earlier to the fact that the Minister for Education and Science suggested that everything is rosy in the garden. I came to this House on a number of occasions to argue a point about remedial teachers with the Minister at the time. I tried to give my version of the statistics, but “lies, damn lies and statistics” was the phrase used in reply, because the Minister’s statistics were completely different to mine.

At that time, everyone wanted their children assessed so that they could prove they had a disability such as dyslexia, dyspraxia, Fragile X or whatever was the challenging behaviour or the educational issue. Some 72% of schools in Donegal were supposed to have access to remedial teachers. One teacher appeared to be doing rally driving to five or six schools, therefore, her actual time in any one school was minimal. Thus the number of children being dealt with was also minimal. This was not a reflection on the remedial teacher, it was a reflection on the numbers involved. Nationally, one was talking about hundreds, whereas one is now talking about thousands of people. The argument that was used at the time was why be assessed if a service is not available. The crux of this Bill is



similar — why be assessed if the services do not exist to deal with the outstanding issues.

However, time moves on, and time has moved on in respect of remedial teaching. Many more children now have remedial support. Not only have they remedial support but they have classroom assistants, resource teachers and other support mechanisms. I am citing this aspect in order to balance the equation.

Deputy Costello criticised the respite grant. The respite grant did not always exist. The Minister, Deputy Dermot Ahern introduced it. It is one of the most important supports for people who are under serious pressure 365 days of the year. It can be a very tough station. People survive out of love for the person for whom they care. The respite grant and the availability of some help is very important. I welcome the changes in the recent budget in regard to the respite grant.

I do not believe that if the carer's allowance is not means tested it will fall into the hands of people who will abuse the system. Anyone who keeps a person at home, regardless of their means, does so for the right reasons, therefore, they deserve the support of the carer's grant. However, I am pleased the respite grant has been separated from the carer's grant.

This Bill is just one element of the strategy. I recognise the difficulties some people have with the Bill. However, the fact that it is just part of an overall strategy is very important. I had people coming to my constituency clinic who had just found out that their child who was approximately 14 years of age qualified for domiciliary care allowance and was eligible for various supports. It annoys me that this information is not made available to people following the birth of a child. At birth or around the age of two or two and a half is when disabilities such as autism are identified. Perhaps disabilities such as deafness and so on cannot be identified at birth. However, in this age of communications and technology, there should be a system in place whereby people are informed of their rights. The work Comhairle does has improved the system. It is terrible to think that in this age of technology people are still not fully aware of their rights and entitlements. These people often work very hard just to keep the show on the road. It is not the case that there is no support, it is just that people are not aware of the support available to them.

In many instances people had to go to court to ascertain their rights. The bottom line is that if one goes to court to ascertain one's right to be assessed for disability, while one can insist that one has a right to receive speech therapy, occupational therapy or whatever, professionals are not always available to provide the service. We must examine how we can entice more professionals into training. When I was on the health committee, we examined the whole issue of orthodontistry. Trying to get people to train in orthodontics was quite a feat. The previous Minister for Health and Children, Deputy Martin,

worked very hard on this issue. Results cannot be achieved overnight because it takes years to train people. However, we must try to find ways of enticing professionals into the country and retaining them so that the regions get their fair share of professional expertise. Whether through Hanly or whatever, this is the key aspect. If people are assessed and told what they require, the next step is to be able to get professional help for the individual and maximising the services that are in place.

I look at this issue from my perspective. In a region where many professionals appear to be available, they are on the wrong side of the Border. When one lives as close as I do to an alternative system, and one can see that professionals are often available, I would like to see the maximisation of an all-Ireland health facility. This happens in the case of the North Western Health Board more so than it does in the case of other health boards. If we have the means to trade professions and professionals, we should maximise that facility.

I acknowledge the fantastic work being done. One of the obvious examples is Scoil Íosagán in Buncrana for which the Bill is all about integration and trying to minimise segregation. The principal of that school has been outgoing and forward-looking for a long time. On the site of the primary school there is a number of classes for moderately and profoundly disabled. The initial class was for the moderately disabled. One of my first battles in this House with Niamh Breathnach involved trying to get the classroom assistant for the profoundly disabled class when it was set up. I had been told that the classroom assistant was to be moved from the moderate class to the profound, leaving the moderate with no support.

The school has moved on and now there are multiple autism classes in there. Last week, with the support of the Government, we got money for the bus for ICARE, the support group for autism in Inishowen. We had great fun because some of the children got on the bus and would not get off after the photographs were taken because they liked it so much. They wanted a little tour and got it. They got their treat and then we returned to the school.

One can say the Government should be providing such services and that we should not be taking credit for the fact that those people got what they needed. Yet there is a strong working relationship between the support groups and the local community, so it was a big community event for this bus to be launched. There was a sense of fun and of people all being part of one community, as opposed to having the disabled or the service providers and users on one side with the people who did not need the services on the other. A St. Valentine's ball is being held on 12 February to further celebrate the fundraising and the community spirit of ICARE.

The Taoiseach also opened another major development at Cashel na Cor. This was an old

[Cecilia Keaveney.]

Fruit of the Loom warehouse where people decided to create a facility for young adults with disabilities who had moved out of the education system but wanted to stay in education and access sheltered employment opportunities. This too was a combined effort between the support groups, the community and Government. The facility is second to none.

There are also groups in Merville looking to progress pre-school supports and after-school links to the community because in many places, especially rural areas, people, particularly young people with a disability, must move out. From Merville they have moved to places like Malin and Carndonagh to get their pre-school interaction and education. They do not build up a relationship with children of the same age in the town, so the groups I mention are moving to develop facilities. The capital expenditure is important there as is the support for those people to develop those systems.

In Carndonagh we have the Friends of the James Connolly Hospital. The late Margaret Canny, who died this year, did superb work there in maximising services for the disabled and the supports for service users. Julian, who is now in charge of the hospital, has been maximising those services too.

In my area we have groups such as Merville Mental Health and many others working with the health board. Regarding the disabled in my area I have had very positive interaction with the health board personnel. There are certainly issues outstanding but the health board personnel are more than helpful and are open to the concept of new ways of training. When ICARE started it was looking for ABA — applied behavioural analysis — supports and got assistance in that area.

Someone approached me recently who had attended a homoeopath in order to get support for a child. When the person tried to claim the expense back from the Revenue Commissioners using the Med 1 form, the person was told the local general practitioner would first have to agree. The GP however said that as a result of a decision by the Medical Council, or so I understand, homoeopathy services were not to be supported in that way. There may be an issue there. If one tries to use alternative supports there may be a block there which needs to be addressed. I would like that followed up.

Many people are in home situations with a young, adult or elderly disabled person, so they are exercised to do something about it. By going out to do voluntary work they then involve the community. It is important to generate community awareness of what a disabled person can encounter. A simple example is the issue of access to buildings. I agree that 2015 seems a long way off for full disabled access to buildings, but it would be good if there were a community emphasis in each locality. If a bank is not accessible by the disabled and the local community were to express its unhappiness at its friends

being unable to enter, it might move ahead long before 2015. Such community activism must be fostered and encouraged.

To plug the Joint Committee on Arts, Sports, Tourism, Community, Rural and Gaeltacht Affairs, we launched a report last week on volunteers and volunteering in Ireland. People from many walks of life appeared before the committee and some were involved with the disability sector. The Minister and his officials might take note of the recommendations in our report because they have regard to the core of volunteering, of getting people involved initially and of retaining them, as well as dealing with funding. One of the major issues confronted by anyone seeking funding is the variety of sources of funding, with people sometimes falling between stools. We are looking for that to be streamlined. I can refer the Minister to the volunteer report without going through the details now.

Deputy Flynn mentioned the issue of independent living and the one to one initiative. The decision on the community enterprise schemes and the ring fencing of scheme places for the disabled was an important step. The notion of people having to give up their posts after three years was ridiculous since it often took a year to find a person for the post. Because it is such a one to one issue, trust must be built up and other issues dealt with. By the time a person got used to the person with them the time allowed was nearly gone. The move to change that has been important and I want to see it continue and expand. Many people want to be able to do more than they are credited for and can do so if given a little support.

Many people contacted me regarding this Bill. One person welcomed the increased focus on the rights and needs of people with disabilities along with the recent announcement by the Government of the €900 million multi-annual funding package, which the person suggested would go some way towards addressing the underfunding of services and support for people with disabilities. This person went on to say that while the funding is an important and significant development it only solves part of the problem, with much more needing to be done to ensure people with disabilities can truly become equal citizens. Some of those who contacted me focused on the lack of the right-based definition and I said I would express their concerns. They are annoyed that while they had unanimously agreed issues with the Government, they now feel there are many obstacles to accessing support because of the way the Bill is structured.

As I said at the start, though it might not look perfect now, it may evolve positively, and I underline that. I am disappointed the Minister is not here. He answered a letter that I had forwarded to him from a person in my constituency that outlined many of the concerns Deputies have raised about the Bill in the House. He has said that he has noted the concerns and will examine them in the context of further consideration of

the Bill on Committee Stage and so on. It is a landmark, and it is important that it be part of an overall strategy; it cannot be taken on its own. The sectoral plans must cross all the Departments. Most issues that come before this House depend on a multi-departmental response. That has not always happened, and I would therefore like to think that this is the start rather than the end of a process, and that those involved will gain confidence in it.

However, the biggest issue is how we get those professionals on the ground to enable those who have had their assessment and are happy with it to get the requisite resources. That cannot be done by a click of the fingers or overnight. The strategy to get more professionals into the system must be moved forward or we will be headed nowhere. This important Bill has the potential to move in the right direction an issue that has long awaited such support.

**Dr. Cowley:** I wish to share time with Deputy Ferris.

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

**Dr. Cowley:** This legislation once again represents a squandered opportunity. There was a chance to contribute handsomely to an inclusive society where disabled people would be accorded some semblance of equality. Unfortunately, the story has remained the same, since they are still excluded from being equal citizens. Disabled people expected to have the same enforceable rights as everyone else. Why should they not, and why should such people as Kathy Sinnott have to go to court to secure basic educational rights for their children? Effective legislation should encompass positive rights that can be enforced and also duties and responsibilities that can be placed on public and private bodies that provide services to the public. The idea is to remove the barriers, placing disabled people centre stage, or at least, if at all possible, giving them greater equality.

However, they are not equal. At the time of the 2002 census, only 26% of people with disabilities in the main working age group of 20 to 64 years were in work, compared with 70% of the rest of the population. There is no excuse whatsoever for that. A booklet issued by the Disability Legislation Consultation Group is entitled *Equal Citizens: Proposals for Core Elements of Disability Legislation*. It appears the Government was going to do everything right. It ensured that the DLCCG came into being. It wrote to everyone and got everyone on board, but what has come out is certainly not what is in that book. The book shows the signposts. If there were a breach of this legislation once enacted, that should be construed as discrimination under the Equal Status Act 2000. If it were so construed, it would be under the remit of the Equality Authority and the

Office of the Director of Equality Investigations. These too are lost opportunities.

It is true that the Minister for Finance, Deputy Cowen, has provided substantial funding, but that was easy, since he was coming from a low base. Will it be sustained? The Bill allows wholesale opt-outs for Ministers to get themselves off the hook. When funds are scarce, the disabled are certainly those who suffer, and this Bill ensures that exactly that will happen. The independent assessment of need is a joke. Health and education are certainly covered, but what about housing? If one does not have a place to live, what good is education? What if someone has to wait three years to get an assessment to find out his or her housing needs? What good is that? The form that we will have to fill out is a massive document.

The recommendation can be appealed to an appeals officer, but that decision is final and can only be appealed to the High Court on a point of law. It is clear the Bill is an attempt to do people out of their right to go to court. Parents want to secure those rights for their children, but they cannot, since there is no appeal except on a point of law. It would appear there should be a right to an advocate, but not to the type of advocate who might secure equality to disabled people. There is no right to a legal representative, which is a usurpation of civil rights under EU law. The legislation exists, and we have signed up to it. Where is the fair representation and where is the equality? There is certainly a strong case in terms of EU law.

All the appeals take place within the realm of the service, denying people their right to independent assessment. People are paid by the same bodies, and he who pays the piper calls the tune. There is no mechanism to resolve that, and the system is very biased. The control of the assessment, complaints and appeals system lies with the Health Service Executive, raising major questions about how this legislation is to work. One should hear the Mayo Autism Support Association in my county. They can tell one exactly what is happening. They are crying out for the rights-based legislation for which they had hoped and for medical cards for family members with autism. The Department of Education and Science and the Department of Health and Children seem to have no joined-up thinking on what this is all about. When it comes to sorting out the person with the disability or autism, responsibility is passed from one to the other; they are tossed between Departments. There is a total lack of occupational and speech therapists, and a lack of respite care. Schools must examine their policies towards children. Where is the joined-up thinking that is needed for those people? It is simply not there.

In the Disability Bill 2004, there are so many opt-out clauses that it will seriously impair disabled people from accessing services. The Government does not even have to provide services under the Bill if it is deemed too impractical



[Dr. Cowley.]

or costly in the context of available financial resources. Phrases such as “not possible or practical to provide”, “appropriate allocations”, “availability of resources” and “budget priorities” clearly outline the Bill’s commitment to ensuring that those with disabilities receive the necessary services. Why should disabled people not expect to be treated equally with able-bodied people so that they can fully participate in and contribute to society? It is a crying shame that the Bill offers only conditional rights that depend on the State and the public finances. It falls far short of the rights-based legislation that everyone had hoped for and for which various disability groups had campaigned. It flies in the face of An Agreed Programme for Government 2002-2007’s solemn undertaking to include provision for enforceable rights of assessment and appeals on service provision. That has been utterly abandoned.

Section 6(2) of the Bill deals with interpretations, stating that

In the definition of “disability” in section 2, “substantial restriction” shall be construed, for the purposes of this Part, as meaning a restriction which is permanent or likely to be permanent, results in a significant difficulty in communication, learning or mobility and gives rise to a need for services to be provided to the person continually.

The rub lies in the word “continually”. Someone who is blind would not qualify under this legislation. It could be enormously restrictive regarding those who may receive an assessment or service. Most people who require access to a product or service will need it on an occasional or regular basis but rarely continually. The whole definition of disability is far too narrow, excluding episodic conditions and early intervention needs. It appears to be attempting to divide and conquer the disability community. A young man seeking services, speech therapy or special teaching aids is left waiting. He is not realising his potential and will not do so. A great opportunity has been missed.

Unfortunately, people are suffering because of that. In the past, early intervention has proven to be the key to the effective remediation of a person with disability. We have all heard the saying, “a stitch in time saves nine”. In the same way, early and effective intervention in the early stages of a child’s development will often preclude the necessity for considerably more expensive intervention at a later stage, but that is not happening. People, like the young man to whom I referred earlier are being left on the shelf, so to speak, at a stage when the child’s condition would be infinitely more pliable in that remedial and rehabilitation therapy would work. In the longer term it would prove financially viable, which comes back to the value for money everyone seeks. That is in the Bill but not in what is being proposed.

Section 7(1), which deals with assessment of needs, states that assessment officers will be appointed by health board chief executive officers. That is not independent assessment. The assessors must be independent of the organisations that eventually will have to provide a service.

Section 7(b)(ii) states that the assessment report is confined to health and educational matters but it must relate to all the needs of the person and not merely health and educational matters.

Speech and language therapy is another important area. Many people are awaiting those services but services in Ireland are just playing catch-up, and that will continue to be the case for years to come. In 1975 in the United Kingdom, the Quirk report on speech and language therapy provision recommended that the optimum minimum requirement for this service was one therapist per 10,000 of population. If that were applied to the Republic of Ireland, it would represent a basic need for 310 therapists in 1975 — almost 30 years ago. However, in the latter end of the 1980s, 23 years after Quirk reported, our total complement here was a mere 95 speech and language therapists. Is it any wonder we cannot get speech and language services or that people who have suffered strokes are languishing without that service? Is it any wonder that children are languishing without the essential services they need to give them a chance in life? I understand the current complement of therapists is approximately 170. That is a disgraceful figure 29 years after Quirk’s report recommended more than 300 therapists. That is the type of shoddy service the Bill is bringing forward, and I fear for its implementation and the future of services for the disabled.

The withdrawal of services provided by special needs assistants and resource teachers in schools continues apace. Croke Park was barely emptied after last year’s Special Olympics when Department reviews of special needs assistance and resource provision began in schools. Inspectors were delegated to sit in school rooms and preside over the dismemberment of a service that, for the first time, had given pupils with learning disabilities a chance to catch up. That was a pruning exercise and a gung-ho approach by the Department that was totally unacceptable.

We have the farcical situation where a child in sixth class was notified on 26 June that he had been granted resource hours, despite the fact that he had long left the school. The practice of informing parents that these services were being withdrawn after schools had closed for summer holidays was sneaky and reprehensible and something of which the Department should be ashamed.

The Bill also ignores the needs of people with disabilities who are not sick and who have left the education system, such as those in employment or those seeking employment in the open market. The assessment also fails to cover the needs of a

parent or guardian who is supporting or caring for the person with a disability. Their needs should be included in the Bill also.

Under section 10(1), regarding the service statement, the health board will nominate the liaison officers to write the report. Those liaison officers must be independent.

Section 10(6) requires the liaison officer, in the preparation of a service statement, to have regard, *inter alia*, to “the practicability of providing the service”. The wooliness of such terminology would appear to confirm its insertion as another opt-out clause for the State’s responsibility in service provision.

The proposed complaints system requires simplification. It must be made more accessible and user friendly since its very complexity would pose enormous difficulties for many parents. Under sections 14 and 15, complaints officers, appeals officers and mediation officers will be appointed by the health board chief executive, the Minister and the appeals officer, respectively. They must be independent. The appeals system must be truly independent of the Department of Health and Children. Otherwise, how can it retain the confidence of parents?

The Bill’s claim that the assessment and appeals procedures are independent is literally firing out the seeds of hope but, unfortunately, it is also hoodwinking people into believing that these procedures are truly independent. The position is that the Bill does not provide a clear right to a genuinely independent assessment of the disabled person’s needs, and that must be a prominent feature of the finished legislation. The Bill fails to provide for a child’s unmet needs as identified in the assessment, the independence of which is questionable, on an annual basis or as changing circumstances would require.

The provision of disability specific resources should be clearly ring-fenced. People with disabilities deserve and are entitled to nothing less. It is not a case of services being granted at the grace and favour of a Government, the Department of Health and Children or appointed officials but, rather, the civil and human rights of those persons who have to cope with enormous difficulties in their daily existence.

Public agencies catering for the wider needs of disabled persons, such as housing accommodation, do not appear to have been provided for in the Bill. Both statutory and non-statutory bodies that provide public services must be accessible to the disabled. After all, disabled people need a house to live in and lifetime adaptable housing is something that could have been provided for in the Bill. That would have been easy to do and would have meant so much to those people in the future.

The development of sectoral plans across six Departments would appear, at first glance, to represent a significant response to the complex and varied needs of disabled people. I propose the appointment of a Minister of State with responsibility for the affairs of the disabled. That would

represent the most effective vehicle for the co-ordination and implementation of the sectoral plans that transcend six Departments.

**Mr. Ferris:** This could have been a Bill for all sides of this House and civil society to rally round and welcome. It could have been an example of international best practice and a source of national pride. Instead, it is an occasion for anger and despair. Many people with disabilities in this State, who were optimistic that the Government had got the message after the last occasion, feel completely disrespected by this Bill and this Government. They have come to the conclusion that the PD-led coalition has no intention of ensuring that people with disabilities assume their rightful place as equals in our society.

Sinn Féin shares this sense of outrage, and we are not alone. The scope of dissatisfaction with this Bill is immense. It can be seen not only from the serious concerns raised by the Human Rights Commission, the Equality Authority and the 26 county National Disability Authority but also the dozens of disability groups, large and small, which made impassioned submissions to the Joint Committee on Justice, Equality, Defence and Women’s Rights since the Bill was published.

The Disability Legislation Consultation Group, the very group the Government invited to allegedly guide its approach to this new legislation, has, after its good-faith engagement in negotiations, failed to yield results. It identified ten fundamental flaws in the Bill. They are as follows. The definition of “disability” is too narrow and will exclude people from protection. Contrary to Government claims, it does not provide a clear right to an independent assessment of needs. It makes no provision for an individual person’s right to progressivity on their unmet needs.

The system of complaints is too complex and is not independent. It does not provide for ring-fencing of disability specific resources. It does not impose a clear statutory duty on Departments and all public bodies to make public policies, plans, programmes and services accessible and fully include people with disabilities, and the sectoral plans are not an adequate substitute for that. It is in conflict with the Equal Status Act and undermines pre-existing protection for people with disabilities. That alone should provide enough justification to scrap the Bill as proposed.

The Human Rights Commission believes that some of the Bill’s provisions also conflict with the European Convention on Human Rights, now incorporated into our domestic law. There is no onus to even review the operation of the legislation for effectiveness.

The Taoiseach and the Ministers concerned are well aware of these and literally hundreds of other specified critiques that have been levelled at the Bill by many thoughtful people who have the most to gain but also the most to lose. This cynical Government knew of these concerns even before the Bill hit the printing presses.

[Mr. Ferris.]

The consultation on the Bill was a sham and the launch of the so-called national disability strategy was just another Government PR spectacle, a shiny object dangled to distract attention from its total lack of commitment to real rights and real progress. However, the people have not been fooled. The Disability Federation of Ireland has continually argued that good intentions are not enough and that we need to get it right. There must be a seismic shift in attitudes. This would require compulsion, it must be legislated for and can no longer be left to discretion and patronage. The DFI is correct. The Oireachtas has a choice: it can endorse the Bill and maintain the *status quo*, thereby obliging people with disabilities to remain second-class citizens and petitioners on the margins of society; or it can reject it and introduce better legislation which offers full inclusion.

Sinn Féin Deputies know where they stand and they reject the Bill because they have a vision for a very different future. We want a fully accessible Ireland of equals where all people with disabilities can reach their true potential as individuals because society will no longer disable but will rather enable them. This will also be an Ireland where disability rights lawsuits will be rare, not because the Government will have blocked legal avenues for redress but because it will have listened, fulfilled its statutory duty to promote equality and inclusion, committed resources and affected profound social change.

**Mr. Ring:** I welcome the opportunity to contribute to the debate on this important Bill which affects a large number of people. The Bill should be rights based in nature but, unfortunately, it raises more questions than it provides answers for about real guarantees for people with disabilities.

This Bill came before the Dáil on a previous occasion and had to be withdrawn. I thought the Government had learned its lesson and had engaged in major discussions with many of the groups involved in this area. All of those groups and every person with a disability requested that the legislation be rights based. The Government has failed to give these people their rights. There is no doubt the Government has not learned its lesson. It has, however, learned lessons about spin doctoring. If the same level of resources, effort and discussion had been invested in the Bill as has been invested in the process of spin doctoring, people with disabilities would have no concerns.

Ours is a sad and sick society. We have had ten years of unparalleled growth and it is an indictment of us that we cannot cater for the need of the less well off in society, namely, people with disabilities who find it difficulty to survive on a day to day basis. Is it not sad that, in light of the amounts of money floating around the economy, we cannot put resources in place for people with disabilities. The people want us to put such resources in place. Everyone witnessed the ter-

rible tragedy that occurred in south-east Asia during Christmas. The Irish people indicated to the Government and the world their desire to provide help to those who need it. People with disabilities need the support of the State. The people do not object to paying their taxes, particularly if they are used to improve the lot of individuals with disabilities. They have proven, through their generosity, that they would not object to the Government putting resources in place for people with disabilities. All that has been forthcoming, however, is this flowery Bill.

Ministers and their PR people have put a spin on the legislation for the benefit of the media and the public and informed everyone about how wonderful it is. When my party has access to the resources, it will ensure that they are spun towards those with disabilities. What happens when the resources are not provided? When it appeared 12 months ago that, for the first time in ten years, the Exchequer would not meet its target and that cutbacks would be needed, the money for those on social welfare payments was reduced. These people are the most needy in our society.

I would not mind if the State had no money. However, it has money and I could find it for the Government in two minutes without placing a burden on those who pay tax. First, I would target those who do not pay tax. I refer to the tax exiles who live outside this country and who fly here to attend race meetings, all-Ireland finals and other sporting events. These people use this country as a place for enjoyment and pay their taxes elsewhere. However, they should be obliged to pay tax here. There is then the horse breeding industry, members of which do not pay tax. Who needs the money most, Alex Ferguson, taxpayers or people with disabilities? Members are familiar with the name of the horse, Rock of Gibraltar, which nearly brought down Manchester United Football Club. However, the horse was not important to the case which revolved around not having to pay tax and the profits involved in the horse breeding industry. The money can be found without an additional burden being placed on existing taxpayers. All we need to do is tax those who can afford to pay.

I have attended many public meetings at which people have protested. I attended a number of meetings in Castlebar on the subject of autism. In many cases, parents sent apologies for not attending. They were not able to be present because their children needed 24-hour care and they could not leave them at home. One could see, on the faces of those who did attend, that they were frustrated and worn down by the fact that the State had not provided them with the support and services they required. Shame on the State and on the people in power, who will not provide such services. All these people are seeking is a small measure of assistance and support from the State and that their children, particularly those with autism, are provided, at the right time and in the right place, with the education they



require. If the latter occurs, these children will be able to adjust to and enter society.

Some of the people to whom I refer find it difficult to obtain the most basic services. I will provide an example. Last week a woman who had attended an orthodontic surgeon visited my clinic. The surgeon in question told her that she should go home and that she might be dealt with in 25 years' time. He also stated that he could guarantee that her child would not get gum disease until he or she reached 85 years of age. That behaviour, from a public servant, was insulting. The surgeon — I do not know whether he has a vested interest — then handed the woman a list of private orthodontic surgeons who operate in the area and stated that she might be able to avail of a tax break in respect of the treatment. If we do not ensure that our services are rights based, that is the type of treatment people will receive.

Another issue to which I wish to refer is speech therapy. I understand that there are 170 speech therapists in the State. If these people go on holiday or take sick leave, they cannot be replaced because there is no one available to stand in for them. Speech therapy is one of the most basic of services and there are not enough speech therapists here, particularly in the west. When a therapist leaves the service and enters the private sector, the State finds it difficult to recruit replacements because it does not offer the same level of salary that can be earned in private practice. That is why the service must be rights based. If it is, when a need for speech therapy is diagnosed the person involved would have the right, when the State cannot provide the service, to employ someone in the private sector and oblige the State to pay. If we had such a service, the woman to whom I referred earlier would not have had to listen to smart answers from a public servant who is probably earning €300,000 or €400,000 per year from public and private practice.

People whose children are autistic are obliged to fundraise to send their children abroad to obtain the services they need. I attended a particular meeting at which the people present were lovely and decent but they were also frustrated. They believe they have been left behind by the State, that there is no back-up or support. Is that not sad when we see the level of resources at our disposal? Governments are throwing out money to spin doctors, programme manager and advisers. We see wastage such as that in my county where a new school had to be re-roofed after four years because people had not done their work properly as regards the public service. I would ask that the Bill to be withdrawn, but I do not want to do that, because there would then be nothing in place for people with disabilities. However, I urge the Government to be fair to these people and to put the proper amendments in place on Committee Stage. I ask Members from my party to table the necessary amendments to ensure this Bill is rights-based so that people do not have to beg for services.

People come into my clinic who I immediately recognise as having difficulty in getting services for someone for whom they are caring. They are under stress, trying to rear other children and to pay a mortgage and they see the State letting them down. The State has let people down as regards disability in other ways. A quota arrangement was in place whereby a certain number of people with disabilities were to be employed in the public service. Why does the State not prosecute the public servants, councils, health boards and any of its agencies that do not have their quotas in place? Why is the person in charge not sacked or removed from his or her position? If that was done in one county council, health board or Department, I can guarantee that there would be an immediate reaction and the quotas would be filled quickly. If the law states that each Department must take on a certain number of people with disabilities, and if that is not honoured, then action must be taken. If the State will not do it, how can we expect the private sector to take on these people? Action should be taken against the people not doing their jobs, in every Department, county council and health board that has not obeyed the law in this regard.

I have listened to people talking about resources. There will always be people seeking more money for this, that and the other. I challenge the Government to recognise that the electorate wants people with disabilities to be looked after. We have the resources and the money and what is now needed is the will of the Government to deal with this. There is no doubt that every single Member of the House would welcome this Bill if it was rights-based. I urge the Government, even in this, the 23rd hour, to put such an initiative in place. There is no point in saying that if the resources were in place, they would be spent. The Minister for Finance in his budget speech, told us about all the money that is to be put in place for people with disabilities. Another Minister of Finance told us about decentralisation, a year ago. It did not happen. We have had Ministers telling us about all the money to be put in place for infrastructure. It did not happen. I have never heard a Minister for Finance telling the House how much was to be spent on programme managers, advisers or PR, but that money was spent.

I want the people I represent in Mayo to have the services they need. They are not looking for big things. They simply want resources for early diagnoses as regards children so that ailments may be detected at an early stage. They are looking for intervention, but first of all for diagnosis. They want the services and back-up to be put in place for their children of school-going age. In addition, they are seeking a degree of respite for parents caring for children with disabilities. Is it not a simple matter to give someone a break who is under tremendous pressure 24 hours a day, seven days a week? The least we can do is give such people a little back-up by putting the resources in place to give them some respite.

[Mr. Ring.]

The other matter I am concerned about is job opportunity. It is only right that some of these people get a chance in life and that jobs are made available for them. Fianna Fáil has always been great for jobs for the boys and girls. Can we not have jobs for people with disabilities? That would be the right course in this case.

The Bill is before the House is not the legislation people with disabilities or the public wanted. The Irish public has shown, in the way it has responded, that it wants to look after people that should be taken care of. There is still some Christianity left. The public wants to see people with disabilities getting the services they need. People do not mind their taxes going towards that. Are we not a poor society if we cannot take care of the people that need looking after in this State? This country and Government are great at lecturing on how matters should be dealt with abroad. Let us start at home and take care of the people that need to be looked after, namely people with disabilities. They have waited long enough.

We can say that the resources were not there 30 and 40 years ago. The resources are there now and there never was so much money. Tonight we have the debate on the Dormant Accounts Bill, or what I call the slush fund for Fianna Fáil. Let us take that money. It is neither Fianna Fáil's nor the Government's, but belongs to the people. Let us use that money for people with disabilities. Let us be serious and give them resources instead of promising this or that six months before a general election and delivering here and there. People would love to see that Dormant Accounts fund money being used on people with disabilities.

I have identified where the Government can get the money — from the super-rich not living in the country. The media will not print anything about them because many are involved in business themselves. They are outside this country and lecturing us. It reminds me of Bono who is having two big concerts in Dublin. He should take the money from those concerts and give it to the most needy. It would not mean a thing to him because he will recover it the following day on his music rights. I am proud of U2 as an Irish group, but Bono is great for lecturing. I challenge him to use the money from the concert in Croke Park and give it to charitable organisations abroad or at home. It would mean nothing for him to do that and I hope he will.

I am glad to have spoken on this Bill. I hope the Government will take on board the opinions of the groups it has met, those involved with people with disabilities. They are only looking for their rights and that is a simple matter. People with disabilities do not want to be treated differently. All they want is their right to proper access and services and for the State to treat them equally. That is all I am asking, for people with disabilities.

**Mr. O'Dowd:** Shortly before Christmas I received a phone call from a friend. He was in great distress because he has a disabled son in St. Mary's, Drumcar. He had to have an operation, but could not arrange it until he was sure respite care was on offer for his son while he was in hospital. The problem was St. John of God's, Drumcar was told its funding had been cut. It could manage its own budget but would have to cut back on respite care. This man was in much distress. However, eventually St. Mary's, Drumcar was very helpful and arranged for respite care for the son while the father was having his operation. This was very important as it meant there was continuity of care from the home to the institution.

I attended another meeting in Drogheda during the week with 50 parents and about 50 carers. They were working with children at home who had disabilities and many of whom are now adults. All of them were concerned that the respite care facility, which had previously been available to them in Drumcar, would no longer be there. One lady claimed the cutback for St. Mary's, Drumcar was around €250,000, which is less than the money paid to Monica Leech Communications. The lady stated that if that money was spent in Drumcar, the carers and parents of children with disabilities would not have had to convene the meeting. The parents involved met with the Minister for Health and Children yesterday but I am not sure of the outcome. A big song and dance is made about improving services and about more money for disability, yet the Government is cutting back on existing services. It is not possible to plan new services for disability unless the existing services are sustained and improved.

There is a lack of concern at the heart of this Government. There is a challenge to meet the needs of disabled people in society and to listen to what groups are saying. I have a letter from the Disability Legislation Consultation Group from 13 January. It claims it sought a meeting with the Minister. It expressed a clear view that the next meeting with the Minister and her officials should be to hear the Government's comprehensive response to the ten key issues of concern on the Disability Bill, which were presented to her on 27 October 2004. Over 11 weeks have elapsed since that meeting and extensive consultation has taken place in the interim with those represented by the group. The group went on to state that it finds it unacceptable that an official response has not yet been issued. A full response is now required as a matter of urgency. The disability group is saying that it is not happy with the Government's response to its needs. Surely 11 weeks is long enough time for the Government to formulate its views and it should meet the group. The Government should be knocking on the door of the group's chairperson, Ms Angela Kearns, giving its response and what it proposes to do.

For many years, local authorities have had a less than excellent record in the area of disability. How many footpaths in our towns, cities and villages are broken or in disrepair? How many elderly people are not able to walk at night on these footpaths? Local authorities need to take a hard look at what they need to do to make all of our footpaths accessible to people in wheelchairs and to other disabled people, as well as young parents who are pushing prams. It is not possible in Drogheda to go from one end of the town to the other because not every footpath has a ramp. The Minister for the Environment, Heritage and Local Government should introduce a scheme where he would reward local authorities that excel in the area of provision for disability. That would help improve the profile of this particular need.

Many people come to politicians asking about the disabled person's grant. The problem with the grant is that different counties run it differently. Some counties are better than others in the provision of this money. There is an amount of money which each local authority must commit to disability and then matching funds come from the Government. Nevertheless, that is just not good enough. Proper provision ought to be made by the Government so that regardless of where one lives, it is only one's need that matters. If one meets the requirements of the application, there should be no need to have differences based on the geography of where one lives. The health boards work with local authorities in the provision of this grant. Louth County Council has been unable to process applications for occupational therapists due to the shortage of therapists in the health board. One is told the council will look at the application as soon as an occupational therapist becomes available. It is not good enough and there is a need for joined-up administration in that area. Occupational therapists make a report, which goes back to the health board and from there to the local authority. It is all just bureaucracy. We need a one-stop shop for the disabled person's grant, be it the health board or the local authority. Once a person applies, the application should be dealt with by one organisation only. The involvement of both health boards and local authorities leads to unnecessary delays and bureaucracy. Meanwhile, the disabled person is waiting, wondering and worried. In many cases, they are not able to look after themselves in their own homes. They have to get out of the acute hospital bed because their medical needs have been met. Yet the reality is that they cannot live in comfort in their own home until the disability is dealt with and until the structures are in place to meet their needs.

The reason we have so many people on trolleys in our hospitals is because there are no beds available. This is partly because existing patients, who are often well enough to go home, do not have the facilities to deal with their disability. The absence of these facilities leads to this continuing problem.

A primary medical certificate is issued to someone who is almost completely incapacitated. The test involved is very difficult. The health board will recognise that a lady has had a stroke, cannot use her right hand side, cannot use her left leg but can use her hand, so therefore does not meet the requirements of the primary medical certificate. One will then have to appeal and wait six months before anything can be done. People who apply for the primary medical certificate very rarely get it and it puts much pressure on families for the provision of transport for affected individuals. In the modern world, this is totally unacceptable.

The other question on disability concerns the care of the elderly. We have many elderly people in our society. The North Eastern Health Board rejected the budget because of the significant reduction of 80,000 home help hours, which the then Minister, Deputy Martin, approved. The community was not prepared to accept that such reduction would take place but it did.

If our health strategy is to be meaningful, it must have a community care strategy. There is much talk about acute hospitals but if the investment was made into community care and keeping people at home or allowing them to go home from hospital, we would get better value for money. It would also provide a higher quality of life for people. We should increase our contacts in the community, particularly with the elderly and the sick. The Government's policy in this regard is disgraceful and must be reconsidered and revamped.

More people in our society are living longer and, as they get older, the incidence of disability will increase. A proper strategy is required to deal with this but there is no such strategy at present. Consider people who have suffered a stroke. Often they are unable to communicate but they and their families will confirm that they need physiotherapy or speech therapy. However, they cannot get such therapy. When somebody has a stroke and is sent home, nothing further happens. There is a lack of continuity of care.

These people have a disability that is not being looked after. There is no provision of services for stroke victims. Many people die as a result of strokes but if there were a more proactive and interactive relationship between the health services and stroke victims in terms of care in the community, especially speech therapy and physiotherapy, it would make a significant difference.

A man who came to my clinic recently had bruises on both hands. I do not know what illness he had. He badly needs physiotherapy but he cannot get it. The waiting lists are phenomenal. We should encourage more young people to opt for those careers. Some years ago I researched the issue of speech therapy in Ireland. I discovered that Trinity College is the only college in the country that trains speech therapists. Students required seven or eight As in the leaving certificate to qualify for the course in the first place,



[Mr. O'Dowd.]

which seems ridiculous, and the college could only take 30 or 40 students per annum.

The reason for the limit was that the students had to be given placements in the community with existing speech therapists and the system could only cater for that number at the time. I do not know if it has changed but a more dynamic approach is required to providing more speech therapists. There must be more speech therapy places and it should be easier for people who wish to do the course to qualify for it. However, that is another issue. Setting such a high barrier in academic standards, whereby practically nobody can qualify to do the course, does not make sense.

My main concern at present is that one of my constituents has been lying in a hospital bed in County Louth for three months awaiting a neurosurgery bed in Beaumont Hospital. Beaumont Hospital would be delighted to admit the person but the person has MRA so the hospital cannot do so unless it has a special room available. Unfortunately, that room is already occupied. My constituent is getting the best care the hospital can provide but she cannot see a neurologist. Her disability is, therefore, getting worse. Notwithstanding the efforts of the hospitals concerned, nothing is happening with her case. She must remain where she is until somebody in the special care unit either passes on or goes home. The lack of provision in the health service for people who suffer an illness and whose condition will worsen unless they can see a specialist is a damning indictment of the lack of resources provided by the Government for the health service.

Everybody welcomes this debate. Most Members of the House have spoken on this Bill and it is important that they do so. I hope the Minister will take on board the points we make. There is increased funding provision in the budget but more is required. The Government must listen more to the disability groups and not keep them waiting more than 11 weeks for a meeting.

How easy is it to come into this House if one has a disability? One must use the stairs to get into the House. If one has a disability, it is practically impossible. We are the legislators yet we do not provide an effective and easy access system into the Chamber. What will the Minister do about it? The issue must be addressed. There have been changes and improvements but that fundamental improvement has not been made. Let us get our act together as well as sorting out the other problems that exist.

**Mr. Coveney:** This Bill is long awaited. I wish to make some general comments on the disability sector and to comment on the Bill's provisions. These arise from discussions I have had with disability representative groups who are concerned about a number of aspects of the Bill.

I welcome the genuine indications that the Government has a new found concern for, and commitment to, the disability sector. The Dis-

ability Bill is an important part of the national disability strategy launched last September by the Taoiseach. There are four parts in the strategy — the Disability Bill, the Comhairle (Amendment) Bill 2004, six sectoral plans and a multiannual investment programme for disability services. In the budget we have seen a new and strong commitment to setting aside significant funds for investment in the disability sector, although clarity is still required about how that money will be spent. I presume we will receive such clarification in the coming months.

The most important element of a disability strategy is the legal commitment and legal rights given to those living with a disability. The cornerstone of a disability strategy must be a comprehensive disability Bill which satisfies representative groups, as well as people living with a disability, with respect to their rights. The principle behind legislation in this area must be that disabled people have the same right as everybody else to maximise their ability, through education, assessment if necessary and through work, to live as normal a life as possible. To ensure this is the case, the State must take on a legal responsibility in a range of areas, including access, early intervention, treatment, support and ending a mindset of discrimination that clearly exists, which is less pronounced than some years ago but which still requires a Government strategy.

I was fortunate to be asked to speak at a disability forum in UCC recently. It was a sober reminder that people living with a disability do not seek anything extraordinary. They simply demand the right to get the necessary assistance from the State to allow them to live as normal a life as possible. Normal things such as living, working, training, socialising and something as simple as going from one's home to one's shop if one happens to use a wheelchair, are things the State must attempt to facilitate in a more proactive manner than it has done to date. While this debate should never be about charity, many voluntary organisations that provide services to people with disability appeal to people's charity much of the time to finance their activities. As far as the State is concerned, the issue should be honouring people's legal rights and fulfilling commitments based on those rights.

As the UCC forum was centred on access to the workplace, it is shame the Minister of State with responsibility for this area has left. Perhaps I should have started with this part of my contribution. Approximately 10% of the population is affected by disability. When one considers that only 2% of the student population is affected, one starts to realise some of the challenges we face. When one discovers that between 60% and 80% of adults with a disability are unemployed, one begins to realise the extent of the challenge faced by the State. It is not an easy problem to solve through legislation or investment. Despite the fact that unemployment among the general population is down to approximately 4.5%, if one happens to be someone living with a disability, one

is likely to be among the 60% to 80% who are unemployed. It is understandable that people who live with disabilities are finally standing up to say this is unacceptable and to demand their rights and access to the workplace where possible. They are not asking for anything extraordinary.

The spectrum of case studies with which we dealt at UCC was a reminder of the very broad spectrum of disability the State must address. One person speaking about the difficulties of the workplace was partially sighted, another was dyslexic, another was in a wheelchair, a fourth was deaf and the fifth was suffering from depression. While this is the range of the spectrum with which the Bill should deal, when we come to consider its definition of "disability", we will see that many of those people are left out.

The fact that the Disability Bill is before the House is welcome given its shelving in the past. The Bill was taken off the table three years ago when we could not get agreement on it and there was a general election in the offing. Tonight's debate allows the Opposition to focus on the many welcome aspects of the legislation, for which I commend the Government, as well as its unacceptable provisions. There are many aspects of the Bill that require adjustment, amendment and change. I hope the Government is willing to consider on Committee Stage the amendments tabled by Members including Deputy Stanton who has done a great deal of work in this area. Many representative bodies have already been very critical of the Bill and expressed their frustration in contacts with Opposition and Government Deputies.

I turn now to specific comments on the text of the Bill. As I have mentioned, there is a real problem with its definition of those people to whom the legislation is relevant. The definition must be broad enough to encompass the vast majority of the 10% of people who have a disability. Instead, the Bill provides that people must be substantially restricted in capacity. What does that mean and how will we define such persons? According to the Bill, a person must have an enduring disability. If a person who has suffered a stroke is on the road to recovery, can he or she be defined as having an enduring disability? Politics aside, many people with disabilities are seriously concerned and have asked directly whether they come under the terms of the legislation. I have been unable to give them a straight answer because, quite simply, I do not know. If one adopted a very restrictive understanding of "substantially restricted in capacity" and "enduring disability", one could leave out the vast majority of people. While I accept that it is especially difficult to define "disability" due to the massive range in the spectrum, the Government must do a better job than it has. As the main Opposition party, Fine Gael will propose an amended wording it hopes the Government will consider constructively.

There is a general concern at the use throughout the Bill of the terms "subject to the avail-

ability of resources", "where practicable" and "practicability". These hedge and restrict many of the Bill's positive elements. While the Government says people have the right to an assessment, which is very welcome, it also provides that the plans health boards must put in place to facilitate assessments will be subject to the availability of resources. On one hand, the Government is telling people what they want to hear, but on the other it says if it cannot afford to do assessments, they will not be carried out. The credibility of the legislation is, therefore, called into question. While it uses the terminology people want to see and grants the right to an assessment which has been sought for a very long time, we cannot be sure if a system will be implemented as it is subject to the availability of funds and, or, practicability. As Deputy O'Dowd pointed out earlier, there are staffing difficulties across the country which complicate the implementation of occupational and speech therapy assessments. A level of honesty is required in the context of the welcome and important right to an assessment as outlined in the Bill.

It is crucial to carry out early assessments as disabilities develop over time. If a person is lucky enough to be assessed, he or she receives a services statement which outlines the services he or she requires from the State to live with his or her disability. While that is welcome as it means people will at least know what they need, the problems arise when it comes to providing the services in question. Such provision depends on the availability of resources and whether it is practicable. While the recent budget encouragingly set aside significant resources for the disabilities sector and persuaded people that availability will not be an issue in the next few years, the Government must reassure people further and ring-fence money for certain areas.

I am concerned about the services statement, for example, in the case of a five-year old with a severe speech problem. If he or she receives the assessment to which he or she is entitled, a services statement outlining the treatment he or she needs is issued.

However, there is no requirement on the Department to provide an update of the service statement in two, four or six years' time. The lack of a progressive policy of assessment is a concern. In other words, the progress a child makes between the ages of five and eight needs to be measured given that, in the meantime, the treatment he or she requires could have changed. Assessments must be conducted continually as the disability changes or as other disabilities develop, particularly in the case of children who suffer from development co-ordination disorder. Different problems emerge at different ages and new assessments are required. However, under the legislation the individual is entitled to only one assessment. The Minister of State is shaking her head and I hope I am incorrect. A progressive regime must be put in place so that people with

[Mr. Coveney.]

disabilities can see what is happening as their circumstances change throughout their lives.

Many practical examples have been given regarding access to buildings. The Bill proposes that all public buildings should be accessible from the outside by 2015 but we should be more ambitious than that. It is all well and good to have access to a building but the ability to move around within it also needs to be addressed in the legislation. Issues in this regard include the location of fire exits and moving between an office and a cafeteria. For example, if somebody confined to a wheelchair is elected to the next Dáil, how will he or she be able to vote? People with disabilities who are participating in the workforce have raised these issues. The onus on the private sector in this regard should be increased. The Government has a responsibility to co-ordinate with local authorities regarding what is acceptable in the planning and design of buildings owned by private companies.

There is also a concern that no effort is being made to address housing needs in the Bill. If a person with a disability is on a housing list, is he or she considered on the basis of his or her needs? My experience as a local authority member is that no special criteria are applied for the adaption of houses, which is required by people with disabilities.

There are positive examples of Governments amending disability legislation when they listened to Opposition concerns and I hope that will be the case with this legislation. For example, the Education for People with Disabilities Bill became the Education for Persons with Special Educational Needs Act 2003, which reflects the change in thinking between the time it was introduced by Government and its enactment. The Minister responsible, Deputy Noel Dempsey, deserves credit. I hope there will be a similar change in mindset on the part of the Minister and his advisers and that he will take on board the legitimate concerns of the Opposition. Most politicians do not like playing politics with disability. They want to make genuine changes so that more positive developments take place and I hope that will be reflected on Committee Stage.

I refer to two projects in Cork, which offer a substantial, valuable service to people with disabilities and their families. Neither project has been mainstreamed nor are they in receipt of funding on a consistent basis. The CABAS project comprises a school on the grounds of Ashton Comprehensive in Cork, which uses the ABA as opposed to the teach method. A valuable one-on-one service is provided for children affected by a broad range of autistic disorders. I appeal to the Government and those interested in disability in education to mainstream funding for a project that has proven itself to be extremely successful for many of the children in attendance. Children require different treatments and education strategies. ABA works for some while teaching works for others. The Department must intro-

duce flexibility to mainstream both educational streams.

The other project is a development co-ordination disorder, DCD, unit in St. Finbarr's Hospital, Cork. A multidisciplinary team provides valuable treatment to young children primarily who have difficult disabilities and face physical challenges. The team comprises an occupational therapist, a physiotherapist, a speech therapist, a general practitioner and counselling and support staff for those who face mental challenges. The unit is working superbly and, instead of being under threat of closure, it should be used as a template elsewhere because of its phenomenal success. The professionals involved are constantly worrying about where the next tranche of funding will come from instead of concentrating on what they should be doing, which is providing treatment. For example, the parents of these children are holding a St. Valentine's Ball to raise money. The neglect of such projects, which are a proven success, by Government needs to cease. We must stop being afraid of projects being a victim of their own success. If DCD units are opened in Tralee, Galway and Limerick, parents will bring their children. Successful pilot projects should be mainstreamed in other cities, instead of the participants being afraid of success.

**Mr. Deenihan:** I welcome the opportunity to contribute to the debate. I have a long association with people with special needs. The Bill affords us the opportunity to have a lengthy discussion on disability. Even though the legislation has not met our expectations and those of many representative groups, we still have an opportunity to improve it. Many Members, including Government backbenchers and representatives of disability groups who appeared at the joint committee hearings have stated this Bill, although welcome, can be amended and improved. I appeal to the departmental officials to ensure the issues raised passionately by many speakers are taken on board.

We have been all well briefed on this legislation and most of us have been better briefed on this legislation than on most other Bills. We have had the advantage of the hearings in the House, so we know what the various representative groups think. Therefore, we have an ideal opportunity to improve this Bill.

Debate adjourned.

### **Agri-food Sector: Motion (Resumed).**

The following motion was moved by Deputy Naughten on Tuesday, 1 February 2005:

That Dáil Éireann:

- recognises that the single farm payment will dramatically change production practices in Irish farming;
- acknowledges that agricultural exports are currently worth over €7 billion per



annum and account for a quarter of net foreign earnings;

- recognises that the agri-food sector accounts for almost one in ten in the workforce;
- notes that the Minister for Agriculture and Food has failed to extend the country of origin label to the catering sector;
- further notes that the Minister for Agriculture and Food has failed to adequately promote Irish food produce by providing a clear and transparent quality food label;

calls on the Government to:

- immediately implement a clear and transparent consumer focused quality food label, which includes the origin and processor of all Irish food produce;
- establish an explicit labelling system for consumers in the catering trade;
- develop an enhanced food promotion programme both within the State and within member states; and
- promote the enhancement of product development from farm to fork to support the viability of family farms.

Debate resumed on amendment No. 1:

To delete all words after “Dáil Éireann” and substitute the following:

- recognises that the decision to introduce full decoupling of direct payments with effect from 1 January 2005 will allow farmers the freedom to farm for the marketplace;
- acknowledges that agri-food exports are currently worth over €7 billion per annum and account for about one fifth of net foreign earnings from the manufacturing sector;
- recognises that the agri-food sector accounts for about one in 11 of the workforce;
- notes the progress made by the Government in the area of food labelling;
- recognises that Irish food is effectively promoted both within the country and abroad; and
- supports the Minister for Agriculture and Food in her efforts to continue the development of a sustainable, competitive, consumer-focused agri-food sector and thereby enhance its contribution to a vibrant rural economy and the environment.
- (Minister for Agriculture and Food).

**Minister of State at the Department of Agriculture and Food (Mr. Browne):** I wish to share time with Deputies Brady, Callanan, Michael Moynihan, Cregan, Carty and Nolan.

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

**Mr. Browne:** Last night my Government colleague, the Minister for Agriculture and Food, Deputy Coughlan, outlined, in very clear terms, this Government's excellent record of actions to support the agri-food sector over the past few years. I will outline to the House the progress we have made in other areas which are important to the continued development of the sector.

A high health status in the national herd is important in the context of safeguarding consumers, the development of a sustainable agri-food sector and the promotion of animal welfare. Ireland's current relatively high animal health status, its traceability systems, its veterinary medicines regime and production systems all underpin food safety and farm output and are essential for our export trade. These measures reassure consumers and support the delivery of many of the EU livestock support schemes.

We have in place a combination of control measures, compulsory and voluntary testing, recording of data, inspections and investigations, mandatory and voluntary reporting, codes of practice and a committee on animal welfare. In line with our commitment under the Good Friday Agreement, and for other reasons, we maintain a close liaison with the Department of Agriculture and Rural Development in Northern Ireland in the operation of schemes and in developing joint strategies on animal health.

With regard to animal health, excellent progress has been made in recent years in reducing the incidence of diseases of major economic importance. With regard to BSE, the number of cases has fallen from 333 in 2002 to 126 last year. More importantly, the majority of cases are now identified in cattle born in 1996 or earlier.

Excellent progress has also been made on TB and brucellosis. In the case of TB, reactor numbers have fallen consistently since 1999 and in 2004 were down by 50% on the numbers identified in both 1998 and 1999. Even greater progress has been made on brucellosis where in 2004, laboratory positive animals were down almost 90% on the 1998 figures.

With regard to animal traceability, we have comprehensive identification and tracing systems in place for all the main livestock species. These systems meet in full, and in certain cases go beyond, our obligations as a member state of the European Union.

The cattle movement monitoring system, CCMS, allows us as a matter of course to trace the origin, identity and movement history of Irish cattle before they enter the food chain. The extent and accuracy of data now available on CMMS allows it to be used for a variety of other

[Mr. Browne.]

applications also. It is routinely used to identify and trace cattle for disease control purposes, for example contact tracing for BSE and brucellosis. It is employed as a marketing tool for Ireland's beef export industry and is also used to assist in the testing and certification requirements of a variety of schemes such as certification of beef for Russia, determination of age for BSE testing etc.

The national sheep identification system, NSIS, is based on individual identification of sheep by means of ear tags and on paper records to track movements. Despite the criticism that has been levelled at it, overall the system has operated successfully since its introduction. It has also facilitated the development of a scrapie genotyping programme as well as being used to identify carcasses exported to other member states.

The Department also plays an important role in protecting the health of consumers of Irish food through legislation relating to the use of veterinary medicines and the detection of illegal residues in food, through the national residue plan.

As Minister of State with responsibility for forestry, I remind the House of the contribution that the forestry sector makes to the rural economy and the environment. Forestry, which provides employment to some 16,000 people, has a key role to play in ensuring the economic stability of rural communities, in enhancing our environment and natural amenities and in reducing our dependence on fossil fuels.

This Government is committed to the development of the forestry sector and this week I announced an allocation of a €124 million package for forestry in 2005. This is the biggest allocation ever made for forestry and is an affirmation of the Government's and the Minister's commitment to the sector.

As Members heard last night, the Government has an impressive record of achievements across a broad range of areas. It can be relied upon to remain totally committed to the agri-food sector and to sustain its major role in the country's economic development, notwithstanding the overall changed policy framework in which we now operate. I commend the motion to the House.

**Mr. J. Brady:** There is no doubt this will be not only a year of great change for Irish agriculture, but also one which will be equally rewarding for the industry. Reform of the CAP will substantially free farming from the burdens associated with paperwork and allow it to reach its full potential in the marketplace.

Farmers want to be engaged in important and worthwhile economic activity which serves both markets and consumers. As a result, they want to be in a position to secure the rewards the market offers for their produce. They do not want to be restricted in the scale of operation by production quotas and stocking limits. Instead, they want the freedom to respond to market demand and supply and to the specifications of the open market

sought by retailers and consumers. This is what the new CAP offers.

I firmly believe the new CAP arrangements will allow agriculture to develop in a sustainable and profitable manner. The single payment scheme will provide farmers with a basic income that will allow them to decide their own business preferences, which will in turn influence the strategic needs of the sector as a whole.

We are facing a period of major adaptation at both farm and processing levels, but also for the administration which supports the sector. The Government will continue to lead the change agenda in order for agriculture and the agri-food sector to develop. For many farmers, decoupling will be an opportunity to make new choices. With their direct payments no longer linked to the volume of production, they will be free to farm and to align their farm enterprises to meet the needs of the marketplace rather than be driven by grant or premium support schemes. This will not only benefit farmers but will have a broader added value for the food supply chain which will ultimately be for the good of all consumers.

Having outlined the general position regarding decoupling, I now want to focus on the outlook for the beef and sheep sectors. Deputies will be aware that beef production is extremely valuable in the overall economy. The annual value of beef exports amounts to €1.5 billion, representing almost 25% of total Irish agri-food exports. These are impressive figures by any standard and underline the overall importance of the sector to the economy.

Last year we exported a total of 475,000 tonnes of beef. Some 258,000 tonnes of this were exported to the United Kingdom and 170,000 tonnes to the rest of the European Union. It is particularly encouraging to see the growth in our beef exports to these high value markets. In recent years that has been the key success of our beef marketing strategy which has seen a dramatic shift in the level of EU market penetration at the higher value end, mirrored by reduced dependence on third country trade which, nonetheless, remains a significant part of our strategy.

Russia continues to be our main third country export market with a total of 41,000 tonnes exported there last year. Small quantities of Irish beef were exported to Egypt, and Algeria reopened its markets for fresh and chilled Irish beef last October. Efforts are being made to have frozen beef accepted there as well and the prospects are positive. These markets are important outlets for specific cuts of Irish beef at particular times of the year. We continue to exert huge efforts, politically, diplomatically and at trade level, to re-open international markets and to maintain as broad a spread of markets as we can.

As with beef, decoupling in the sheep sector will bring sheep producers closer to the dynamics of the market. Competitiveness will be the key at both producer and processor level in maintaining and growing market share. The year 2004 was an excellent year for the sheep meat sector with

throughput at export plants 16% higher than in 2003. Demand was buoyant on the home and export markets and the outlook is most encouraging in the medium to long term with continuing strong home demand and the opening of new markets in Tanzania and Algeria. France remains the principal export market for sheep meat, with last year's exports ahead of those of the previous year. Irish lamb competes successfully on the market against lamb from New Zealand and other countries. I see no reason it should not also continue to command the loyalty of Irish lamb consumers on the home market.

**Mr. Callanan:** I welcome the opportunity to speak on this motion on agriculture. In the short time the Minister, Deputy Coughlan, has been in office she has made a significant impact for the betterment of the farming community. I thank the previous Minister, Deputy Walsh, for the great work he did for agriculture over many years. It is fair to say that the Department of Agriculture and Food is one of the most efficient organisations in the country.

The decision by the Minister to introduce full decoupling of direct payments from 1 January 2005 was the correct one, one with which most farmers agreed. Decoupling will give farmers the freedom to farm for the marketplace. Before decoupling, farmers had to keep large numbers of stock in order to get a decent amount of premium. They also had to buy and sell stock to suit premium and extensification dates. These restrictions suited the meat factories as farmers had to sell too many cattle and sheep to them before certain dates, therefore making it easier for meat factories to drop prices. Under decoupling a farmer can keep the amount of stock which suits his or her farm and still receive the same amount in payments. If the number of stock decreases it should cause market prices to increase. Most farmers will keep a reasonable amount of stock and will concentrate on better quality animals that suit the market. It is important to recognise the deal that was secured by our Ministers for Irish agriculture.

The stacking of entitlements will be a great advantage for some farmers. Where a farmer who owns 100 acres rented another 100 acres in the reference years, he can stack his full entitlement even if he cannot rent an extra 100 acres under the decoupled system and receive full payment. Farmers can also plant part of their land with forestry and stack their payments on the rest of the land. This is also allowed if land is sold to local authorities for road making.

Another advantage under the decoupling deal is that farmers can still get their area based, or headage as it used to be called, payments in disadvantaged areas and the REPS payment in addition to the single payments. REPS has been a good scheme for farmers and the environment. I would encourage all farmers to get involved in the REP scheme. The Minister should ensure that reasonable notice would be given to farmers prior

to inspections under the REPS or other schemes before compliance inspections take place. Inspectors should be farmer friendly and where small areas of non-compliance are discovered a yellow card system could be used that would allow a farmer a week or two to remedy the situation. If the farmer remained non-compliant at that stage he should be penalised.

Agriculture is still a significant industry in Ireland with agri-food exports worth €7 billion. Ireland is the fourth largest food exporter in the European Union. We are 800% self-sufficient in the beef sector, 300% self-sufficient in sheep meat and 900% self-sufficient in butter and milk products. Our export markets are important for that reason. Bord Bia and other agencies do a wonderful job selling our produce. Our quality assurance scheme and labelling are most important. Our drive for total traceability to the farm gate has worked well in helping us hold on to existing markets and gain new markets throughout the world. I compliment the Minister, Deputy Coughlan, on her work in promoting our pigmeat and beef on her recent visit to China.

In future it will be most important that we invest in research and development to find out what the market wants. I am pleased with the sum of €10.6 million that was allocated to FIRM, the Food Institutional Research Measure, in 2005 to encourage high quality research.

I welcome the fact that our disease control measures are at last working with a sharp decline evident in the number of herds restricted by TB and brucellosis. We must keep a close eye on the import of beef from foreign countries to ensure it is fully compliant with our disease controls, especially to ensure that it is hormone-free. While I am in favour of full traceability, the separate tagging of every sheep appears to cause a great deal of hardship for sheep farmers. I always held the view that a herd tag would provide adequate traceability.

Agriculture is in good hands with the Minister, Deputy Coughlan. Her support for live exports is most welcome. We need a live export trade to provide competition for the factories. I support the amendment to the motion.

**Mr. M. Moynihan:** I congratulate the Minister, the Ministers of State and the team in the Department and wish them well. I welcome the opportunity to speak on this agricultural motion. As other speakers said, Irish agriculture will experience significant change this year and in future. With decoupling in place there is an expectation that less food will be produced on farms.

One of the most important things for us as an island nation is to ensure that our markets are maintained and that all the produce we export can stand up to food safety scrutiny by any organisation abroad. The importance of food safety has been recognised at EU level by the establishment of the European Food Safety Authority in 2002.

The European Union has developed a comprehensive package of Community-wide legislation



[Mr. M. Moynihan.]

in the area of food safety and hygiene as well as comprehensive measures to ensure satisfactory food safety controls are operated in both inter-Community trade and trade with third countries. In this regard the contract between the Department and the Food Safety Authority of Ireland covers the implementation in Ireland of all national and EU legislation to protect the interests of the Irish consumer as well as the implementation of import controls as provided for in EU legislation. Comprehensive measures are in place to ensure enforcement of the legislation and control measures. In the case of food-stuffs of animal origin supervisory requirements are applied in member states to ensure that animal-based food products are produced to standards that guarantee the safety of food and the protection of food and animal health. The application of these standards in all member states is monitored by the European Union Food and Veterinary Office.

As regards imports from third countries, all such animal products must come from third countries or specified areas of third countries which are approved for export to the European Union. The EU Food and Veterinary Office carries out inspections to ensure that only establishments with hygiene and health standards equivalent to those in the EU are approved for export to the EU.

All importers of products of animal origin must be registered with the Department of Agriculture and Food and are required to keep appropriate records available for inspection for a period of at least three years. Imported meat must be accompanied by appropriate documentation showing country of origin and the approval number of the premises where it was produced. In the case of third country imports a health certificate is also required. All meat must be appropriately labelled.

Imports from third countries must be landed at specified Border inspection posts. In Ireland these are located at Dublin Port and at Shannon Airport. Documentary, identity and physical checks are carried out at Border inspection points.

All these measures are covered in the contract between the Department of Agriculture and Food and the FSAI. The contract requires the Department to make regular reports to the FSAI on the implementation of these measures. The FSAI also carries out audits on the Department's operations in these areas. The Department's operations are subject to audit by the EU Food and Veterinary Office.

The overall operation of food safety measures is kept under constant review at EU level. These measures are in place to enable the European Commission to introduce specific controls on certain products or on particular countries to ensure the protection of humans and animal health. These measures adopted can be bans on imports

of a particular product or of exports from particular member states.

As I have indicated, the importance of the consumer in the agri-food business is at the core of the policy of the Department of Agriculture and Food and it is also essential for the industry. It is a key element of the strategic plan operated by the Government and Department. We must provide the legislation, controls and supports. However, it is equally important that all those involved in the food industry from farmers to retailers and the catering business accept that we have a responsibility to provide a high quality product and the maximum information to our consumers.

**Mr. Cregan:** I echo the words of congratulations and compliments to the Minister for Agriculture and Food, Deputy Mary Coughlan. Since her appointment and based on her subsequent performance, I have heard nothing but positive vibes from all interested groups in the agriculture sector throughout the country. I also congratulate her two deputies in the Department, Ministers of State, Deputies Browne and Brendan Smith. They are doing a very fine job.

It would be remiss of me to speak to a motion on agri-food without mentioning the loss of 140 jobs in the past few days in west Limerick at Kantoher Food Products, part of the Kerry Group. I am extremely concerned for the 140 workers and the future markets for the 40 growers involved. I call on the Minister for Enterprise, Trade and Employment and the relevant State agencies to put their heads together to ensure that, with the goodwill of the Kerry Group, we can resolve this crisis and find replacement jobs for these people.

The importance to the consumer of being in a position to make food consumption choices which best suit their circumstances and preferences is a vital element in today's market. An appropriate labelling system is a key element in this respect. The two main issues which emanated from the recommendation of the labelling group were the centralisation of enforcement in one agency and the definition of origin.

I very much welcome the centralisation of enforcement as well as the fact that the Food Safety Authority of Ireland is now responsible for the enforcement of labelling regulations. This will not only streamline the enforcement measures but it will also provide a one-stop shop for any complaints on incorrect labelling of food. The service contracts between the Food Safety Authority and other State bodies and the Department of Agriculture and Food have been amended to take account of this change in enforcement policy.

Food labelling, with the exception of fish, is now located in both the Department of Health and Children and the Department of Agriculture and Food in line with another recommendation of the food labelling group. There was full agreement within the food labelling group that consumers have a right to information on the origin of the meat they cook in their homes or eat out.

I welcome this unequivocal recognition of the rights of consumers.

At the beginning of 2004, two regulations relating to the labelling of poultry meat were introduced. The first of these regulations requires poultry meat originating in a country outside the EU to bear an indication of the country of origin when offered for sale in a retail premises. The second requires information regarding class, price per unit of weight, condition and slaughterhouse details in respect of non-prepackaged poultry meat to be provided to the consumer.

EU regulations provide for a detailed labelling system for beef to be applied at retail sale, which is over and above the general labelling provisions. These regulations do not apply at restaurant and catering sector level. I hope the Minister can proceed with a legal requirement that country of origin must be displayed in respect of beef served on such premises. The legal options allowing for this development are currently being examined and any necessary legislation will be introduced as soon as possible.

On the food labelling issue in general, the primary aim is to protect consumer interests and to ensure the consumer is properly informed. Ireland is a major exporter of food and food products and there is a considerable volume of imports. Therefore, it is imperative that the same standards are applied to the labelling of foods in every sector and that a level playing field exists for the entire food industry.

I compliment the Minister for her leadership of a delegation of food and drink industry representatives to China as part of a recent wider trade mission. I understand that, while she was there, the Minister signed a pig meat protocol with the Minister for the Administration of Quality, Supervision, Inspection and Quarantine, that will form the basis on which pig meat products from Ireland will be exported to China. This formal agreement will provide a framework within which actual trade in pig meat products will commence later in the year.

The Minister also raised the question of the lifting of the Chinese ban on beef products in official discussions with both the Minister for Agriculture and the Minister for Administration of Quality. During these discussions she emphasised that the control and supervision of food safety is afforded the very highest priority in Ireland and that the Government is committed to the preservation of our status as a supplier of the highest quality products to international buyers.

She also addressed seminars in Beijing and Shanghai organised by her Department and Bord Bia, which were aimed at promoting Irish food and drinks in the Chinese market, providing assurance on the safety controls related to food production and details on the country's export capability.

I am glad to have had the opportunity to address the House and compliment the Minister on her performance in her office to date.

**Mr. Carty:** I too wish to compliment the Minister and her Ministers of State on the manner in which they are handling the decoupling issue and implementing the deal in consultation with all the interested parties.

For years farmers rightly complained about all the bureaucracy which was attached to the various schemes. It is a well-known fact that Ireland must export 90% of the food it produces to other countries and it is therefore necessary that the production of safe animal food products begins with the use of safe animal feed. Animal feed is thus one of the most important sectors within agriculture. Annual production figures for compound feed for sale in 2003 were as follows: the EU 25 member states — 142 million tonnes; Ireland — 3.66 million tonnes, of which 58% was for ruminants; 19% for pigs; 13% for poultry; and 9% for other species.

Licensed manufacturers of compound feeds use more than 80% of available feed materials as feed ingredients. Less than 2% are fed as straight feed or used for on-farm mixing, which is mainly confined to ruminant diets and a small number of specialised pig producers. The EU imports a large proportion of its protein requirements such as soya bean meal, corn gluten and cotton seed meal.

The underlying principles which apply to legislation in the area of animal feed are that feeding stuffs do not endanger food safety, do not pose a risk to animal health, meet minimum standards, are accurately labelled and are fully traceable. Most of the legislation on animal feed originates at EU level and the measures extend to specific controls on issues such as additives in feeding stuffs, marketing of compound feeding stuffs, putting into circulation of feeding materials, undesirable substances and products in animal feed, approval and registration of establishments operating in the animal feed sector, animal nutrition inspections and genetically modified feed.

In addition, there are a number of measures under veterinary legislation which impact directly on the animal feed industry, for example, processed animal protein, medicated feeding stuffs and animal by-products. Following on from a series of well-publicised incidents in Europe concerning animal feed, for example, BSE, dioxins and the MPA hormone, the Commission undertook a review in 1999 of the position in regard to the existing legislation and control activities in food and animal feed, including veterinary matters. The outcome of this review was published in January 2000 in the form of a White Paper on food safety.

Some of the problems identified in regard to animal feed in the White Paper included lack of coherence and uniformity of approach in food and feed legislation and non-uniform implementation of controls across member states in some cases, the complexity and subsequent lack of understanding of the legislation and the apparent lack of self-control in the animal feed industry

[Mr. Carty.]

when compared with the food industry. With a consistent push by Commissioner David Byrne to have most of the action points of the White Paper on food safety completed before the end of his Commission term, a whole series of legislative proposals have come through on food and feed.

The two most recent regulations relate to the feed area, namely, the regulation on official food and feed controls, EC (2004) 882, and the regulation laying down requirements for feed hygiene. Both of these pieces of legislation were finalised during the recent Irish Presidency. The regulation on official food and feed controls is wide-ranging and is directed at member states to establish adequate controls in the food and feed areas. It impinges on both the food and feed areas of the Department of Agriculture and Food as well as the Department of Health and Children. This legislation will involve less change in feed control than in food control activities, as the core issues are already firmly enshrined in feed control legislation. The feed hygiene regulation consolidates and extends the scope of the directive requiring the approved registration of certain feed business operators to include all other operators in the feed chain. Feed export controls are implemented through inspection and sampling by authorised staff at stages of the feed chain, including importation, storage, manufacture and use at farm level. Every effort is made by the Department of Agriculture and Food to implement the legislation and ensure the safety of the feed and food chain is kept intact. It is clear that the feed industry is a vital link in the safety of the food chain.

**Mr. McHugh:** I wish to share time with Deputies Cowley, James Breen, Sargent and Ferris.

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

**Mr. McHugh:** With the era of the single farm payment beginning, it is appropriate that the House is debating the issue. The single farm payment will focus farmers' attention on providing products for the marketplace. Their ability to sell their produce will be the determining factor as to whether they continue with certain products. It is time for the Minister for Agriculture and Food to take a fresh look at the *status quo* to determine what new or enhanced measures need to be put in place to cater for the new regime.

The motion calls for the implementation of a clear and transparent quality food labelling system for consumers. Food labelling in a clear and concise manner will be the reference for consumers to determine which foods to purchase. It should contain references to volume, nutritional composition and identify where the foodstuff was produced or processed. It is essential that a labelling system be provided that fully informs the consumer so that he or she can make a decision when purchasing food produce. Research has

shown how important proper labelling of food-stuff is to the consumer. Half the population have indicated that it is the issue of greatest concern to them.

The Government has a sovereign right to provide the level of health protection it deems appropriate. Food labelling has an important role to play in health protection. A certain labelling regime already applies. However, it is unacceptable that there is no detailed labelling system applicable to beef served in restaurants and catering establishments. This is not good for the health of the consumer. Consumers should know that the beef products they eat are Irish. It is unacceptable that products imported from Brazil can be repackaged in Ireland to be sold on as Irish products. The Minister must address these issues. The consumer is entitled to protection in this area.

Identification and traceability of Irish beef is well advanced. However, the same intensive documentation of traceability and country of origin is not available for all imports. The practice where a product's main ingredient can be imported and undergo substantial transformation to then become an Irish product is unacceptable, dishonest and misleading. The Minister for Agriculture and Food should rectify this unacceptable practice. It may be covered by EU legislation. However, it is in the consumers' interest for the Minister to change this.

Due to the recent changes brought about by the Fischler proposals, we are entering a new regime that will be for the better as production will be related to demand. However, the Minister owes it to the farming community to lead the way, in conjunction with all relevant agencies, to identify opportunities, direct energies and refocus efforts to ensure that the agrifood industry reaps the maximum benefits from this new regime.

**Dr. Cowley:** I appeal for those in County Mayo who have left the land in their thousands in recent times due to their failure to eke out a living on the land. Those left on the land struggle to remain by supplementing their meagre incomes with off-farm employment. There are those who do not care one iota if the entire west of Ireland dies out. I care. To hell with the begrudgers, who have a difficulty with the fact that I care. I am doing the job I was elected to do.

**Mr. J. Breen:** Good man. Fair play to the Deputy.

**Dr. Cowley:** I am proud to fly the green and yellow flag of Mayo.

**Mr. McHugh:** The Deputy means the green and red.

**Dr. Cowley:** I make no apology for speaking up for my county at every opportunity in the Dáil.

**Mary Coughlan:** Pity Mayo cannot win an All-Ireland final.



**Dr. Cowley:** The plan is to depopulate my county. Recently the terrible job losses at Allergen, Bellacorick and Bord na Móna have been a severe body blow to the most socio-economically deprived area of Ireland. Those left on the land are trying to hold on. The land is their heritage and it is their right to stay on it. However, it is getting more difficult to do so with the problems in securing off-farm employment. Farmers have left the land in County Mayo in their thousands. The agenda is to further decimate the area and give the *coup de grâce* to those who remain on the land by diluting the disadvantaged status of the county. Moves are afoot to negotiate the disadvantaged status to one criterion, not location but soil quality. This must be resisted and I call on the Government to be vigilant on this issue.

The powers that be want to recentralise jobs from County Mayo. The Department of Agriculture and Food was decentralised to Davitt House in Castlebar several years ago.

**Mary Coughlan:** The Deputy was not here when that matter was discussed.

**Mr. J. Breen:** The Minister should not interrupt.

**Mary Coughlan:** I thought the Deputy said it all on Mid West Radio.

**Dr. Cowley:** Now the staff at Davitt House is to be transferred back to Dublin.

**Mr. Naughten:** The Minister should listen to the man with the green and red flag.

**Dr. Cowley:** The people of County Mayo will not tolerate any more shenanigans. We are still waiting for a proper road infrastructure, a western rail corridor, adequate ambulance services, balanced regional development and the jobs that every other region has. We do not want the dirty jobs. We are still waiting for Knock Airport to be treated as an international one. To the Government and the EU I say, "Hands off our county unless there is something positive to give us".

**Mr. J. Breen:** My former party colleagues on the Government side of the House disappoint me. While they paid many compliments to the Minister for Agriculture and Food, Deputy Coughlan, none were given to her predecessor, Deputy Walsh for the great and solid work he did for the farming community.

**Mr. Naughten:** In fairness, they did.

**Mr. J. Breen:** As a member of the farming community I welcome the decoupling of single payments. Significant progress was made in the implementation of the scheme, making farmers' lives more bearable. This step will change the course of farming. The single payment will amount to a virtual farm income in many cases. The return from the marketplace must be maxi-

mised to ensure farm incomes increase. It is important that costs are controlled, quality programmes are introduced and we invest in markets prepared to take our produce.

As agricultural exports amount to €7 billion per annum, they must be protected and improved. How much beef has been imported? Will the Minister confirm that large numbers of hotels and restaurants are importing sirloin and fillet steaks?

**Mary Coughlan:** Yes, it is true. That is why I am introducing beef labelling.

**Mr. Naughten:** When will that be?

**Mary Coughlan:** This year.

**Mr. J. Breen:** In recent years, thousands of cattle, calves, sheep and pigs have been exported from the Republic to the Continent. This method should continue or it will have a disastrous effect on farm incomes. The nitrates directive will also reduce production. The new European Commissioner is against live exports. I want the Minister to ensure the Commissioner has no hand, act or part in live exports from Ireland.

**Mary Coughlan:** Will the Deputy compliment me on all the work I did on the matter last year?

**Mr. Connaughton:** The Deputy would also like to thank the Flaherty family.

**Mr. J. Breen:** Living standards are intimately dependent on farm productivity. We rely on our farm produce to feed ourselves and to provide the surplus with which to buy those requirements that are physically impossible and economically impractical to produce at home. The agricultural sector, which employs one in ten of the workforce, must be protected and expanded. Labelling of produce is vitally important and rogue traders have no place in the process. More must be done to promote our agricultural products abroad. Will the Minister ensure there are oral hearings for people who fail the written test.

Anomalies in the farm retirement scheme must be addressed as a matter of urgency. There was an attempt to address the issue in reply to my priority question last week, but it was not satisfactory. Small farmers are the backbone of the rural economy and rural communities, and more must be done to ensure this way of life continues to be viable. Retirement presents a number of challenges to farmers, particularly where they are passing on the farm to the next generation. The Competition Authority should be asked to investigate prices paid by factories for meat produce in the autumn. For example, in 2004 the factories paid €20 less in the fall of the year for cattle bought in June. At a time when the farming community is experiencing a decrease in incomes, this type of practice cannot be allowed to continue. Will the Minister guarantee that small producers who were forced to sell their weanlings without

[Mr. J. Breen.]

the benefit of premiums are entitled to some compensation from the modulation fund? The incomes of cereal producers and farmers who plant their land must be promoted and guaranteed. Will the Minister ensure this aspect is addressed? I hope the Minister will carry out the promise she put on record tonight.

**Mr. Sargent:** I am speaking on behalf of many farmers in my constituency of north County Dublin, as well as farmers throughout the country. I ask the Minister to take on board what has been said here because this is a very urgent motion. The issue of labelling is relevant due to the experience of the foot and mouth outbreak. It is relevant to the way retailers and restaurateurs can source food quickly from overseas, forcing down the price of Irish farm produce. It is relevant also because, in effect, less food is now being grown in Ireland by many farmers. It is impoverishing farmers and all of us because we do not have the proper policy to encourage the development of agriculture and prevent its demise.

In 1980, 385 acres of tomatoes were grown in Ireland and this is now down to 50 acres. Gas bills have increased by 40% in a year. These factors, which are effectively forcing people out of business, require the Minister's understanding and intervention. In 2000, there were 956 potato growers in the country. In 2004, this number had decreased to 700 growers. Week by week, people are getting out of agriculture. The number of vegetable growers, many of whom are in my constituency, has halved in the past five years. This is a recent phenomenon. This is a haemorrhage in agriculture.

The Government must take responsibility for what is happening. Many farmers are now encouraged to sell for building land rather than grow food because they are guaranteed a return when they sell land for building. They may as well do so when one examines the development levies in a number of counties, even development levies on polytunnels. I know that Kildare is an exception to this, and I wish other counties were more enlightened. As a result, the production of other crops such as strawberries will decrease because it will not pay farmers to erect a polytunnel.

On the other hand, there are increased costs and increased vulnerability in the food supply. Between 1978 and 1999, road transportation of food increased by 50%. When people visit a restaurant and take into account where the food came from, they will discover that the average meal in a restaurant now involves items that in total have travelled an average of 24,000 miles. When we talk about the country of origin and where ingredients come from, we must also take into account where the oil comes from. Transporting food 24,000 miles requires a lot of energy, and this figure is increasing. If Irish food is not available, the alternative will continue to increase as oil prices increase. We are all aware of the

story of Nero fiddling as Rome burns. This motion is a plea to the Minister not to be a Nero. We need to save Irish agriculture from demise and the trend that has become apparent.

There was some hope in 1997 when the IFA met retailers to agree that 48.3% of the retail price would be paid to growers in the horticultural sector. Supermarket retailers told suppliers that they should respect that agreement, which lasted for a little more than a year. Now the personnel has changed and the situation is deteriorating. Currently, the average price growers receive is 35%, and this is decreasing even though the price of food is increasing. The Minister should inform her colleagues around the Cabinet table that they are killing her sector.

The whole area of GM food is seen as a panacea. We must be careful because a Wall Street report said it is a bad investment. Health studies have not been carried out in the long term and insurance cover is not available. If it puts its eggs in this basket, the Government will risk further the demise of Irish agriculture. We have an opportunity to go forward as a GM-free country, which trades on its green, clean image, but the Government does not appear to realise the potential of doing so.

**Mr. Ferris:** I have no difficulty supporting the proposals contained in the motion. There is a clear need to address the issue of food quality and origin, and to promote the food production system in a manner that will benefit both producers and consumers.

I agree with Deputy Upton that the issue of genetically modified food is central to this, and it is something I have stressed since being elected. Deputy Upton referred to the Government not appearing to have taken a position on this issue. I wish I could be more confident that the Government's abstention on the ratification of GM animal feed was evidence of neutrality. However, I fear this is not the case. I welcomed the decision to abstain as a change from what up to then had been a series of votes in favour of GM. However, I am not confident that the Government will not support future proposals to open up the EU to GM. It would be absolute madness for this country with its agricultural base and reputation as the producer of high quality food to open itself up to GM animal feeds and crops. There is no economic argument in favour of it from the point of view of farmers, and certainly none as far as consumers are concerned. Perhaps the proposers of the motion will clarify the Fine Gael position on GM in their summing up.

Another major issue regarding food production is the share of the price paid by consumers that goes to primary producers. Only this week we saw farmers protesting against a proposed 10 cent per gallon cut by Glanbia. I cited statistics in the past which show that farmers get as little as a quarter, or in some cases as low as 20%, of the retail price for certain products. This is not acceptable and I have urged farmers to look long

and hard again at the structures of the processing sector, which has moved a long way from the original idea of co-operation. Have farmers sacrificed long-term security of income for shares in what are to all intents and purposes agri-business corporations over which farmers no longer have control?

I note that the motion does not refer to the closure of the Carlow sugar factory. I hope this is not as a result of the differences that emerged last week between the prospective partners in the caring coalition on the closure. Sinn Féin is opposed to the closure of the plant and to any future moves which may threaten the future of the sugar industry in this State. The processing of sugar was for many years an example of a successful State enterprise and it will be a shame if the consequence of privatisation is the closing of the entire sector. Obviously the sugar sector in this country is subject to change at international level but its future cannot be sacrificed as part of whatever trade deals the EU agrees with the World Trade Organisation. Developing countries are entitled to access the EU markets but a strong stand needs to be taken to ensure that the workers employed at Mallow and Carlow and the farmers who supply the plants are not left to pay the costs.

I have on several occasions tabled questions and otherwise raised the issue of alternative use of sugar as a renewable energy crop for the production of biofuels. I am aware that the Minister for Agriculture and Food, Deputy Coughlan, has stated that this is a commercial matter for Greencore and that the State has no role, but it has a role given that the taxation structure for alternative fuels will be crucial and that there is a grant of €45 per hectare for energy crops. The Minister replied to a question I tabled recently and noted that sugar beet is excluded, so that might be looked at if there is a possibility of using beet as a source of production for biofuels.

The other issue vital to the future of Irish agriculture is research and development. I mention this in the context of a series of closures of Teagasc facilities and statistics which show a marked decline in the level of investment in agricultural science at third level. According to the statistics, of 2,797 full-time researchers in 2002, a mere 44 worked in agricultural science.

There is a need to address in a positive way the outstanding difficulties in the sector and I ask the Minister to do so.

**Mr. Kehoe:** I thank Deputies Naughten and Crawford for tabling this motion and giving me the opportunity to speak on it. I am sharing time with Deputies Connaughton, Coveney and Deenihan. I will not lecture the Minister on the price of cattle and so on.

I come from a country steeped in agriculture and the agricultural industry has been of the utmost importance to us in County Wexford over many years. The Minister of State in the Department of Agriculture and Food, Deputy Browne,

is from the county and I hope he will do the agricultural brief proud when he delivers Bord Bia to my home town of Enniscorthy. I have no doubt he will do that before he ends his career in the Department.

I will say a few words on traceability, food labelling and the importance of our clean Irish food. When a consumer buys food, specifically meat, the first thing he or she — usually it is the woman of the house — looks for is quality. We have very high quality Irish meat in our supermarkets and we can be proud of that. We are not utilising that product properly in terms of selling it outside Ireland. We have lost many markets over recent years. The Minister is new in the Department and I ask her to do her best to ensure that we regain all the markets we have lost. It is not easy to sell food abroad but we can be proud of what we have done.

Deputy Naughten spoke about food labelling and the sale of food in restaurants and hotels. Féile Bia has been one of the best initiatives ever taken and it is a pity more restaurants and hotels have not signed up to it. However, most hotels have applied Féile Bia standards and that is great to see. Many hotels import beef from outside Ireland and do not inform us of its origins because they can acquire it cheaply and sell it in their meals at expensive rates.

The importance of Irish food was seen over the past year, especially with the opening of farmers' markets. The Minister of State, Deputy Browne, and I have been involved in establishing a farmers' market in Enniscorthy. It is brilliant to see that market in the town every Saturday morning. People bring in home-made produce, meat, vegetables and so on. It is great to see housewives buying that produce straight from the farm gate. As the farmers say, the middleman is being cut out and it is great to see that happening. Farmers are getting the right prices for their food and it is brilliant to see that. It is a pity we do not see more such markets throughout the country. From talking to my colleagues I understand they are spreading in the country towns. Will the Minister to give that movement more publicity through her Department in so far as she can? We have Bord Bia and the enterprise sections of different Departments. Will the Minister ensure that the concept of the farmers' market is increasingly promoted? We are not sufficiently proud of our food and if we sell the concept of the farmers' market, I have no doubt that we will be on a winner.

Regarding food labelling, the Minister knows as well as I that people are bringing in foreign beef, chicken, lamb and so on to Ireland. Will she inform the House what she is doing to stop this meat coming in and what the Department is doing about the hooligans and gangsters involved who are trying to fool Irish people about their own prime food? Perhaps the Minister would consider the motion before the House.



**Mr. Connaughton:** This is an important debate. I wish the new Minister well and thank the new Fine Gael spokesman on agriculture and food, Deputy Naughten, for tabling this important motion for discussion.

I will say something a little different to what other Members have said. I am one of the few practising farmers in the Dáil, an ever decreasing number as far as I can see. I share the positive view that the change to the single farm payment will be of some use. However, there are commentators running with this ball who do not fully understand what is involved. The payment will be a good thing if everything else allied to it clicks into place.

I will explain what I mean. Last week I went to buy my fertiliser which cost €70 per tonne more than last year. A neighbour built a slatted house and because of the doubling of the price of iron, the house cost almost twice as much as it would have done five years ago. Veterinary bills have quadrupled in the past four or five years. If all those input costs into farming continue to increase at those rates and the single farm payment remains an average of €10,000 per farm, let nobody tell me farmers will fly high on that sum. Some commentators have also suggested that a cutback in stock numbers will mean better quality. One can only cut back so far. On some of the fertile ground in this country, if one removed even 10% of the stock, one would not even control the grass.

It is against this background I must sound a note of caution. If it happens that product prices do not increase, farmers do not get more for their weanlings next year than they got last year, the factory beef price is not higher next year and the year after than it was last year and the price of sheep does not keep pace with input costs, we will have major problems. The Minister must remember that around the table at which she sits in Brussels, the single farm payment was introduced to have a cheap food policy. The EU personnel involved believe that the price of food will fall. We will see what happens.

Whatever else the Minister does while in Kildare Street, she should ensure the ship sails for live exports. I congratulate her on what she has done so far. She is paid to do that and it is what she should be doing. If we had an Irish Minister for Agriculture and Food who did not do so, we would lose heart altogether. Of course, it is an economic matter for those concerned, and they will not sail, no matter what any Irish Minister says, unless it pays them to do so. That is the important part, and the Minister must ensure that people do not place restrictions on capacity or anything else regarding cattle in transit. She must stop that from getting any worse or it will not pay farmers to export cattle.

As far as the middle men are concerned, whatever we do in this country, a substantial slice of the profits that is morally absolutely within the remit of Irish farmers is taken out of their hands.

Unfortunately, the consumers do not give credit for that. It is possible to take a more streamlined approach and cut out the middle man much more than hitherto. There appears to be some blindfold on the Government regarding that side of things.

Another great battle that the Minister will have to fight for us — we will certainly help her — is to ensure that no restriction or reduction is imposed on area aid or the number of acres in the disadvantaged areas that qualify for the area-based payment. As the Minister is aware, this is on top of the single farm payment, and it will cripple poor farming areas if land is removed from that system.

I remember the extent of the BSE crisis some years ago. French farmers did something that we could not do — we should have done so, but we did not — they went in for big labelling when we were in trouble. They got the message across to the French consumer that there was nothing better than French lamb or beef. We will have to get very tough on labelling and at least ensure that the beef coming in from all over the world is produced to the same high standards as in Ireland. Ultimately, if one cannot prove something, one has to ensure that Irish housewives leave it. There is nothing wrong with our promoting that idea.

**Mr. Coveney:** Perhaps the Ceann Comhairle will let me know when two minutes remain in the slot because Deputy Deenihan is to speak.

**Mary Coughlan:** Two minutes.

**Mr. Coveney:** He is obviously very concise. I hope that the Minister will not waste my time.

This is my first opportunity formally to wish the new Minister for Agriculture and Food well in her brief. It is a tough job and she faces several challenges, some of which I would like to outline. Most relate to battles she will need to fight in Europe on behalf of Irish farmers.

The first concerns sugar beet, which is absolutely crucial to Irish agriculture, though perhaps not in the part of the country where the Minister lives. However, in the midlands, south and south east, sugar beet represents a crop of great significance to arable farmers in particular. It is part of rotation and a very valuable cash crop that does not rely on extra payments coming from Europe to subsidise it. It has taken a significant blow in the past few weeks through Greencore's decision to close one of two factories in Ireland. In case Deputy Ferris is in any doubt, Fine Gael has expressed frustration and disagreement on that time and again. Sugar reform is leading to the uncertainty and many of the bad news decisions regarding sugar.

Ireland must ensure many things in the European context. They can be broken into three different categories, the first concerning price. If one is a realist, one must accept that there will be sugar reform in Europe and some price reduction. It is the job and responsibility of the Minister to

8 o'clock

set a realistic target for what she can achieve to minimise that price reduction. That is how her success in this area will be measured, not how it is announced or the PR but the facts and figures regarding the extent to which she can minimise it. The price reduction must be in single figures.

On the quota reduction, we now have a harder sell thanks to Greencore. The strongest argument that Ireland could make in the European Parliament regarding minimising our quota cut was that we had two factories. Owing to economies of scale, if we reduced our quota, it would have been very hard to justify keeping two factories open. Thanks to a pre-emptive closure decision by Greencore regarding Carlow, that card has now been plucked from our negotiating deck. We must now make the straight case that Ireland deserves only a very small quota cut in the context of overall European reductions.

People have not focused much on what is perhaps the Minister's most difficult challenge. She must ensure that what several countries are pushing for in Europe does not happen, namely, that the sugar quota should be capable of transfer from one European country to another. In France, they see themselves as having a competitive advantage for growing sugar, being able to deliver a higher sugar content and higher yields because of climatic conditions, though we have some small areas on the south-east coast that can match them. Other countries ensured that the milk quota was not transferred between countries, though that would have suited Ireland since we have a competitive advantage. In the same way, we must ensure that the sugar quota is not transferred across the borders of European countries. Ultimately, whatever quota we receive at the end of the negotiations must stay on Irish farms for Irish farmers to grow.

Regarding the practical consequences of the closure in Carlow, there are many farmers who simply do not know what is going to happen in the coming year. It is the Minister's responsibility to provide clarity on issues such as how we are going to transport beet next year. The Minister may say that it was a commercial decision for Greencore, and that is probably true. However, farmers need leadership on this issue. Many farmers who have set aside land to plant sugar beet for the coming season simply do not know where they stand. For example, they do not know who owns the quota. Has there been a decision yet? Is it the farmers and, if so, are they entitled to compensation if it is taken away from them and moved south from the midlands? Is it the company or the Minister on behalf of the State?

We need clarity on those issues soon since in the next few weeks farmers must make decisions on what crops they put into fields. We also need clarity from Greencore on the future of Mallow. There have been announcements regarding job losses there. I understand that it is a matter of streamlining to make the plant there more efficient. I believe that 14 job losses are to be announced. We must reassure farmers that it is

not the first step in a potential closure of the Mallow factory. Farmers must know how the new sugar system is to work with one factory and how they will fit into that structure as growers. The Minister must ensure that she, Greencore and farmers' organisations provide that information for farmers since at the moment they simply do not know.

The nitrates directive is another challenge for the Minister. People will know that the latest Government action plan has been rejected by the European Commission. There is an ongoing negotiation process to find an action plan that is both acceptable to the Commission and workable for farmers. In particular, the most efficient and intensive dairy farms in the country must be able to survive under it. The Minister must focus on issues such as closure periods, storage capacity and stocking rates, playing hard ball with the European Commission to ensure that we get through.

Live cattle exports have been mentioned. It is a matter of striking a balance between the humane treatment of cattle, which we must all support, and ensuring that Ireland, which relies more than any other country in Europe on such exports, can continue transporting cattle across this continent, something that is absolutely crucial.

I have raised this matter time and again over the past two years. The Government must consider the opportunities that energy crops can provide for agriculture in the shape of biodiesel and biofuels. Ethanol can be used as a replacement for petrol and wood biomass as a replacement for peat over a period of time.

**Mr. Deenihan:** The Minister and her two colleagues are facing a formidable challenge in the next few years. The outlook for agriculture is generally bleak when one considers that the price of milk, generally speaking, is the same as what it was in 1978 yet costs have increased over 100% since then. It is no longer economic to farm in many instances, and that is the reason many people are leaving the land in droves. Nobody seems to care about that. It appears to be the economic solution. I was speaking to an official in the Department of Agriculture and Food some time ago and he told me that only half the number of farms are sustainable. The current philosophy appears to be one of indifference towards the issue of survival on the farm.

I was examining the number of small food enterprises in my constituency ten years ago. Ninety per cent of them have gone out of business. I suggest the Minister survey the entire country and examine the number of small food enterprises that have gone out of business in the past five years. They appear to have vanished and they are not being replaced. Major support mechanisms must be put in place to encourage our small food industries.

The Ministers should support the excellent Féile Bia initiative. It deserves support but it is not getting it from the industry because it is using

[Mr. Deenihan.]

imported meat camouflaged as Irish meat. That is happening across the country in the tourism sector. It is a major challenge and the Minister should speak to her Minister of State about the practice which is happening everywhere. We need a total review of our agricultural policy. The three Ministers have the energy to do it and I suggest they do it immediately.

**Minister of State at the Department of Agriculture and Food (Mr. B. Smith):** Last night, my Government colleague, the Minister for Agriculture and Food, Deputy Coughlan, outlined clearly and in precise terms what this Government and the Department are doing to promote the sustainable development of a competitive, consumer focused agri-food sector at every level. I listened patiently to Opposition attempts to create the impression that no investment has been made in developing the industry and that nothing has been done for the consumer in terms of labelling. That is total nonsense.

Before addressing those specific issues, however, I want to return to the matters raised by Deputy Enright regarding the closure of the Carlow sugar factory and Minch Malt in Banagher, County Offaly.

Minch Malt Ltd. is Ireland's largest maltster with an annual capacity of 125,000 tonnes. It sources quality malting barley directly from 3,500 Irish farmers for its malting plants at Athy and Banagher. The company is to close its malting plant at Banagher and its two intake points at Tullamore, County Offaly, and Borrisokane, County Tipperary. The company has given its reason for closure as competition on export markets in Russia, south east Asia and South America, to where it has traditionally exported 50,000 tonnes annually. It is retaining its principal plant in Athy.

The recent decision by Greencore to rationalise its operations by closing its sugar plant in Carlow, consolidating all of its sugar manufacturing in Mallow, was a commercial decision taken by the company in the light of increasing competition in the industry and as a consequence of the forthcoming reform of the sugar regime. The rationalisation programme involves an investment of €20 million to €25 million in Mallow, which demonstrates a commitment to the maintenance of an efficient sugar processing industry in the country.

To facilitate the one factory operation, I understand beet from the Wexford region will be diverted to Wellingtonbridge for transport to Mallow by rail. The company also plans a new rail depot to be established in the Carlow region to assist beet growers make their deliveries, and it is understood that a planning application will be submitted to Carlow County Council shortly.

A number of Deputies understandably referred to the nitrates directive. We are in discussion on that with the European Commission. Having put a well thought out package of proposals to the

Commission before Christmas, drawn up with the assistance of Mr. Denis Brosnan and input from many sources, including the farming organisations, we were disappointed that it did not find favour with the Commission. The Minister, Deputy Roche, has also indicated his disappointment because it was a balanced package that met with general agreement.

We met the farming organisations again recently and officials have begun discussions with the European Commission. They have made it clear that we will defend our proposals on their scientific merits. We will all have to work hard for a successful outcome. We are not only facing what I understand could be very substantial fines but we also have to safeguard our continuing CAP funding. Negotiations will soon begin on the next round of rural development funding covering the rural environment protection scheme, compensatory allowances, forestry and the early retirement scheme. I am convinced that our position in those negotiations will be made very difficult if we are still in contention with the Commission about the nitrates directive.

Criticism was levied at the level of spending under the specific food related measures in the national development plan. As the Minister, Deputy Coughlan, said in her contribution last evening, the national development plan contains an indicative public funding allocation of €358 million for the food industry by means of a series of measures covering capital investment, research, technology and innovation, marketing and promotion and human resources. Despite a slow start due to delays in getting EU state aid approval for some measures and difficulties in 2001 arising from foot and mouth disease, progress has been good and, in some cases, exceptional. By the end of last year, a total of €187 million had been awarded under the various measures and I am confident the momentum that has built up will be maintained for the remainder of the plan.

On the food labelling issue raised by a number of Deputies both last night and tonight, I want to be very clear. In her contribution last night, the Minister, Deputy Coughlan, gave a comprehensive account of the exceptional progress that has been made in implementing the 21 recommendations of the Food Labelling Group. I repeat that the Department and the Department of Health and Children are currently examining the legislative measures necessary to extend the labelling rules on origin that currently apply to beef and poultry meat, sheep meat and pigmeat. We are also exploring measures for mandatory labelling of origin of all meat in the food service sector. The issues arising concerning products which come within the scope of the EU definition of substantial transformation will be considered in this context.

**Mr. P. Breen:** I congratulate the Minister and wish her well in her new portfolio. She has a difficult task ahead, particularly in Brussels with her



negotiations on the beet sector and the nitrates directive. I also congratulate my colleague, Deputy Naughten, for bringing this motion before the House. If Deputy Naughten does as good a job in agriculture as he did in transport, Irish farmers will have a voice in the Oireachtas.

This motion has my full support. The issues of farming practices, labelling and consumer information are integral to the economic well-being and general health of the country. We all realise that farm payments, particularly the single farm payments, will have a dramatic effect on farming practices here. That point does not need to be emphasised.

We are also aware of the number of older farmers in the farming community. These people have been forgotten by the Minister and her Government as they pursue their socialist Inchydoney agenda. Family farms are the fabric of our society and are dependent for their viability and future on single farm payments. People must be treated fairly but they want transparent and equitable treatment.

Earlier I heard Deputy Callanan speak about the efficiency of the Department. That is odd because the Department of Agriculture and Food continues to have one of the highest rates of customer service complaints to the Office of the Ombudsman. I wonder where Deputy Callanan got his facts on that.

In 2004, the REPs budget was underspent by over €100 million. That should not happen again. Other areas were underspent also and I hope the Minister and her officials will use their budget this year to address the real concerns of farmers. Farmers deserve better treatment.

Last year I tabled a number of parliamentary questions in respect of *force majeure* applications in County Clare. More than 600 such applications were made but only 88 were successful. I am aware of a number of genuine cases where people who have suffered made applications at great expense, but failed. I refer, for example, to a widow who was obliged to set out her dairy herd during the three years in question and who did not qualify for *force majeure* payments.

There is another matter I would like the Minister to consider. I recently came across the case of a young farmer who was given land by his uncle. Due to the fact that his uncle was very old, there were few subsidies attached to what is a large area of land. The farmer in question did not qualify for any payments at all. He was obliged to seek other work to supplement his income. He then applied for the national reserve quota but because his income was just over €20,000, he does not qualify for payment. He would have been just as well off if there had been no subsidies or entitlements attaching to the land because he could have made a first-time application. I urge the Minister to consider the case of this man and the many others like him.

Farmers, as much as consumers, require a clear consumer focused quality food label. Farmers and consumers want origin and processor of all Irish food produce to be presented on labels. In addition to this, I call on the Minister to establish an explicit labelling system for the catering sector to ensure that consumers will have the highest degree of confidence possible in respect of all stages of the food chain.

Fine Gael believes these requirements in respect of food labelling are reasonable because they reflect the needs of consumers and the wishes of producers. We understand the link between consumer confidence, farm viability, product development and farm to fork product enhancement. I sincerely hope the Minister, for the good of all concerned, understands the issues we are discussing.

**Mr. Naughten:** I welcome the opportunity to reply to the debate.

I will deal first with the questions raised by Deputy Ferris. The Deputy referred to the sugar industry. It is a pity he was not present in Carlow when the protest took place or that we was not in the House last week when we debated the sugar industry. It is sad that he is commenting critically on the issue because if he had read the motion he would be aware that it refers to the development and enhancement of the food promotion programme. The fact that 25% of all sugar sold here is imported highlights the difficulties the industry faces. If the sugar beet industry here fails, many arable farms will no longer be viable. It is a pity Deputy Ferris did not recognise that fact. If we had changed the motion to read "from farm to spoon" as opposed to "from farm to fork", he might have understood it better.

Last night, the Minister addressed the debate with what can only be described as the swaggering arrogance we have come to expect from the Government.

**Mary Coughlan:** Of all the people in the House, the Deputy should not refer to arrogance.

**Mr. Naughten:** The Minister chose to employ that favourite old Fianna Fáil argument that everything is fine because they are spending loads of money. She attempted to dazzle the House with big numbers, referring to the amount of money being spent on the agri-food sector under the NDP and the number of people employed in the sector.

**Mr. B. Smith:** The Minister stated that nothing is being spent.

**Mr. Connaughton:** The Minister of State, Deputy Brendan Smith, should take it easy.

**Mr. Naughten:** The big numbers to which the Minister referred are impressive. We have been

[Mr. Naughten.]

doing well and she and her predecessor spent loads of money. However, we are not doing as well as the Minister would like to suggest. By international comparisons, we are only doing alright.

It is predicted that by 2015 there will only be two major dairy processing companies here and that there will be a maximum of four or five beef slaughtering facilities in operation. The Government and the Minister appear to have buried their heads in the sand and are ignoring that issue. Deputy Deenihan referred earlier to small and medium sized food companies. Teagasc predicts that only 100 such companies will be left here.

Since the start of the year, the agri-food industry has lost more than 650 jobs. These include more than 400 jobs in Greencore, at Irish Sugar and in the malt and barley industry; 140 in Kantoher Poultry; and, as announced earlier today, 70 at Dairygold. These are the figures to which we must give consideration.

In its 2004 report, the enterprise strategy group expressed concern that the food and drink industry failed to grow its export trade to the extent other sectors achieved during the Celtic tiger years. Irish food and drink exports are growing at 3% per annum. As we move forward, we need to do more to develop the sector. Our international competitors — states across Europe and also countries such as New Zealand — have, in recent years, recognised that to successfully compete on new global markets, they will need to consolidate, up-scale and improve standards for research and development and innovation and marketing. The Irish agri-food sector is not adapting at the same pace. The Government avoids implementing reform and tackling the bottlenecks in the system, whether they exist in the areas of promotion, development, marketing or manufacture.

From listening to the Minister's contribution, it seems future reform does not feature highly on the Government's agenda. The Minister and her Fianna Fáil colleagues seemed far more interested in clapping themselves on the back for being able to have spent so much money. The ability to spend money is not a criterion for measuring success.

The Minister did not refer to increasing the State spend on research and development in the agri-foods sector. I remind the House that, despite the proven economic importance of the food-processing industry to the State and the potential for future export growth, the food-processing industry receives significantly less State funding for research and development than other high-tech sectors. The standard in respect of a sector that produces 25% of our net exports is, therefore, second class. By international comparisons, the agri-food sector is doing alright. In the future, however, this will not be adequate. Only

a secure and successful food processing industry will ensure that Irish farmers receive a fair price for their produce.

The Minister stated that Bord Bia is widely acknowledged as doing a thoroughly professional job in branding and promoting Ireland, the food island. She is correct. Bord Bia has done an excellent job in branding Ireland in this way. Why not associate this with an international label that could be used to promote Irish products throughout the European Union in order that consumers will specifically purchase such products? The majority of Irish beef goes into the catering trade at present, at a marginal profit to processors. Farmers are being squeezed as a result. We are clapping ourselves on the back because we are entering the catering trade but what we need to do is get our products on to the supermarket shelves and obtain premium prices for them. Unless we do the latter, Irish farms will not be viable in the future. To date the Government has ignored that reality.

The Government's failure to close off the various legal loopholes in the area of food labelling will undermine consumer confidence in the Irish meat industry. This is a matter of extreme concern, particularly as the Commission has already put forward proposals to allow an extra 116,000 tonnes of beef from Argentina, Brazil, Paraguay and Uruguay into the European Union. That is an increase of almost 300% in the level of third country beef exported into the Union. Irish farmers will be obliged to compete with that low-cost product. We need labelling now and we need it throughout the European Union. The Minister can take the first step by putting a labelling system in place here.

The system of pigmeat imports into this country is also being abused. Some of the Minister's colleagues stated earlier that it is great that the Food Safety Authority is responsible for tackling this abuse and that it is competent to deal with it. The authority does not have the resources available to it to draft the regulations and ensure that they are implemented and policed. It is great to pass the buck but everyone knows that doing so does not provide answers or ensure proper policing.

Currently, a number of State agencies have responsibility for dealing with the food processing sector. Throughout the European Union, there are 1,800 food quality labels.

There are massive tonnages of beef going into one of the premium markets, in the Netherlands, where some Irish beef is being sent at present. We should be trying to get more product in there. If we had product labelling and a quality label for the Irish market, it would enhance the opportunity we have. I call on the Government to stop trying to distort the debate on the future of Irish agriculture by trying to dazzle the House with self-congratulations and big numbers. Based on

international comparisons, the agri-food sector is doing all right, but that is no longer sufficient.

**Mary Coughlan:** What did Fine Gael do while it was in government?

**Mr. Naughten:** We should and we can do much better. I reject the Government's amendment and commend the Fine Gael motion to the House.

Amendment put.

The Dáil divided: Tá, 68; Níl, 50.

Tá

Ahern, Michael.  
Ahern, Noel.  
Andrews, Barry.  
Ardagh, Seán.  
Blaney, Niall.  
Brady, Johnny.  
Brady, Martin.  
Browne, John.  
Callanan, Joe.  
Callely, Ivor.  
Carey, Pat.  
Carty, John.  
Collins, Michael.  
Coughlan, Mary.  
Cregan, John.  
Curran, John.  
de Valera, Síle.  
Dempsey, Tony.  
Dennehy, John.  
Devins, Jimmy.  
Ellis, John.  
Finneran, Michael.  
Fleming, Seán.  
Glennon, Jim.  
Grealish, Noel.  
Hanafin, Mary.  
Harney, Mary.  
Haughey, Seán.  
Hector, Máire.  
Jacob, Joe.  
Keaveney, Cecilia.  
Kelleher, Billy.  
Killeen, Tony.  
Kirk, Seamus.

Kitt, Tom.  
Lenihan, Brian.  
Lenihan, Conor.  
McDowell, Michael.  
McEllistram, Thomas.  
McGuinness, John.  
Moynihan, Donal.  
Moynihan, Michael.  
Mulcahy, Michael.  
Nolan, M. J.  
Ó Cuív, Éamon.  
Ó Fearghail, Seán.  
O'Connor, Charlie.  
O'Dea, Willie.  
O'Donnell, Liz.  
O'Donovan, Denis.  
O'Flynn, Noel.  
O'Keeffe, Batt.  
O'Keeffe, Ned.  
O'Malley, Fiona.  
O'Malley, Tim.  
Parlon, Tom.  
Power, Peter.  
Roche, Dick.  
Sexton, Mae.  
Smith, Brendan.  
Smith, Michael.  
Treacy, Noel.  
Wallace, Dan.  
Wallace, Mary.  
Walsh, Joe.  
Wilkinson, Ollie.  
Woods, Michael.  
Wright, G. V.

Níl

Allen, Bernard.  
Boyle, Dan.  
Breen, Pat.  
Broughan, Thomas P.  
Connaughton, Paul.  
Costello, Joe.  
Coveney, Simon.  
Crawford, Seymour.  
Cuffe, Ciarán.  
Deasy, John.  
Deenihan, Jimmy.  
Durkan, Bernard J.  
Ferris, Martin.  
Gilmore, Eamon.  
Gormley, John.  
Harkin, Marian.  
Higgins, Joe.  
Howlin, Brendan.  
Kehoe, Paul.  
Lynch, Kathleen.  
McGinley, Dinny.  
McGrath, Finian.  
McManus, Liz.  
Mitchell, Olivia.  
Moynihan-Cronin, Breeda.

Murphy, Gerard.  
Naughten, Denis.  
Neville, Dan.  
Noonan, Michael.  
Ó Caoláin, Caoimhghín.  
Ó Snodaigh, Aengus.  
O'Dowd, Fergus.  
O'Keeffe, Jim.  
O'Shea, Brian.  
O'Sullivan, Jan.  
Pattison, Seamus.  
Penrose, Willie.  
Perry, John.  
Quinn, Ruairí.  
Ring, Michael.  
Ryan, Seán.  
Sargent, Trevor.  
Sherlock, Joe.  
Shortall, Róisín.  
Stagg, Emmet.  
Stanton, David.  
Timmins, Billy.  
Twomey, Liam.  
Upton, Mary.  
Wall, Jack.

Tellers: Tá, Deputies Kitt and Kelleher; Níl, Deputies Kehoe and Stagg.



Amendment declared carried.

Motion, as amended, agreed to.

### Adjournment Debate.

#### Job Losses.

**Mr. Perry:** A total of 70 manufacturing jobs have been lost in the past week at the Saehan media plant in Sligo. This brings the total number of job losses in the past 12 months in this company to 170. I call on the Minister for Enterprise, Trade and Employment to appoint a task force incorporating IDA Ireland and Enterprise Ireland to treat Sligo as a special case for job creation in 2005. In the past three years, more than 1,350 jobs have been lost in Sligo, mainly in the food, plastic and rubber manufacture industries but also in furniture and wood related services. This is an unprecedented loss in the north west and for an area with gateway status, it is disappointing that more than 636 jobs were lost in 2003. This is very disappointing when we consider the great opportunities for the BMW region.

Sligo is by far the largest town in the north west. A great deal of infrastructural investment has already taken place, but Sligo has infrastructural deficits which need to be addressed to promote inward investment and develop its potential as a main regional growth centre. Sligo has many of the basic ingredients necessary for the development of a vibrant growth centre. It is a scenic coastal location with developing road corridors; an institute of technology, which could be upgraded to university status; a regional airport and a small sea-port; a base for arts and culture facilities; a developing water and sewerage treatment plant; and mainline rail heads. However, action needs to be taken to consolidate Sligo's position for mobile investment and economic and social development.

When it comes to the creation of jobs, Sligo has a tradition of supporting and promoting indigenous industry. Further support and targeted measures are required. With the huge job losses at Saehan due to a changing market, I call on the Minister to look at the possibility of supporting the company in diversifying in some way. We have a strong tradition in supporting small companies. Further investment must be made in research and development to encourage new and existing enterprises in the county.

The enterprise boards have been effective. However, I call on the Minister to appoint a special task force in light of the job losses. There is a difficulty in that 100 jobs remain at Saehan Media and there is a risk of further job losses if action is not taken immediately. The task force should incorporate IDA and Enterprise Ireland and should treat Sligo as a special case for job creation in the current year.

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern):** I learned with grave disappointment of the recent decision by Saehan Media Ireland Limited that it intends to make 70 people redundant at its Sligo facility. The company has decided to cease production of large reels of videotape and to concentrate on production of video cassette tapes. The decision to cut production lines, according to the company, was as a result of increased competition from cheaper Far Eastern competition.

Finding alternative employment for the workers affected is a priority for FÁS, Enterprise Ireland, IDA Ireland and the county enterprise board. FÁS has already been in contact with the company to offer its full range of support services. These supports include skills analysis, jobs placement, guidance and counselling interviews, identification of training needs and suitable training courses.

The north-west region is a priority location for the State development agencies. In recent years, IDA Ireland has been able to attract new investment in emerging sectors, such as international services; life sciences, including medical technologies; software; and high-end engineering. Employment in the region has been dependent on traditional sectors such as clothing, textiles and low-end manufacturing. The transition to a high skill, high technology regional economy will take time to achieve. However, for Sligo and Leitrim, total employment in overseas firms for both counties has risen by almost 30% in the period from 1999, that is, from 2,003 to 3,641 persons.

In that context, IDA Ireland has radically changed its policy with a commitment to deliver new greenfield jobs into the Objective One regions, including the north-west region. The agency continues to try to secure new investment for Sligo and Leitrim and is committed to playing its part in the development of the region by maintaining the maximum number of existing jobs in overseas industry and by attracting new foreign direct investment into the region. The region continues to be marketed for new investment. IDA Ireland has relocated its key divisions of engineering and consumer products and part of the international services division, including software, to the region. This work of marketing the region for new investment is ongoing.

There have been a number of other developments in the region. In July 2001, Abbott Laboratories announced that the company planned to establish a major new pharmaceuticals manufacturing facility in Sligo which will employ 195 people. Construction of the project has been completed and production has commenced. A further €45 million investment by the company in the expansion of its diagnostics facility at Finisklin and a further €55 million in the development of a new facility in Longford will create 350 jobs in Sligo and 600 jobs in Longford. Construction of

both facilities is well under way and recruitment is ongoing.

Eaton Corporation, a global \$8 billion dollar diversified industrial manufacturer, has established a new operation in Manorhamilton and now employs approximately 200 people. The company has plans to develop the business further in Manorhamilton and has been recruiting over the last 18 months. MBNA, the world's largest independent credit card lender and the leading issuer of endorsed credit cards, has established a new contact centre at Carrick-on-Shannon, County Leitrim. The company invested €32 million in an expansion project in 2002. This investment has brought total employment to approximately 1,000 people and recruitment is ongoing.

To encourage further investment, IDA Ireland has extended its Finisklin business park and the existing park has been upgraded to international standards. In conjunction with local private developers, IDA Ireland has provided three advance office buildings on the park which are being marketed to suitable services-based projects. Planning permissions have been obtained for advance technology facilities at Finisklin and these buildings will be constructed by the private developers when progress has been made on securing projects for existing properties.

The agency has also invested significantly in the development of Keenaghan business park in Carrick-on-Shannon and, in conjunction with a property developer, has provided a new 2,400 sq. m. advance technology building on the park. This building is being marketed for new investment. In June 2004, Enterprise Ireland approved €750,000 to the institute of technology in Sligo for the development of a design centre of excellence under its applied research enhancement programme. Utilising in-house expertise and recruited design expertise, the centre will carry out applied design research to support Irish industry.

Enterprise Ireland is also proactive in increasing the overall level of innovation in the north-west region. In this regard, linkages to third level colleges are important. Under the enterprise platform programme, the agency partners the institutes of technology in Sligo and Letterkenny by providing funding for eligible participants to attend the programme and develop business ideas.

Given the representation of the State agencies and the county council on the Sligo County Development Board, it is considered that should any further co-ordination be necessary, the county development board would be the most appropriate forum to fulfil this function. In the circumstances, I do not propose to establish a task force for the area. The State development agencies under the aegis of my Department will continue to market County Sligo for investment and will make every effort to secure alternative employment for the staff who are being made redundant.

## Rail Network.

**Ms McManus:** I am grateful for the opportunity to raise the important issue of the forthcoming temporary closure of weekend DART services to south Dublin and north Wicklow. There was no warning about this decision and no consultation with the people directly affected.

The decision, as yet unannounced by Iarnród Éireann, to close its weekend DART service on the south side of Dublin is a major shock to people living in my constituency, County Wicklow. The closure is due to begin on 3 June and a full service will not recommence until 19 September. It is unacceptable that the travelling public of Bray and Greystones are, yet again, being denied a proper public transport service. This is not the first time it has happened.

For almost a year my constituents were denied a full DART service. From autumn 2003 to June 2004, they had no weekend service. This had a negative impact on commuters and it had a serious impact on businesses in Bray that depend on the thousands of visitors who avail of public transport to visit the town. In particular, Bray seafront is a magnet for visitors from the greater Dublin area and from further afield.

I accept that remedial works are needed to make the service accessible for disabled people and nobody objects to any work that has such an objective. The questions raised, however, relate to how this problem has arisen and why we have no information about it. At last night's meeting of Bray Town Council, this issue was raised as a matter of urgency. The council had not been informed of the intentions of Iarnród Éireann to close down the service at weekends even though it is the premier authority in the town of Bray. This type of arrogance does nothing to enhance the reputation of Iarnród Éireann nor does the indication that there is no room for compromise on this issue.

Will the Minister for Transport intervene to ensure that there is minimum disruption to passengers and businesses in my community? Will he assess why this work could not have been carried out while the service was shut down over the past year? It stayed closed for a longer period than was expected but it also was opened on important holiday weekends. This was a concession granted to the travelling public after numerous complaints.

I urge the Minister for Transport to ensure that the minimum disruption possible is experienced as a result of this unilateral decision. There will be two bank holiday weekends over the time of closure, the June and August bank holidays. Surely it is possible to provide DART services over those weekends. There is also a strong case for the Minister to meet representatives of Dublin Bus to ensure additional bus services are provided during the period of disruption. It is disturbing that Dublin Bus has not been given the go-ahead for the extra buses that the service so desperately needs. The fact that the rail service will be so curtailed to thousands of people is

[Ms McManus.]

surely grounds for a significant improvement in bus capacity to meet the needs of the people I represent who are not being well served by Iarnród Éireann. I thank the Minister for listening so intently to the case I am making on behalf of my constituents. I am glad he cares.

**Minister of State at the Department of Transport (Mr. Callely):** I thank Deputy McManus for her kind words and for giving me the opportunity to discuss the DART upgrade project and its consequences. This week the Government announced the largest ever investment, €460 million, in the history of Iarnród Éireann. Separately, we are investing €176 million in DART services, which is the largest single investment since the DART was introduced in 1984. It is good news all around for the commuters to whom Deputy McManus referred. Passenger numbers have been increasing in each year since the service began and the system is almost at capacity. Iarnród Éireann has informed me that it will deliver a 33% increase in peak capacity on the service by the end of this year, thereby completing a five-year process which doubles peak capacity on the service.

Deputy McManus may not be aware that the project entails the lengthening of platforms to accommodate eight-carriage trains, renewal of overhead lines, enhancement of the power supply to operate eight-carriage trains, development of sidings to accommodate the expanded fleet and the improvement of accessibility in stations to facilitate mobility-impaired customers and the increased passenger numbers forecast in the years ahead. In addition to the DART upgrade project, €80 million has been spent on 40 new DART carriages to allow eight-car trains to operate. Iarnród Éireann decided that the most effective way to achieve its objectives with the least disruption was to close the line at weekends. This approach minimises the impact on customers and ensures the core Monday to Friday service is unaffected. The weekend closures allow Iarnród Éireann to carry out a week's work in two days by working round the clock.

Deputy McManus will be aware that from October 2003 to July 2004, excluding the weekends before Christmas, services were suspended between Pearse and Greystones stations. During that time, all platforms on the south side were lengthened and all overhead lines renewed. Similarly, from the August holiday weekend 2004 to the end of May 2005, weekend services are suspended between Pearse and Howth and Malahide stations. By May, all north side platforms will have been lengthened, all overhead lines renewed and all accessibility features completed. No further disruption to services on the north side is expected after that date.

From June 2005, it will be necessary to suspend services for a period of approximately three months between Pearse and Greystones on week-

ends to complete accessibility works, including the installation of lifts and ramps. When these works are completed in September 2005, no further disruption to customers is expected from the project. Remaining works, including electricity sub-station commissioning, completion of new station buildings at Howth Junction and Bay-side and new sidings at Fairview to accommodate the expanded DART fleet will be completed by the end of 2005 without impacting on services. Once the work is completed, the benefits of a major increase in capacity will be delivered to DART customers.

Iarnród Éireann has stated that the methodology being employed is the only way the urgently needed capacity can be delivered quickly to the commuters of the greater Dublin area. A benefit of confining works impacting on services to weekends is that other public transport modes can cater for the smaller number of customers affected. Deputy McManus mentioned additional services, especially buses. Deputy McManus may not be aware that throughout the DART upgrade project, additional Dublin Bus services have operated on routes adjacent to the DART at weekends. This will be the case for the south side works this summer. Up to 25,000 additional customers were carried by Dublin Bus every weekend during the previous south side works. In addition, express coach links have been provided for intercity customers affected at weekends during the works on the Belfast and Sligo services during north side works and on the Rosslare route during the south side works.

Iarnród Éireann has publicised its intentions well in advance of any work that impacts on services. Notices have been placed in newspapers, on billboards and on board trains. Regular announcements are made over public address systems and on the real-time passenger information displays at all DART stations. I understand that all public representatives are kept apprised of the company's intentions.

**Ms McManus:** That is nonsense.

**Mr. Callely:** I note Deputy McManus is indicating that she has not been informed.

**Ms McManus:** Nobody else has either.

**Mr. Callely:** I will ensure the Deputy receives the information. The previous Minister for Transport indicated in response to a parliamentary question as far back as last May that further work would be required on the south side. I understand that Iarnród Éireann has worked hard to keep Deputies from all parties fully informed of its intentions.

While it is regrettable that customers are impacted by such works, in such a large-scale project it is unavoidable. When the project is completed customers and businesses along the route will benefit from the significantly increased capacity of the service.



### Community Development.

**Ms O'Sullivan:** I thank the Minister for Justice, Equality and Law Reform for attending personally as it is essential he addresses this matter urgently if funds already committed to St. Munchin's family resource centre in Limerick are not to be lost. The Department of the Environment, Heritage and Local Government has committed €500,000 for the project in this year's allocation while the Family Support Agency has approved €161,000 to replace the inadequate facilities at the centre with a larger, updated premises appropriate to its needs. The centre applied for capital grant assistance under the equal opportunities child care programme for 2006, but received a letter indicating it was unsuccessful under the first tranche of funding. However, the letter referred to a review of remaining applications and the hope that the Minister would announce further projects in 2005. I urge the Minister for Justice, Equality and Law Reform to approve this vital project for the sake of the people who live in this RAPID area in Limerick city.

I have a letter from the administrative officer of the social policy and housing section of Limerick City Council which indicates in clear terms that Department of the Environment, Heritage and Local Government funding is subject to securing money from the Department of Justice, Equality and Law Reform. The letter states:

I refer to my letter dated 2nd June 2004 confirming a contribution of €500,000 from the Department of the Environment, Heritage and Local Government towards the development of a Family Resource Centre at Clonconnane Road.

As previously advised, the Department of the Environment, Heritage and Local Government has stipulated that this funding is subject to verification that the outstanding amount required to meet the total cost of the Childcare Facility and Family Resource Centre has been obtained from other sources, namely the Department of Justice, Equality and Law Reform.

The foregoing indicates how important it is for the Department of Justice, Equality and Law Reform to provide the necessary funding this year. The requirement for funding from this source and the extremely tight space available in the current centre are the reasons this matter is so urgent.

I visited the centre recently with Oireachtas colleagues and we were amazed at the level of activity in such a confined space. The centre consists of two city council flats in Ballynanty, which is a RAPID area. It houses 12 full-time and four part-time staff as well as FÁS trainees and volunteers. It is used by approximately 500 people every week to accommodate a crèche, pre-school activity, an after-school homework club for at-risk children, adult education, literacy training, family support, intercultural activities, money advice, bereavement counselling, a drop-in centre

and community library, a senior citizens' club, the preparation of meals on wheels and community meetings.

The offices and public and kitchen spaces are tiny and inaccessible to people with disabilities. Staff, voluntary board members and the community are extremely positive about the work being done at the centre, which is why they have been willing to persevere in such inadequate conditions for so long. They know that maintaining the activities of the centre helps greatly to address the many social problems and challenges in the area, but if they do not get approval this year, the project will not be able to proceed.

It is planned to knock on a phased basis the empty adjacent flats and, subsequently, those occupied by the centre and to replace them with a new centre. The flats and back garden areas have been provided by Limerick City Council which is strongly supportive of the project. The local child care committee has also recommended it. As the centre fits perfectly the integrated development model outlined by the Minister, Deputy Ó Cuív, who has responsibility for community affairs, there is total frustration and perplexity as to why it has not been funded. I urge the Government to engage in joined-up thinking on this project while there is time.

It has been suggested that value for money issues may be the reason the application has not been successful. As these issues were not raised with the centre, it was not given an opportunity to address them. The centre's representatives are willing to engage with the Department of Justice, Equality and Law Reform on this subject and have requested a meeting about which the Minister may have been approached by a party colleague. I cannot stress strongly enough the importance of including this project under the equal opportunities child care programme capital funding for 2005. On foot of the trouble in Limerick with justice issues, the Minister for Justice, Equality and Law Reform suggested that we needed supported community facilities to help people living in areas with difficulties of this sort. I urge the Minister to take the opportunity to provide funding for a facility which will make a significant difference to young children growing up in Ballynanty and put them on a better path than the one on which some of their older siblings may have taken. This is an opportunity to fulfil what the Minister stated in the media about Limerick providing such facilities for its less well-off communities.

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I thank the Deputy for raising the matter and giving me the opportunity to update the House on the important issue of child care and the project referred to in Limerick. I am glad the Deputy echoed the strong representations made by the Minister of State at the Department of Health and Children, Deputy Tim O'Malley, regarding this matter, as she generously acknowledged.

[Mr. McDowell.]

Child care is an important priority for the Government and we have increased funding for this important sector on a number of occasions since we first made commitments to the child care sector in 1998. The equal opportunities child care programme 2000-2006 is a key element of the national development plan and its original funding package of €318 million set in 2000 has increased to €499 million to be spent within the life of the national development plan or before the end of 2007.

The funding package has increased because the Government is aware of the importance of providing child care to support the economy and to support social inclusion through labour market participation. The Government has listened to requests from many groups such as St. Munchin's in Limerick which are seeking to build child care facilities to meet local needs. The Government has responded to those requests by making more capital funding available immediately rather than awaiting a follow-on programme to build on the momentum generated by the EOCP in community groups.

Capital and staffing grant applications for funding under the EOCP from the group in Limerick city are with my Department. Deputies O'Malley and O'Sullivan have approached my Department in regard to them. The group has been approved funding totalling €451,029 to date under the programme for its present centre, and the programme gives it annual support of more than €100,000 towards staffing costs. The group is hoping to build a new centre which will offer a wide range of services, as the Deputy pointed out.

The EOCP is a seven-year development programme which aims to increase the availability and quality of child care to support parents in employment, education and training. The demand for capital grant assistance from groups such as St. Munchin's was such that I considered it important to increase the capital provision for the current programme. Following discussions with my colleagues, particularly the Minister for Finance, additional capital funding of €90 million was made available over the period 2005 to 2009 in this year's budget, of which €50 million is being made available under the current programme and the remaining €40 million will flow under the next phase of the post-2006 EOCP. The total funding available for the programme is €499.3 million and includes an increased provision of €205 million for capital developments.

I announced an allocation of almost €35 million in capital funding to community-based not for profit groups in December 2004. The availability of the additional capital funding will enable me to make further capital grant assistance available over the coming months and years to groups which address significant child care service gaps and where the project proposal represents good value for money. In light of this, St. Munchin's family resource centre has been advised that while its project was not prioritised for immediate

funding in December 2004, it is being reconsidered with all the other applications on hand and I hope to make further significant capital commitments during 2005 and thereafter to good projects which link with the aims of the programme in supporting child care needs of parents in employment, education and training, offering value for money and filling a service gap in their local area.

Efforts are being made to achieve a good geographical spread through the appraisal and approvals process. Limerick city and county has been approved almost €16 million under the child care programme with 60 capital grants approved to establish either new or quality enhanced community-based not for profit or private child care facilities. The county has also benefited from 36 staffing grants to community groups that have a focus on disadvantage. This funding to child care providers in Limerick will lead to the creation of more than 1,300 new child care places and to the support of 1,340 existing places. Limerick city and county child care committees also receive annual funding to support their developmental work.

I understand from the Area Development Management review that support allocated to the city and county of Limerick under the EOCP compares positively with other counties in the southern and eastern region. The EOCP is the Government's response to the need to develop a child care infrastructure to support parents in Ireland. There has been significant progress in the creation of a good child care infrastructure and I hope that the Deputy will acknowledge the progress made to date in the city and county of Limerick and will be reassured that every step is being taken to further develop services in the area as expeditiously as possible.

### Waste Disposal.

**Mr. Gormley:** I had hoped my constituency colleague, the Minister, Deputy McDowell, would not leave the House because this matter concerns him.

**Mr. Callely:** I hope he is not burning waste.

**Mr. Gormley:** This is an important matter and, when I raised it previously, I also hoped my constituency colleague, the Minister for Justice, Equality and Law Reform, would be present. He witnessed the burning of waste at the opening of a playground at Whelan O'Rahallaigh House during which an industrial operation took place on Hanover Quay. PVC was burned with the intention of selling the copper wire which remained following the fire.

According to a Government agency, Race Against Waste, this is a serious issue because almost 73% of dioxins emitted to air in Ireland come from uncontrolled, low temperature burning of waste, which makes the back yard burning of waste the greatest source of dioxins released into the environment. The amount of toxins released as a result of such fires depends on the

composition of the waste being burned. PVC is the worst product to burn. One might feel it was alarmist if an environmentalist made these claims but they are being made by a State agency.

According to *Race Against Waste*, the emissions contain dioxins; sulphurins, some of which are carcinogenic; volatile organic compounds which can aggravate respiratory and heart illness and lead to kidney and liver damage; polycyclic aromatic hydrocarbons, PAHs, which are carcinogens; carbon monoxide; hexachlorobenzene, which has similar properties to dioxins as it is persistent and builds up in humans and the environment and at certain levels of exposure may cause serious health problems such as cancer, kidney and liver damage; nitrogen oxides; microscopic particles; and ash, which may contain mercury, lead and arsenic.

Following these fires, black plumes of smoke pass over Ringsend and flats in the area have been vacated as a result. The people setting the fires are operating with impunity. I have contacted Dublin City Council, the Department of the Environment, Heritage and Local Government, the Environmental Protection Agency and the Garda. Gardaí call to the site intermittently and the fires cease for a while. However, they have started again and there is a fire every week. It is a lucrative business but it also poses serious health and environmental problems for the area. That is why I wanted the Minister for Justice, Equality and Law Reform to be present and, while he may be aware of the problem, he is ignoring it.

If these fires continue, serious health problems will be experienced by residents in the area. If everything contained in the *Race Against Waste* document is true, it amounts to criminal negligence on the part of the authorities. They are allowing people to be poisoned and they are allowing this pollution to continue.

I must ask what is the motivation. Apparently it is that if we had incinerators they would solve the problem. In a sense it is a type of blackmail — if we get the incinerator, this will stop. However, what the document does not point out is that in countries that have incinerators, the highest amount of dioxins come from municipal incinerators. However, in places such as Denmark they have a different approach and will not permit this sort of backyard burning. It is unheard of there that anyone would behave in such an irresponsible way and it is stopped.

In this country, however, it is allowed, and I believe it will increase, as does the Government agency. We expect it will increase from 93 grammes of dioxins produced in 2000 to 110 grammes in 2010. Here people burn for commercial interests and because they do not want to pay their waste charges. We must deal with this. The Government must come down hard on this activity because it causes significant health problems. I urge the Minister to do something about this issue, which affects my constituents. It also

affects me because I live in the area with my family. The situation is intolerable.

**Mr. Callely:** I thank the Deputy for giving me the opportunity to address this matter on behalf of the Minister for the Environment, Heritage and Local Government, Deputy Roche. This is a particular issue in the Ringsend area where I witnessed in passing the black cloud of smoke.

The Minister and I share the concerns of the Deputy about the reported growth of the practice of burning of waste. Data from the Environmental Protection Agency show that backyard burning of domestic waste is responsible for over 40% of all dioxin emissions in Ireland. It is our view that the best way to tackle this is to develop awareness of the environment and health consequences, while also ensuring that there is a strong and effective regulatory regime in place.

There has been a very successful *Race Against Waste* campaign and a series of leaflets dealing with different strands of waste management have been published. The feedback to date has been extremely positive and is backed up by exceptional demand. Copies have been forwarded to each Member of the House. One of the leaflets deals specifically with the issue of backyard burning and makes it clear in no uncertain terms the environmental consequences of this waste management approach.

Turning to the current regulatory regime, under the Air Pollution Act 1987 the occupier of any premises, other than a private dwelling, is required to use the best practicable means to limit and, if possible, prevent an emission of a pollutant into the atmosphere from such premises. In addition, the occupier of any premises is prohibited from causing or permitting an emission in such a quantity or manner as to be a nuisance. Deputy Gormley referred to a particular area where there are recurring difficulties and problems. The Act empowers a local authority to serve a notice on the occupier of any premises from which there is an emission and specifies the measures necessary to prevent or limit air pollution.

The Waste Management Act 1996 also places a general duty on the holder of waste not to hold, transport, recover or dispose of waste in a manner that causes or is likely to cause environmental pollution. Local authorities have specific powers under the Act to require measures to be taken to prevent or limit environmental pollution caused by the holding or disposal of waste, and mitigate or remedy the effects on the environment of any such activity. In addition, the Fire Services Act 1981 provides that a fire authority may serve a fire safety notice on the owner or occupier of land on which waste is being stored.

Under the Local Government Act 1994 it is open to a local authority to make by-laws in the interests of the common good of the local community so that any activity may be regulated or controlled. The Minister would urge local authorities to use these powers to tackle this



[Mr. Callely.]

unacceptable and potentially dangerous activity. In this regard, I suggest Deputy Gormley arrange a meeting with the local authority in his area and question it on the aspects of the information I have given him tonight. He should bring these powers to the authority's attention, although it should be fully *au fait* with them. It should then work out a management plan as to how best to tackle the recurring issue about which he has spoken. The Minister would be happy to hear from the Deputy the progress made in this regard.

I again thank the Deputy for affording me the opportunity to address the House on this matter. I understand the Minister is satisfied that in terms of educational and awareness initiatives we are

moving in the right direction. With the substantial legal avenues available to the local authorities, the Minister is confident that the appropriate powers are in place to ensure that this practice will no longer be seen as acceptable nor as something that will be ignored.

If I am thinking of the same group of people being involved in the practice as those about whom the Deputy is so deeply concerned, he will accept that local authorities have had great difficulty in serving the appropriate notices and addressing the issue. If, however, we work out an appropriate plan, we should be able to adequately address the issue of concern.

The Dáil adjourned at 9.30 p.m. until 10.30 a.m. on Thursday, 3 February 2005.

## 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 25, inclusive, answered orally.*

*Questions Nos. 26 to 86, inclusive, resubmitted.*

*Questions Nos. 87 to 95, inclusive, answered orally.*

### **Common Foreign and Security Policy.**

96. **Mr. Kehoe** asked the Minister for Foreign Affairs if he will report on the ongoing developments at European level with regard to a common European security and defence arrangement; and if he will make a statement on the matter. [2640/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** In the context of the European security and defence policy, ESDP, the Union is increasing its ability to contribute to both the civilian and military dimensions of crisis management. There is great value in the comparative advantage of the EU in this area, given the Union's unique range of "soft power" instruments to utilise for conflict prevention, crisis management and peace promotion purposes. These include political, diplomatic, economic, humanitarian and civil and military instruments.

Over the past year, the ESDP has become increasingly operational. Following significant preparatory work undertaken by the Irish Presidency, the EU launched Operation Althea in December last year, a follow-on military crisis management mission to the previous NATO-led SFOR mission in Bosnia-Herzegovina. This is the largest ESDP mission to date. Some 7,000 personnel from 33 countries are participating, including 53 members of the Irish Defence Forces. The mission is authorised by a Chapter VII UN mandate, as was the case for SFOR.

In addition, the work of the EU police missions in Bosnia-Herzegovina and in the Former Republic of Macedonia, FYROM, is continuing, with the former headed by Assistant Commissioner Kevin Carty of the Garda Síochána. Preparations for a police mission in the Democratic Republic of Congo are under way and the mission is expected to deploy in the first half of this year.

The EU is also continuing to develop its capabilities for crisis management, both military and civilian. The European Defence Agency, established last year, is intended to play a central role in addressing shortfalls in European capabilities. It has functions in the areas of defence capabilities development, armaments co-operation, the

defence industry and research and technology. The agency should ensure that the defence forces of EU member states are properly equipped to carry out crisis management missions.

The development of the battlegroups-rapid response elements concept has been an important focal point for ESDP. Member states have committed up to 13 battlegroup formations which will be available to deploy to crisis situations within a 15 day period from 2005 onwards. Some 22 member states are committed to participating in the initiative.

The Union is also examining how existing civilian capabilities can be further developed to ensure a more rapid and flexible EU response to crisis situations. The aftermath of the tsunami has demonstrated the importance of developing such a capability.

While ESDP continues to develop in response to the changes affecting Europe's security environment, the provision in the treaties for a common defence remains only a possibility. In the European constitution, the possibility of an EU common defence is based on the existing treaty article. This would be for decision by the European Council acting unanimously and in accordance with member states' constitutional requirements.

In any event, Ireland's position is clear. The amendment to Bunreacht na hÉireann in October 2002 precludes Ireland from participating in a common defence. As a consequence, the Irish people would have to amend Bunreacht na hÉireann before Ireland could take part in a common defence.

### **Iraqi Elections.**

97. **Mr. Stagg** asked the Minister for Foreign Affairs his views on the outcome of the recent elections in Iraq; and if he will make a statement on the matter. [2786/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** The elections held in Iraq on Sunday, 30 January, marked a critical step in the process for the political reconstruction of Iraq laid down in UN Security Council Resolution 1546 of June 2004. It is not likely that we will have indications of the outcome of the election for some days yet, and official results may take about a week. Early indications of turnout, which are provisional, suggest that a little over 60% of the Iraqi electorate voted, which is a very respectable figure, especially in the circumstances.

That the elections could be held at all in the conditions pertaining in Iraq is a remarkable achievement on the part of the Iraqi people. Violent attacks and intimidation have been directed at election organisers and officials, at polling places, at candidates and at ordinary voters to try to prevent or disrupt these elections. I commend all those Iraqis — officials, police and voters — who refused to bow to this intimidation and exer-

[Mr. D. Ahern.]  
cised their right to elect representatives of their choice.

Whatever differences there may have been regarding the invasion of Iraq, when we see old people taking part in the first real elections in their lives and lines of ordinary people braving car bombs and suicide bombers — literally risking their lives to vote — it is clear to everyone in this House where we must stand.

The elections were not, nor could they have been, perfect. There is no doubt that participation in the Sunni community was very much lower than the overall turnout rate, although there are some reports that it was higher than anticipated.

The new transitional national assembly will be charged with electing a transitional government and with drawing up the new constitution of Iraq. It is clear that the Sunni community will have to be involved in these processes.

The European Union, along with the UN and others, provided substantial assistance to the Iraqi authorities in preparing these elections. The Council on Monday welcomed the elections and pledged the continuing support of the EU for the reconstruction process in Iraq. The next steps will be for Iraqis to take. When the election results and the political implications become clearer, we will consider how best we can help them in taking those steps.

*Question No. 98 answered with Question No. 92.*

#### **Departmental Recruitment.**

99. **Mr. Broughan** asked the Minister for Foreign Affairs if his Department will be recruiting staff in 2005 for the general diplomatic service or related agencies; if the development section will be developed with such recruitment as was recommended by the development review group; and if he will make a statement on the matter. [2758/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** A new open competition for the position of third secretary, the recruitment grade for the diplomatic service, was advertised in the national media at the end of last week, with a closing date for applications of 10 February. Applicants must have a first or second class honours degree in any discipline.

Staffing levels in the Development Co-operation Directorate of the Department of Foreign Affairs have increased steadily over the past few years to the current level of 115 core staff at headquarters or on assignment to one of our development missions abroad. The Department also employs technical, specialist and project staff on contract, at headquarters and in the field. Since the Ireland Aid Review in 2002, the staffing complement has increased by 30 posts. In that regard, the most recent OECD Development Assistance Committee, DAC, peer review of

Development Co-operation Ireland published in 2003 acknowledged the significant improvement in staff numbers and skills-mix, as well as increased movement between headquarters and the field, since its previous review in 1999.

The Department will establish a presence in Sierra Leone this year, which will give greater coherence and planning capacity to Irish development efforts in that country and in Liberia. In addition, the Government recently approved plans to open an embassy in Vietnam later this year, which will strengthen Ireland's development presence in Asia.

The staffing of the development programme will continue to be kept under review as the programme expands, bearing in mind the parameters of the relevant Government decisions in relation to public service staffing and in the light of the decentralisation of the Development Co-operation Directorate to Limerick scheduled for the first quarter of 2007. There are no agencies under the aegis of the Department.

#### **Northern Ireland Issues.**

100. **Mr. Sherlock** asked the Minister for Foreign Affairs if his attention has been drawn to criticisms levelled by the SDLP at the comprehensive agreement document that some fundamental principles of the Good Friday Agreement in terms of the procedures for nominating Ministers to the Executive have been undermined; and if he will make a statement on the matter. [2782/05]

176. **Mr. S. Ryan** asked the Minister for Foreign Affairs his views on the failure to reach agreement on the restoration of the devolved institutions in the North as outlined in the proposals by the British and Irish Governments for a comprehensive agreement, published in December 2004; the precise issues that led to the failure to agree; and if he will make a statement on the matter. [2781/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I propose to take Questions Nos. 100 and 176 together.

The proposals for a comprehensive agreement that were published by the two Governments on 8 December covered the key issues that must be resolved to finally and definitively assure peace and political stability in Northern Ireland. They addressed the four crux issues, which had been the subject of intensive discussions since the Assembly elections in November 2003 — ending paramilitarism; arms decommissioning; completing the policing project; and ensuring sustainable political institutions. While agreement was reached in relation to the policing and institutional aspects, it was not possible to achieve it in regard to the transparency of arms decommissioning or in respect of the ending of all forms of criminal activity.



Recent developments, including the attribution by the Chief Constable, Hugh Orde, of responsibility for the Northern Bank raid to the Provisional IRA, and the sharing of that assessment by the Garda Síochána, have validated the need for definitive and demonstrable action in relation to the ending of criminal activity if the public confidence necessary to sustain inclusive government is to be achieved. All our collective endeavours have been focused on sustaining the trust and confidence needed to achieve the full implementation of the Good Friday Agreement, including the inclusive operation of its institutions and a clear commitment to exclusively peaceful and democratic means by all participants. This must include an immediate end to all forms of paramilitary and criminal activity.

In the context of recent events, I deeply regret that, in the immediate future, progress on the implementation of the comprehensive agreement is unlikely to proceed as we would have wished. Nevertheless, I am satisfied that the proposals in the comprehensive agreement relating to the operation of the Northern Ireland Assembly and Executive fully protect the fundamentals of the Good Friday Agreement, its power-sharing provisions and North-South arrangements. In framing our proposals on these issues, the Governments took careful note of the exhaustive discussions which took place during the review of the operation of the Good Friday Agreement in 2004. The contents of our proposals were closely informed by the views and proposals of all the parties who made constructive contributions in the review.

The Good Friday Agreement provides that the First Minister and the Deputy First Minister should be jointly elected by a cross-community vote in the Assembly. The revised arrangements would, in addition to the First and Deputy First Ministers, include the other Ministers being appointed to the Executive in that cross-community vote. In addition, the proposal for a modification in the election arrangements has no implications for the exercise of the joint functions of the First and Deputy First Ministers, which remain entirely unchanged. In fact, it would be strengthened by the inclusion of a new obligation in the ministerial pledge of office to observe the joint nature of the office. One stated concern in regard to this issue was that these arrangements might be used by parties to seek to vet or veto ministerial selection. The Governments sought to address this concern by making it clear that the Assembly has only one opportunity to select an Executive.

Taking forward these proposals, when the context is appropriate, will require amendment of the Northern Ireland Act 1998 in the British Parliament. The Government will seek to ensure that such legislation faithfully translates the import and intent of the comprehensive agreement,

ensuring that the fundamentals of the Good Friday Agreement are fully protected.

### **Situation in Uganda.**

101. **Mr. Timmins** asked the Minister for Foreign Affairs if he will report on the situation in Uganda; and if he will make a statement on the matter. [2641/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** Uganda's track record in poverty reduction and economic management over the last 18 years stands up favourably to comparison with much of Africa. The country has earned a good reputation in some areas such as press freedom. The decision to move to a multi-party system and the recent registration of some political parties offer the possibility of greater democratic change in future. However, concerns remain about some aspects of governance.

The insecurity in the northern region of Uganda has caused widespread disruption and loss of life. However, there are recent indications that it may be entering its final phase. While the government continues to pursue a military campaign against the LRA, it has also engaged with an intermediary in an effort first to secure a ceasefire and then an engagement on a negotiated peace. The process is being assisted by a number of donor countries, including Ireland. A ceasefire was announced on 14 November 2004 by President Museveni and held until the end of last year. While the temporary ceasefire has not been renewed, intensive mediation efforts are continuing and there are still hopes a permanent ceasefire will be agreed soon. A key incentive to such progress is the recent peace agreement between the Government of Sudan, previously a supporter of the LRA, and the Sudan People's Liberation Movement, SPLM. It is assumed this will impact on the sustainability of the LRA insurgency and will encourage a reconsideration of its campaign.

In the meantime, the humanitarian situation in northern Uganda remains fragile though there are some indications that the current peace efforts are having a positive impact. The chairman and vice-chairman of the Oireachtas Joint Committee on Foreign Affairs visited northern Uganda in late September 2004.

On the domestic political front, Uganda has commenced a process of transition from its current "no party" system to a multi-party system. On 22 September 2004, a White Paper was published on proposals for constitutional change which endorsed the move to multi-party democracy and the necessary changes in legislation required to enable political parties to operate. A referendum will be required to change the constitution and this is expected to take place during 2005. It is hoped that this process will culminate in multi-party presidential and parliamentary elections in 2006. While the move to multi-party democracy is welcome, proposals emerging from

[Mr. D. Ahern.]

some quarters for a change in the Ugandan constitution which would facilitate a third term by President Museveni are viewed with concern by donors.

Respect for human rights is enshrined in the Ugandan constitution and Uganda has good policies and strong institutions in support of human rights, in particular an active and respected Human Rights Commission. It also has a free press which plays a constructive role in highlighting abuses. At the same time, donors are concerned about incidents of torture and illegal detention by security forces in 2003 and have kept the government under pressure in this respect. In July 2004, the security agencies agreed to work together with the Uganda Human Rights Commission and the director of public prosecutions to fight torture. This is a positive development, although concrete results will have to be awaited.

Uganda has also been playing a more constructive role of late in relation to the peace processes in both the DRC and Burundi. An agreement was concluded in Kampala on 26 October 2004 between the DRC, Rwanda and Uganda to establish a tripartite commission aimed at resolving outstanding political and security issues, including completing disarmament of armed groups in eastern DRC with former links to both Rwanda and Uganda. The Ugandan Government has participated constructively within the framework of the Great Lakes Conference and is also continuing to follow up on the findings of the Porter commission of inquiry into allegations of illegal exploitation of resources in the DRC to bring to account those implicated in such activities.

#### **Ukrainian Presidential Election.**

102. **Ms Shortall** asked the Minister for Foreign Affairs his views on the re-run and outcome of the Ukrainian Presidential election; and if he will make a statement on the matter. [2784/05]

123. **Mr. Durkan** asked the Minister for Foreign Affairs if he plans any initiatives to support the President elect in the Ukraine; and if he will make a statement on the matter. [2752/05]

154. **Mr. Hogan** asked the Minister for Foreign Affairs his views on Ukraine's ambitions to achieve EU membership in view of the enormous transitions brought about in Ukraine; and if he will make a statement on the matter. [2642/05]

242. **Mr. Durkan** asked the Minister for Foreign Affairs if he plans initiatives to support the Ukraine; and if he will make a statement on the matter. [3126/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I propose to take Questions Nos. 102, 123, 154 and 242 together.

I take this opportunity to offer President Yushchenko and his incoming Administration our sincere congratulations and to wish them every suc-

cess for the challenges ahead. The people and leaders of Ukraine deserve particular praise for having achieved a peaceful outcome to the recent political crisis.

I am very encouraged that the conduct of the re-run of the second round of presidential elections held on 26 December brought Ukraine substantially closer to meeting OSCE and Council of Europe standards. The recent events and the conduct of the final ballot clearly demonstrate the deep attachment of the Ukrainian people to democracy and fundamental freedoms. Through their actions to protect democracy, the Ukrainian people have shown the world that their European vocation is based on values that are shared by European states and citizens.

Ukraine is a European country and a key partner of the European Union. The European Union must respond appropriately to the ambitions of Ukraine for systemic political and economic reform. In particular, we will need to build the capacity of Ukraine to make full use of the opportunities offered under the European neighbourhood policy action plan. Within that context, a number of ideas have been put forward which will be examined with a view to discussions at the February GAERC. These include ideas for deepening trade and economic relations, co-operation in the area of foreign and security policy and assistance in the field of democracy and the rule of law. These are very concrete measures which, if implemented fully, will considerably advance the process of economic integration and enhanced political co-operation with the European Union.

As a European country, Ukraine has the right, under the Treaty on European Union, to apply for membership of the Union if it respects the principles of liberty, democracy, respect for fundamental freedoms and the rule of law. It is for the people of Ukraine to determine whether they wish to live by these principles and to put in place the political and economic reforms which would enable them to meet the criteria for actual membership.

For the present, it makes sense for the Union to recognise Ukraine as a neighbour in Europe and to seek to develop relations through the action plan established under the European neighbourhood policy.

As the relationship between Ukraine and the European Union strengthens, so too will the relationship with Ireland. We have enjoyed friendly bilateral ties with Ukraine since its independence and we fully intend to build a good working relationship with the new Administration. The Minister of State at the Department of Foreign Affairs, Deputy Conor Lenihan, attended the inauguration of President Yushchenko and I hope to meet with my Ukrainian counterpart in Kiev fairly shortly. During future contacts we will look at ways in which we can boost bilateral trade and at ideas for building the

capacity of Ukrainian institutions to take full advantage of the opportunities offered under the action plan.

Ireland and our European Union partners will work closely with Ukraine in the coming years to help deliver the prosperity and democratic freedoms that the people of Ukraine so clearly want.

### Identity Cards.

103. **Caoimhghín Ó Caoláin** asked the Minister for Foreign Affairs if he has raised with the British Prime Minister the implications for Northern Ireland of the British Government proposal to introduce compulsory identification cards for persons in its jurisdiction; and if he will make a statement on the matter. [31171/04]

**Minister for Foreign Affairs (Mr. D. Ahern):** Discussions on the issue of national identity cards in the UK have been ongoing at official level for some time now, as my predecessor, the Minister, Deputy Cowen, outlined to the Dáil in two previous replies on 18 May and on 30 September 2004. At this early stage of the proposal, official level contact remains the most appropriate level at which to address our concerns. My officials from the Embassy of Ireland in London have met the British authorities on a number of occasions to discuss the implications of this proposal for both residents in Northern Ireland and Irish nationals living in the United Kingdom. In addition, officials from our Embassy in London and the Department of Justice, Equality and Law Reform are meeting the Home Office this week where an update on the ID Cards Bill is on the agenda. The proposal to introduce ID cards will, I understand, take a number of years to put into place.

At present, there are a number of key areas yet to be addressed, including the designation of nationality with respect to persons living in Northern Ireland. The discussions on this particular issue have focused on the relevant passages of the Good Friday Agreement, and my officials have received assurances that they will continue to be consulted as the proposal develops.

The Government will liaise closely with the British Government on the issues of concern to us as this proposal progresses, and we will continue to ensure that the concerns of Irish citizens in this regard are fully addressed.

### Millennium Development Goals.

104. **Ms Burton** asked the Minister for Foreign Affairs his position in relation to the review being prepared at EU level with regard to meeting the world millennium development goals adopted in September 2000 at the United Nations General Assembly in New York; and if he will make a statement on the matter. [2755/05]

115. **Mr. Costello** asked the Minister for Foreign Affairs if he is satisfied that such sums as have been committed for the achievement of the

world millennium development goals will not be affected by recent pledges in relation to the tsunami disaster in South East Asia; if he envisages the shortfall on the world millennium development goals requirement being met; and if he will make a statement on the matter. [2760/05]

122. **Ms Shortall** asked the Minister for Foreign Affairs his views on whether the eight world millennium development goals can still be achieved by the 2015 target date; the precise details of the roadmap towards the achievement of these goals; and if he will make a statement on the matter. [2785/05]

174. **Ms Burton** asked the Minister for Foreign Affairs the Government's views on the recent report of the group of experts on world poverty to United Nations General Secretary, Mr. Kofi Annan; and if he will make a statement on the matter. [2756/05]

186. **Mr. Noonan** asked the Minister for Foreign Affairs his views on whether the millennium development goals will be achieved; the action being taken by the Government to progress the goals; and if he will make a statement on the matter. [2628/05]

**Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan):** I propose to take Questions Nos. 104, 115, 122, 174 and 186 together.

Ireland attaches the greatest importance to the achievement of the eight millennium development goals. The United Nations Secretary General will conduct the first major review of progress towards the implementation of the goals in 2005. He has already expressed the view that greater effort will be required on the part of the international community if the goals are to be achieved. He has also highlighted the need for special support for many sub-Saharan African countries where most of the development indicators show little improvement over those of ten years ago.

I share the Secretary General's concerns about the achievement of the millennium development goals in sub-Saharan Africa and agree that more will have to be done, by both developing and developed countries, if the goals are to be achieved. Ireland will play an active role in the lead up to the September review conference.

As the world's largest aid donor, the EU has a major role to play in the achievement of the millennium development goals. During our recent Presidency of the EU our partners agreed to Ireland's suggestion for a stocktaking exercise aimed at providing a consolidated EU contribution to next September's United Nations high level meeting. We will continue to work to ensure that the EU provides strong leadership in ensuring progress towards implementation of the goals.

Ireland, like the other EU member states, has submitted a report to the European Commission on progress being made to implement the goals.



[Mr. C. Lenihan.]

Our report explains that we have adopted the achievement of the millennium development goals as the overarching framework for our development co-operation programme and emphasises that we are fully committed to their achievement.

Last month I hosted the Irish launch of Professor Jeffrey Sachs's report, *Investing in Development*; a practical plan to achieve the Millennium Development Goals. This report contains the considered deliberations of the UN Millennium Project Task Force which was a major undertaking to support the achievement of the goals. In the words of the UN Secretary General, Kofi Annan, the report is "a major intellectual achievement — a compelling work that offers a large number of concrete, practical proposals for reaching the Millennium Development Goals by the agreed date of 2015."

I welcome the Sachs report's practicality and realism. While it concludes that the millennium development goals can be achieved by 2015, it also points out that this cannot be done on a business as usual basis. The 3,000 page report — based on the work of 265 scholars, scientists and poverty specialists — contains a virtual roadmap setting out in detail the investments which will be required in health, education, rural development, road building, housing and scientific research.

In recent weeks the world's attention has been focused, understandably, on the appalling human tragedy in South Asia. Ireland responded with speed and generosity to the appeals for help from the countries affected, at both the governmental and public levels. However, it is vital that we do not forget other parts of the world which are in great need, particularly in Africa. I sincerely hope that the current outpouring of generosity and support will continue to characterise the future response of the international community to the challenge of combating global poverty.

I agree with the Sachs report's conclusion that the millennium development goals are not utopian and that they are eminently achievable. Many countries, including some of the poorest and least developed, are making real progress in achieving them. I believe that Ireland's approach to the implementation of the goals is in conformity with the recommendations of the Sachs report. Our development co-operation programme has its chief focus on sub-Saharan Africa. Some 85% of our bilateral programme country assistance is spent there. It is our intention to maintain this focus and to expand our assistance to the region as the aid programme grows. We also firmly believe that every country is responsible for its own development and the welfare and the well-being of its citizens. A key lesson from Ireland's development experience is the importance of the role of government. Progress towards the goals will only be made if primary responsibility is assumed by developing countries.

## Nuclear Programmes.

105. **Mr. Naughten** asked the Minister for Foreign Affairs if he will report on the efforts being undertaken at European and United Nations level to examine the level of nuclear capability of North Korea; and if he will make a statement on the matter. [2659/05]

### Minister for Foreign Affairs (Mr. D. Ahern):

The issue of the nuclear programme of the Democratic People's Republic of Korea, DPRK, is kept under close and regular scrutiny within the European Union. There are, however, very few sources of reliable and independent information concerning its nature.

Generally, the most reliable source of information about a country's nuclear activities is the International Atomic Energy Agency, IAEA, which has the responsibility for carrying out inspections under the safeguards agreements which are mandatory for states parties to the Nuclear Non-proliferation Treaty, NPT. Such an agreement entered into force for the DPRK in April 1992 but the IAEA was never permitted to verify that the DPRK's initial declaration of nuclear material subject to safeguards was correct and complete.

From November 1994 to December 2002, however, the agency was able to monitor the freeze of the DPRK's graphite moderated reactor and related facilities as requested by the United Nations Security Council and as foreseen in the US-DPRK Agreed Framework of 1994. On 31 December 2002, agency inspectors had to leave at the request of the DPRK following its decision to terminate this freeze on its nuclear facilities. Since then, the agency has been unable to draw any conclusions regarding the nuclear activities in that country.

In January 2003, the DPRK announced its withdrawal from the NPT. The IAEA board of governors in a resolution of February 2003 confirmed that the agency's safeguards agreement with the DPRK remained binding and in force and called upon the DPRK to remedy its non-compliance urgently by taking all steps deemed necessary by the agency. At the most recent meeting of the IAEA general conference, in September 2004, a further resolution noted with concern repeated official DPRK statements declaring its intention to build up a nuclear deterrent force, and its announcement in October 2003 that it had completed the reprocessing of over 8000 spent fuel rods. The resolution urged the DPRK to reconsider those actions and announcements which ran counter to its international non-proliferation obligations and to completely dismantle any nuclear weapons programme in a prompt, transparent, verifiable and irreversible manner.

At this general conference meeting, the European Union expressed its concern that the IAEA had not been able to carry out its verification activities and was not in a position to confirm that

nuclear material had not been diverted to non-peaceful uses. The EU commended the efforts of the agency to seek dialogue with the DPRK in order to find a solution for the implementation of safeguards and strongly urged the DPRK to come unconditionally into full compliance with all its relevant international commitments. In particular, the EU called for the DPRK's compliance with its safeguards agreement by allowing the re-establishment of the required containment and surveillance measures at its nuclear facilities, and the full implementation of all the required safeguard measures, including the return of IAEA inspectors.

The issue of the DPRK's nuclear programme is also being addressed within the framework of the six party talks process involving China, the DPRK, Japan, the Republic of Korea, the Russian Federation and the United States. Three rounds of talks have taken place to date, but the process is currently stalled. The DPRK has said in recent weeks that it is waiting for the new US Administration to settle in before taking matters forward. Ireland, together with the EU, supports the six party talks process and continues to urge the DPRK to co-operate with the international community to find a solution to the nuclear issue.

While not directly involved in these talks, the EU has welcomed this ongoing multilateral process and made clear its firm support for the resolution of the current situation by peaceful means. We have availed of every opportunity to confirm the Union's willingness to contribute to these international efforts to move matters forward and have indicated our readiness to consider enhanced co-operation with the DPRK if the present difficult situation can be resolved in a satisfactory manner. This approach was conveyed by the EU Regional Director Troika to the DPRK, which took place between 13 and 16 November 2004.

#### **Iraqi Elections.**

106. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs his views on the outcome of the elections in Iraq. [2885/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I refer the Deputy to my reply to Question No. 97 today.

#### **United Nations Recruitment.**

107. **Mr. Costello** asked the Minister for Foreign Affairs the method and procedures by which positions in the United Nations service in the European Union and similar agencies are advertised to the public; if he has proposals for reforming such systems; and if he will make a statement on the matter. [2759/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I am advised that vacancies in professional grades in United Nations representative offices located in Brussels and accredited to the European

Union are advertised on the central UN employment website, and prospective candidates are invited to submit applications on-line. Those employed in the professional grades enjoy the status of international civil servants and receive appropriate allowances, including in respect of relocation. General service positions are advertised in the local media.

Looking at the United Nations system more broadly, the United Nations secretariat and individual agencies conduct recruitment competitions centrally, advertising a range of positions as they arise, both via the Internet and also in the international media.

The Department of Foreign Affairs directly funds a number of junior professional officer, JPO, positions with the United Nations. Placements are with UN agencies, including the United Nations Development Programme, UNDP, the United Nations Children's Fund, UNICEF, and the United Nations High Commission for Refugees, UNHCR, as well as with the International Labour Organisation, ILO.

Recruitment for these positions is carried out by the Public Appointments Service, in co-operation with my Department, and competitions are advertised both in the national media and on the Public Appointments Service website [www.publicjob.ie](http://www.publicjob.ie). The recruitment of JPOs is carried out on a two-year cycle. The selection process for the 2005-06 cycle has recently been completed.

I am satisfied that Irish applicants enjoy equal status with citizens of other member states when seeking positions with the UN. A number of Irish personnel are employed by the UN, including at senior levels.

#### **Diplomatic Representations.**

108. **Mr. Allen** asked the Minister for Foreign Affairs if the Government has had recent contact with the military regime in Burma; and if he will make a statement on the matter. [2617/05]

124. **Mr. M. Higgins** asked the Minister for Foreign Affairs the position in relation to Burma, particularly in relation to the number of those who may have lost their lives or livelihoods in the recent tsunami disaster; his views on whether the recognition by the Government of the military regime has created any political or diplomatic opportunities; and if he will make a statement on the matter. [2754/05]

146. **Dr. Upton** asked the Minister for Foreign Affairs if he has made further representations to the Burmese Government in regard to the ongoing imprisonment of a person (details supplied); and if he will make a statement on the matter. [2788/05]

161. **Mr. Allen** asked the Minister for Foreign Affairs the efforts being made to secure the release of a person (details supplied); and if he will make a statement on the matter. [2646/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I propose to take Questions Nos. 108, 124, 146 and 161 together.

As has been stated previously, the Government has pursued a consistent line of support for democracy in Burma. Ireland and our EU partners remain strongly critical of the continued detention under house arrest of Aung San Suu Kyi, other activists, and a number of MPs elected in the elections of 1990. We have consistently criticised the failure to promote democratic government and condemned serious and persistent human rights abuses and the lack of fundamental freedoms in Burma.

On 2 December 2004, I issued a statement condemning, in the strongest possible terms, the decision of the Burmese Government the previous day to extend the detention under house arrest of Aung San Suu Kyi for another year. I also called on the Burmese Government to allow the UN Secretary-General's Special Envoy, Mr. Razali Ismail, to travel to Burma at the earliest opportunity and, while there, to visit Aung San Suu Kyi. The EU Presidency also issued a declaration on 10 December 2004 condemning the continued detention of Aung San Suu Kyi.

While I welcome the continuing release by the Burmese Government of a large number of prisoners — reports suggest almost 15,000 have been freed over the past two months — I regret that this includes only a limited number of political prisoners.

Following the tsunami, I wrote to the Foreign Minister of Burma, Major General Nyan Win, on 7 January 2005, to convey the Government's sympathy for the loss of life sustained in Burma as a result. In my letter, I also outlined the efforts we had been making, at the EU and UN levels and with international agencies and non-governmental organisations to ensure that assistance is provided to those most in need in the Asia region. I informed the Minister that the effective co-ordination of aid efforts was due to be discussed that day at an extraordinary meeting of the EU General Affairs and External Relations Council. I strongly encouraged the Burmese Government to co-operate with international aid organisations which are ready and willing to assist that country and its people in alleviating any suffering the disaster may have caused.

On 6 January 2005, the Tsunami Assistance Co-ordination Group met in Burma to consolidate the findings of the different assessment and verification missions undertaken throughout the tsunami affected areas of Burma. The co-ordination group was set up at the onset of the disaster. It comprises a number of international NGOs and is chaired by the International Federation of Red Cross and Red Crescent Societies, IFRC. The group concluded that Burma has been largely spared from the destructive forces of the earthquake and subsequent tsunami, and that the initial emergency needs have been met by the

government and by the aid community. The group's assessment of the scale of impact is in line with the findings of the Burmese authorities. The group confirmed a death toll of 60 to 80, and estimated the longer-term population affected is around 10,000 to 15,000, of whom 5,000 to 7,000 are directly affected. EU heads of mission in Burma confirmed this assessment on 28 January 2005. It is also understood that UNICEF has been allowed to visit the affected area and to assist with the long-term development of local communities in Burma.

Ireland, along with its EU partners, will continue to monitor the situation in Burma in the aftermath of the tsunami disaster and encourage the Burmese Government to accept all assistance necessary to alleviate any suffering caused by the tsunami.

Ireland and the EU will also continue to monitor the situation in Burma, particularly in the run-up to the National Convention, which is scheduled to resume on 17 February 2005. The EU-ASEAN Foreign Ministers meeting in Jakarta on 10-11 March 2005 will provide an important opportunity for the EU to raise its concerns directly with Burma.

While the decision to establish diplomatic relations still stands, the Government has decided to hold back from an exchange of ambassadors in light of the action of the Burmese regime in blocking anticipated political progress. Any decision to proceed with an exchange of ambassadors will await positive developments.

The Government's continuing goal, and that of the EU, remains the release and restoration of liberty to Aung San Suu Kyi, 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.

#### **Northern Ireland Issues.**

109. **Mr. Quinn** asked the Minister for Foreign Affairs his views on the state of the peace process in the aftermath of the Northern Bank robbery; his views on whether there is a realistic chance of the devolved institutions created under the Good Friday Agreement being restored prior to the Westminster elections of 2005; and if he will make a statement on the matter. [2779/05]

128. **Mr. Quinn** asked the Minister for Foreign Affairs the nature of his discussions with British Secretary of State, Mr. Paul Murphy, MP, in Dublin on 17 January 2005; if he maintains the view that the Provisional IRA was responsible for the Northern Bank robbery; and if he will make a statement on the matter. [2778/05]

151. **Mr. S. Ryan** asked the Minister for Foreign Affairs if, in view of the failure to reach agreement with parties in the North on the restoration of the Assembly and Executive, he has given further consideration to SDLP proposals for the appointment of civic administrators as an



interim measure to restore the Assembly before a power-sharing Executive can be agreed between the parties; and if he will make a statement on the matter. [2780/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I propose to take Questions Nos. 109, 128 and 151 together.

I met the Secretary of State for Northern Ireland, Mr. Paul Murphy, at Iveagh House on 17 January. This meeting was the first with the British Government since the PSNI Chief Constable, Mr. Hugh Orde, made public his assessment that the IRA was responsible for the December raid on the Northern Bank. Both Governments believe that the IRA was involved in this operation and that, as a consequence, the political process in Northern Ireland has suffered a serious setback. The meeting with the Secretary of State provided an opportunity to assess the serious political implications of the raid and to consider the major steps now required if trust and confidence are to be restored.

Together with the Taoiseach, I had a series of meetings last week with Sinn Féin, the UUP, the SDLP and the Alliance Party. In addition, the Taoiseach spoke by phone with Dr. Paisley. In our meeting with Sinn Féin, we emphasised the absolute necessity of achieving a definitive and demonstrable end to paramilitary and criminal activity. We stressed that ambivalence on this issue cannot be tolerated and allowed to further destabilise the process and that the Sinn Féin leadership should reflect on the matter.

Despite this recent setback, the objective of the Irish and British Governments remains the achievement of inclusive, partnership government in Northern Ireland. It is, however, difficult in the current context to set a time-scale for securing this objective. We have made it clear to all the parties that any positive ideas, which would help to restore confidence and achieve political engagement and momentum in the near term, will be considered. The various views and suggestions of the parties, including the SDLP's proposals on the appointment of civic administrators, are therefore being given careful consideration. In fact, the Taoiseach and I took the opportunity to raise the SDLP's proposals in our contacts with some of the other parties last week. In the final analysis, any political way forward must enjoy a wide measure of cross-community support and be consistent with the fundamental principles of the Good Friday Agreement.

The Taoiseach's meeting with Prime Minister Blair yesterday provided an initial opportunity to discuss possible options for political progress, including the various proposals received from the parties. In the coming weeks, we will continue our consultations with the British Government and the parties on finding a way forward.

Notwithstanding current difficulties, the two Governments have an obligation to advance the implementation of all aspects of the Good Friday

Agreement, as endorsed by the people of this island. We are determined that the gains of recent years should not be jeopardised and are conscious of the need to avoid a prolonged fallow period. Accordingly, the Secretary of State and I will co-chair a meeting of the British Irish Intergovernmental Conference later this month in Dublin, which will seek to advance progress across a range of important areas.

### Government Apology.

110. **Mr. Sargent** asked the Minister for Foreign Affairs his views on whether the Government should apologise for the action of Taoiseach, Éamon de Valera, in offering his condolences on the death of Adolf Hitler at the German Embassy; and if he will make a statement on the matter. [2814/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** The declaration of Irish neutrality by the then Taoiseach, Éamon de Valera, during the Second World War was widely welcomed across the political spectrum. As a result, the security and safety of the Irish people were protected throughout the most horrific conflict in human history.

In the operation of his policy of neutrality, Mr. de Valera, showing very great and courageous skills, worked closely with the British authorities, most often in secret. The full extent of this co-operation with Britain has only relatively recently become available.

In an article in *The Irish Times* on last Saturday, the former Taoiseach, Dr. Garret FitzGerald, said that it "is difficult for generations born since the Second World War to envisage the state of Irish public opinion at the time on the issue of neutrality". I would make the related point that it is equally difficult to judge the actions of leaders at the time by today's context. Mr. de Valera was, I believe, a political leader who was very conscious of formal protocol and it was this sense of formality, I suggest, that led him to offer his condolences at the German Embassy on the death of Hitler. I have absolutely no doubt that it signalled no sympathy whatsoever for the immoral and obnoxious policies of the Nazis. The secret co-operation with Britain, to which I referred, would clearly give the lie to any such accusation. I would add, that I could not envisage any political leader today offering condolences in similar circumstances.

There is no country in Europe, or perhaps anywhere, which can claim to have acted in the face of the Holocaust as it would now wish to have done. It is important that we in Ireland acknowledge this. We must accept that Ireland was not in some way uniquely free of all traces of anti-Semitism. In particular, we also owe it to the millions who suffered and died in the Holocaust never to forget nor to diminish in any way the inhumanity and the evil which was prevalent in much of Europe at that time.

### Situation in Kosovo.

111. **Mr. Murphy** asked the Minister for Foreign Affairs if he will report on the political and security situation in Kosovo; and if he will make a statement on the matter. [2618/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** The new Kosovo Assembly, which was elected on 23 October, approved the formation of a new government on 3 December 2004. The government is a coalition between the Democratic League of Kosovo, the LDK, which holds 47 seats, and the Alliance for the Future of Kosovo, the AAK, which holds eight seats in the Assembly. The leader of the LDK, Ibrahim Rugova, was reappointed President. The new Prime Minister is Ramush Haradinaj, leader of the AAK. The Democratic Party of Kosovo, which was the largest party in the previous government, now provides the main opposition in the Assembly, with 30 seats.

Kosovo has been under UN administration, in accordance with Security Council Resolution 1244, since the end of the conflict in 1999. The EU fully supports the UN Mission in Kosovo, which is working with the provisional institutions of self-government to implement European standards in public administration, the rule of law, human rights, and the protection of the rights of minorities, in advance of consideration of the constitutional status of Kosovo. The new government has set itself an ambitious programme, focusing on the implementation of European standards and the promotion of economic growth in a society where unemployment is estimated at over 60%. It is co-operating with the international community in the preparation of proposals for pilot projects for the decentralising of public administration in Kosovo. These could play an important role in building the confidence of the Kosovo Serb community to re-engage in the political process in Kosovo. The vast majority of Kosovo Serb voters refused to participate in the October elections, claiming that their security has not been adequately assured since the serious outbreak of ethnic violence on 17 March 2004.

The UN will preside over a comprehensive review of the implementation of standards in mid-2005. If the review is positive, it will be followed by the opening of a process, facilitated by the international community, to agree the status of Kosovo. These negotiations will inevitably be complex and difficult. They will require the resumption of dialogue between Belgrade and Pristina. They will have implications for the whole Western Balkans region and their outcome will be subject to approval by the UN Security Council.

The EU is firmly committed to a multi-ethnic, democratic Kosovo, in which the rights of all communities are fully protected. The ethnically motivated violence last March was a major setback. The new government must ensure that all

work on the reconstruction of homes and other property destroyed in that violence is completed without delay.

The security situation in Kosovo is now calm but it remains tense. There are currently 208 Irish troops serving with KFOR, the UN-mandated peacekeeping force in Kosovo. I would like to emphasise the appreciation of the government for the important role being played by members of the Defence Forces in ensuring security and stability in Kosovo.

This will be an important year for the people of Kosovo and of the region. The EU will work closely with the UN mission in Kosovo, and with the Special Representative of the UN Secretary General, Mr. Søren Jessen-Petersen, in preparation for the crucial review of the implementation of standards. The EU will also co-operate closely with the US and the wider international community to ensure that any process to address the question of Kosovo's final status will also contribute to the stability of the Western Balkans. Whatever the outcome of that process, the EU will support the people of Kosovo in the building of a multi-ethnic society, with its place secure in a region working towards the objective of eventual integration into European structures.

*Question No. 112 answered with Question No. 92.*

### Humanitarian Assistance.

113. **Mr. Penrose** asked the Minister for Foreign Affairs his views on the recent signing of a comprehensive peace agreement on Sudan between the Sudanese Government and the Sudanese People's Liberation Movement; his further views on whether this new agreement represents an opportunity to end conflict in the country; and if he will make a statement on the matter. [2777/05]

136. **Mr. McCormack** asked the Minister for Foreign Affairs if he will report on the situation in Sudan and the humanitarian assistance that is being given to those in Darfur; and if he will make a statement on the matter. [2624/05]

192. **Mr. P. Breen** asked the Minister for Foreign Affairs if he will report on the level of humanitarian aid that is being given by the Government to Sudan for 2005; and if he will make a statement on the matter. [2644/05]

244. **Mr. Durkan** asked the Minister for Foreign Affairs the extent to which he intends to initiate steps to alleviate starvation and war in Sudan; and if he will make a statement on the matter. [3128/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I propose to take Questions Nos. 113, 136, 192 and 244 together.

The overall prospects for establishing peace and promoting development in all parts of Sudan

have been greatly enhanced by the signing of a comprehensive peace agreement for southern Sudan between the Government of Sudan and the Sudan People's Liberation Movement-Army, SPLM-A, in Nairobi, Kenya on 9 January 2005. This is an important and welcome commitment by the Sudan Government and the SPLM to finally end 21 years of conflict between north and south in that troubled country, which has killed thousands of people and displaced many others. The Intergovernmental Authority on Development, IGAD, the Kenyan Government and the international community, especially the EU, USA and Norway, played key roles in its achievement. It is vital that the Sudanese Government and the SPLM-A now proceed with rapid and full implementation of the agreement.

Ireland, together with the rest of the international community, is ready to play its part in supporting the reconstruction of Sudan following the restoration of peace. During 2004, Ireland provided almost €10 million in humanitarian support to Sudan, including Darfur, and we plan to provide additional funding in 2005. On 25 January 2005, the European Commission and the Sudan Government signed a country strategy paper covering planned EU assistance to Sudan from 2005 to 2007, for which around €400 million has been allocated. This support will focus on food security, education, promotion of democracy, good governance and human rights, resettlement of internally displaced persons and demobilisation, disarmament and reintegration of combatants. A quick disbursement programme of €50 million will shortly be launched as an immediate peace dividend, benefiting north and south equally.

The UN Security Council will shortly consider proposals from the Secretary General to establish a UN peace support operation to assist in implementation of the comprehensive peace agreement. This mission would focus on providing political support to the peace process, security and monitoring aspects, support for governance and humanitarian assistance and development over a seven year period.

I understand that the UN is also encouraging the Sudan Government to convene a national conference, in which all the stakeholders to the various conflicts in Sudan would be represented and which would provide a single framework to address all the conflicts. Holding of this conference will be facilitated by the agreement reached on 17 January 2005 in Cairo between the Sudan Government and the opposition National Democratic Alliance, NDA, but a number of major opposition groups have not yet agreed to participate. If it were possible for all the parties to reach agreement on the framework for an overarching settlement, it would greatly facilitate agreement in Darfur.

The humanitarian situation in the Darfur region remains a matter of the deepest concern

for Ireland. The Government continues to use all avenues open to it to urge action in addressing the humanitarian, security and political challenges which exist there.

The most recent report of the UN Secretary General's Special Representative, Mr. Jan Pronk, has provided further worrying evidence of how both the Sudan Government and the rebels are continuing to violate the ceasefire agreements. Humanitarian delivery continues to be jeopardised by the escalation in security incidents across many parts of Darfur. I am deeply conscious that some 2 million people are now displaced from their homes. This figure is still rising. Violent attacks by both sides in the conflict have heightened the atmosphere of insecurity in many parts of Darfur. This is having a negative impact on the delivery of humanitarian aid. Already, the spring 2005 harvest is in jeopardy as there is no sign of a sufficiently improved security climate to permit returns by internally displaced persons in an environment of safety and security.

I am also concerned by reports of continuing harassment of humanitarian personnel. There have been worrying reports of kidnappings of humanitarian workers. I reiterate the importance of respect for international humanitarian law in this situation. A number of parts of Darfur are now considered no-go areas for international humanitarian workers due to the adverse security environment. These are serious developments for the survival of the displaced populations in Darfur.

Sustained international pressure therefore needs to be maintained on all the parties to honour their commitments and work to improve the security situation in Darfur. The Government of Sudan must be pressed to accept its responsibility for security and the protection of its citizens by disbanding the Janjaweed militia and bringing all those responsible for serious human rights violations to justice. There must also be an end to any attempts at forced relocation of internally displaced persons. The rebels, for their part, must cease all attacks and ceasefire violations. All parties must co-operate fully and constructively with the international presence in Darfur, including the UN, the African Union and those engaged in the humanitarian effort.

The recent comprehensive political agreement for south Sudan has highlighted the need for parallel political progress with regard to the Darfur conflict. The AU-mediated peace talks are due to resume in Abuja at the beginning of March. I would urge the Sudanese Government and the rebel groups to re-commit themselves fully to this process and resume negotiations as speedily as possible, with a view to reaching an early and final political agreement.

The report of the UN's international commission of inquiry on whether serious violations of human rights, international humanitarian law and genocide have occurred in Darfur was made



[Mr. D. Ahern.]  
public last Monday evening. This report provides evidence that serious violations have occurred and Ireland is of the opinion that the report should be referred to the International Criminal Court to ensure that those guilty of such crimes are punished.

#### **European External Action Service.**

114. **Mr. Sargent** asked the Minister for Foreign Affairs the implications for his Department of the establishment of the new European external action service; and if he will make a statement on the matter. [2815/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** The European constitution provides for the creation of a European external action service, EEAS, the function of which is to assist the Union Minister for Foreign Affairs in the fulfilment of his or her mandate. The EEAS cannot be established until after the entry into force of the constitution, the target date for which is 1 November 2006. Preparatory work is at a very early stage, though discussion within the Council is expected to begin during the current Luxembourg Presidency. It is, therefore, too early to predict what the exact implications for the Department of Foreign Affairs of the creation of the EEAS will be.

The constitution stipulates that the EEAS is to work in co-operation with the diplomatic services of the member states, and that officials seconded from national diplomatic services are to form part of its staff. I assume, therefore, that some officers from the Department of Foreign Affairs will be seconded to the EEAS, and I also assume that in Brussels and internationally it will work closely with the Department and our missions abroad.

However, very many of the functions currently exercised by national diplomatic services, including the promotion and protection of national political, economic and cultural interests, will fall outside the EEAS's remit. It is also important to recall that decisions on the Union's external policies and actions, including in the framework of the common foreign and security policy, will remain solely for the European Council and the Council to make. The Government will need to remain well-informed on, and directly involved in, international political and economic issues and will, as now, continue to require the advice and support of the Department. The EEAS will, by definition, have no function in bilateral relations within the European Union nor in the formulation of national EU policies, which occupy a substantial proportion of the Department's time and resources.

*Question No. 115 answered with Question No. 104.*

#### **EU Enlargement.**

116. **Mr. Crawford** asked the Minister for Foreign Affairs the potential timescale for Turkish accession to the European Union; and if he will make a statement on the matter. [2643/05]

121. **Mr. M. Higgins** asked the Minister for Foreign Affairs the situation with regard to Turkey's application for membership of the European Union; and if he will make a statement on the matter. [2771/05]

189. **Mr. P. Breen** asked the Minister for Foreign Affairs if he will report on EU accession negotiations with Turkey; and if he will make a statement on the matter. [2615/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I propose to take Questions Nos. 116, 121 and 189 together.

Turkey has been a candidate for membership of the EU since the Helsinki European Council in December 1999, which agreed that it was destined to join the Union on the basis of the same criteria applied to the other candidate states. The European Council in Brussels on 16-17 December 2004 decided, on the basis of the Commission's report and recommendation, that Turkey sufficiently fulfils the Copenhagen political criteria to enable the opening of accession negotiations. It requested the Commission to begin work on a proposal for a negotiating framework and to present it to the Council, with a view to the opening of accession negotiations on 3 October 2005. The clear objective of the negotiations will be Turkey's accession to the Union, provided it meets the requirements for membership. The pace of the negotiations will depend in large part on progress in the implementation of Turkey's wide-ranging reform programme. Given the substantial financial consequences of Turkish accession, the European Council agreed that it will not be possible to conclude negotiations until after the establishment of the financial framework for the period from 2014.

The December European Council also set out the main elements for future negotiating frameworks with individual candidate states, building on the experience of the current enlargement process and taking account of developments within the EU. Turkey's accession negotiations will take place in the context of an Intergovernmental Conference with the participation of all member states, in which decisions will require unanimity. The European Council agreed that the shared objective of the negotiations will be accession, but noted that the process will be inevitably an open-ended one, the outcome of which cannot be guaranteed in advance.

In preparation for the European Council decision, it was clear that although the search for a comprehensive settlement of the Cyprus problem will remain a UN-led process, some movement was necessary by Turkey towards the objec-

tive of normalising relations with the Republic of Cyprus, which has been a member state of the Union since 1 May 2004. The European Council welcomed Turkey's decision to sign the protocol adapting the 1963 Ankara Agreement of association in order to take account of the accession of ten new member states, including the Republic of Cyprus. I welcome the important declaration by the Turkish Government that it is ready to sign the protocol prior to the actual start of negotiations.

In the months ahead, member states will consider proposals from the Commission for a revised accession partnership with Turkey setting out priorities for the continued implementation of the reform process, which will be central to the accession negotiations. The Council will also consider Commission proposals for a detailed negotiating framework, based on the principles outlined by the European Council. The Government will continue to work with our partners in the Union and Turkey to ensure that all the elements are in place for a successful opening of accession negotiations on 3 October.

#### **Foreign Conflicts.**

117. **Mr. Hogan** asked the Minister for Foreign Affairs if he will report on the security and political situation in Iraq; and if he will make a statement on the matter. [2661/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** The security situation in Iraq has continued to be a source of great concern. After something of a lull following operations in Fallujah, violent attacks in Iraq have increased in intensity again. This was expected in the lead-up to the elections on 30 January. There appeared to be a shift in focus away from attacks on US and international forces, although these continued, and instead increasing attacks on officials and security forces of the interim Iraqi government. The clear intention seems to be to hinder the extent to which Iraqi forces can take over security duties from international forces.

In addition, there was a substantial level of attacks and intimidation aimed at officials and candidates preparing for the Iraqi elections. Significant threats were also made against Iraqis planning to vote and on the election day a number of attacks were made on polling places and on voters themselves.

I refer the Deputy to my earlier replies to questions today in regard to the holding of the elections, the next steps to be taken and the Government's views.

#### **Emigrant Issues.**

118. **Ms B. Moynihan-Cronin** asked the Minister for Foreign Affairs if he has met the Department of Social and Family Affairs to discuss his proposals on the provision of free travel facilities for Irish old age pensioners living in Britain; if

this issue was raised with him during the course of his recent visit to London to meet Irish emigrant groups; and if he will make a statement on the matter. [2770/05]

#### **Minister for Foreign Affairs (Mr. D. Ahern):**

The issue of whether the free travel scheme can be extended to older Irish people resident outside the State is one with which I am familiar and that has been raised with me, including at a recent conference for emigrant service providers in Dublin and again during my visit to London in December.

I refer the Deputy to a reply in the House on 15 December 2004 by my colleague, the Minister for Social and Family Affairs, to a question on this matter in which he said that he will continue to examine carefully the issues involved.

#### **Human Rights Issues.**

119. **Mr. Gogarty** asked the Minister for Foreign Affairs if he has made representations to the US Administration in the past six months concerning the detaining of prisoners at Guantanamo Bay; and if he will make a statement on the matter. [2811/05]

#### **Minister for Foreign Affairs (Mr. D. Ahern):**

The Government has, on a number of occasions, made known its concerns to the US Government regarding the treatment and status of the detainees held at Guantanamo Bay. I reiterated these concerns at a meeting with the US Ambassador to Ireland in December 2004. The United States is well aware of the Government's view that those detained at Guantanamo Bay should be treated in accordance with the requirements of international human rights and humanitarian law. These concerns are shared by our EU partners.

In expressing these views, the Government fully recognises the danger posed by terrorist networks such as al-Qaeda. Together with our EU partners, we are committed to countering all forms of international terrorism. However, it is vital that the highest standards of international human rights and humanitarian law are maintained as we work to counter terrorism.

It is my understanding that the International Committee of the Red Cross has been regularly visiting the US detention facility at Guantanamo Bay since early 2002 for the purpose of monitoring that persons held there are treated in accordance with applicable international laws and standards. I welcome the recent release of a number of detainees from Guantanamo Bay and hope that further releases will follow.

I can assure the Deputy that in my future contacts with the US Administration I will raise human rights issues when appropriate. I look forward to meeting the new Secretary of State, Dr. Condoleezza Rice, and to discussing a range of international issues with her.

### Shannon Airport Landings.

120. **Ms McManus** asked the Minister for Foreign Affairs the number of US military flights and US military personnel that passed through Shannon Airport during 2004; if he anticipates similar numbers of personnel and flights using Shannon in 2005; and if he will make a statement on the matter. [2768/05]

#### Minister for Foreign Affairs (Mr. D. Ahern):

The regulation of matters relating to commercial air carriers, including the statistics for passenger transit numbers, is primarily a matter for the Department of Transport, whose records indicate that the number of US troops transiting the airport in 2004 was 158,549.

Permission for foreign military aircraft to overfly, or land in, the State is granted by the Minister for Foreign Affairs, under the Air Navigation (Foreign Military Aircraft) Order 1952. Permission is normally granted on condition that the foreign military aircraft is unarmed, and not carrying arms, ammunition or explosives.

It is not the practice of the Government to release details of an individual country's military aircraft landings. The total number of such landings in 2004 was 753.

With regard to forecasts for 2005, it will be recalled that the use of Shannon Airport by the US military is a long-standing practice which has been in place for several decades.

*Question No. 121 answered with Question No. 116.*

*Question No. 122 answered with Question No. 104.*

*Question No. 123 answered with Question No. 102.*

*Question No. 124 answered with Question No. 108.*

*Question No. 125 answered with Question No. 92.*

### Ministerial Travel.

126. **Mr. Kehoe** asked the Minister for Foreign Affairs if he will report on his recent visit to Finland and the matters discussed on this visit; and if he will make a statement on the matter. [2655/05]

190. **Mr. Deenihan** asked the Minister for Foreign Affairs if he will report on his recent visit to Sweden and the matters discussed on this visit; and if he will make a statement on the matter. [2654/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I propose to take Questions Nos. 126 and 190 together.

I travelled to Sweden and Finland last week to meet with the Swedish Foreign Minister, Ms Laila

Freivalds, and the Finnish Foreign Minister, Mr. Erkki Tuomioja. The purpose of these visits was to have an exchange of views with my counterparts in these countries on a range of EU and international issues.

The discussions in Stockholm focused principally on the European Union's reaction, and the wider international reaction, to the tsunami in Asia, European security and defence policy and the reform of the United Nations. Other issues discussed included the ratification of the European constitution, the Middle East peace process, relations with the US and recent developments in Ukraine.

During the meeting I expressed my condolences to Minister Freivalds on the high number of Swedish victims of the tsunami disaster and briefed the Minister on my recent visit to the region. We also exchanged views on how the EU might be better equipped to respond to such disasters in the future.

At the meeting in Helsinki with Minister Tuomioja we discussed Finland's approach to negotiations on the financial perspectives and the ratification of the European constitution. We also exchanged views on European security and defence policy and the EU security strategy, the reform of the United Nations and recent developments in Ukraine and in the Middle East.

I expressed my condolences to Minister Tuomioja on the losses suffered by Finland as a result of the tsunami. Minister Tuomioja referred to upcoming talks between the Indonesian Government and the Free Aceh Movement, GAM, which are being facilitated and supported by the Finnish Government.

The meetings provided a very useful opportunity to exchange views with two EU partners, with whom we share views on many matters, on a range of key issues of mutual interest and I look forward to continuing these discussions and to holding bilateral consultations with other EU counterparts over the coming months. The Government attaches priority to maintaining and developing close bilateral relations with all our EU partners in an enlarged Union.

### Nuclear Programmes.

127. **Ms O. Mitchell** asked the Minister for Foreign Affairs his views on the fact that the US Administration may choose a military response to the question of Iranian nuclear capability, in contrast with the consultative and diplomatic steps being taken by the European Union; and if he will make a statement on the matter. [2651/05]

155. **Mr. Connaughton** asked the Minister for Foreign Affairs the actions being taken to assess the nuclear capability of Iran; if he will report on the action at European level to work with Iran to address this nuclear concern; and if he will make a statement on the matter. [2623/05]



**Minister for Foreign Affairs (Mr. D. Ahern):** I propose to take Questions Nos. 127 and 155 together.

There is widespread international concern about Iran's development of its nuclear programme, in particular its uranium enrichment component and its compliance with its obligations under the non-proliferation treaty. This concern is the subject of regular consultations between the European Union and the United States.

Based on these consultations, it is my understanding that the US is supportive of the EU's efforts to engage with Iran with a view to addressing through dialogue the concerns of the international community about its nuclear programme. I am not aware of any intention on the part of the US to take military action against Iran and I have not discussed such a possibility with my EU counterparts. Rather, our attention is very much focused on our efforts to reach a satisfactory outcome to our current dialogue with the Iranian authorities.

It has been more than two years since Iran's undeclared nuclear programme was first brought to the attention of the International Atomic Energy Agency, IAEA, and the director general of the agency has presented seven written reports on the subject since June 2003. The latest report was discussed at the last meeting of the IAEA board of governors which took place in Vienna in November 2004. A resolution on Iran, adopted by consensus at that meeting, underlined the importance of Iran extending full and prompt co-operation to the director general in his investigations into the remaining outstanding issues identified in his last report, in particular the origin of uranium contamination found at various locations in the country and the extent of Iran's efforts to import, manufacture and use certain types of centrifuges. It requested the director general to report to the board on his findings, as appropriate.

The director general has also called for the co-operation of other countries in helping to resolve these outstanding issues and I would urge all countries to respond positively to his appeal. As emphasised in the IAEA resolution, full and sustained implementation of the suspension is essential to addressing outstanding issues.

The issue has been followed closely at European level throughout this time. Negotiations between Iran and France, Germany and the UK, supported by the high representative, resulted in agreement on nuclear issues and future co-operation. Under this agreement, Iran, *inter alia*, reaffirmed that it does not and will not seek to acquire nuclear weapons and committed itself to full transparency and co-operation with the IAEA. Iran, moreover, decided to voluntarily suspend all enrichment and reprocessing activities and to invite the IAEA to verify and to monitor the suspension. The agreement further provided for negotiations on a long-term agreement which

will cover political and security issues, technology and co-operation, and nuclear issues, work on which commenced last month. Iran's commitment to sustaining the suspension, while these negotiations are under way, is stated in the agreement to be essential for the continuation of the overall process.

The European Council last December welcomed this agreement and underlined that sustaining the full suspension of all enrichment related and reprocessing activities was essential for the continuation of the overall process. It supported further efforts with a view to reaching an agreement on long-term arrangements. The European Council confirmed its conclusions of 5 November 2004 on the resumption of the negotiations on a trade and co-operation agreement after recent verification of suspension. The European Council confirmed the Union's readiness to explore ways to further develop political and economic co-operation with Iran, following action by Iran to address other areas of concern of the EU regarding the fight against terrorism, human rights and Iran's approach to the Middle East peace process.

A steering committee to launch these negotiations met in December 2004 and established working groups on political and security issues, technology and co-operation, and nuclear issues. Those working groups met last month, and their work is ongoing. Under the terms of the Paris Agreement, the steering committee will meet again before the end of March to receive progress reports from the working groups and to move ahead with projects and-or measures that can be implemented in advance of an overall agreement.

*Question No. 128 answered with Question No. 109.*

#### **Emigrants Issues.**

129. **Mr. O'Shea** asked the Minister for Foreign Affairs the progress made to date in implementing the recommendations of the task force on policy regarding emigrants; the latest work of the dedicated unit within his Department to deal with issues concerning Irish persons overseas; the meetings which members of this unit have had with representatives of the Irish emigrant community; and if he will make a statement on the matter. [2772/05]

156. **Mr. P. McGrath** asked the Minister for Foreign Affairs the progress that is being made on the implementation of the recommendations of the task force on emigrants; and if he will make a statement on the matter. [2633/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I propose to take Questions Nos. 129 and 156 together.

The task force on policy regarding emigrants contained many detailed recommendations whose implementation can best be brought about

[Mr. D. Ahern.]

on a phased basis. Considerable progress has already been made, with action under way on over two thirds of its recommendations. Overall policy is now, as recommended by the task force, the responsibility of my Department and a dedicated unit — the Irish Abroad Unit — has been established to drive forward progress in this important area.

Funding for emigrant services has risen significantly in recent years. Since 1997 funding from the Department of Foreign Affairs, and grants from the Dón Fund for emigrant welfare in Britain, have increased by some 850%. I was delighted to secure €8.27 million for 2005. This represents an increase of 63% on the 2004 amount and means that increased funding, as recommended by the task force, will be directed to voluntary organisations that provide critical services to our vulnerable emigrants. These organisations are active across the range of critical areas identified by the task force, including pre-departure services and frontline advice and counselling to our community living abroad.

The Irish Abroad Unit is promoting progress on initiatives which build on the task force report. It is working to encourage greater collaboration between all the partners, in government and in the voluntary sectors, in Ireland and abroad, to enhance the coherence and effectiveness of activities. The unit is also responsible for managing the financial support that my Department directs to the voluntary organisations that are engaged in the delivery of services to Irish emigrants, particularly the more vulnerable and marginalised.

Officials of the unit are active on the ground in developing contacts with the full range of partners involved. They have had a wide range of meetings in Ireland with Departments and agencies that have a role in the provision of services to emigrants. They have also had meetings with organisations that provide frontline services to Irish people in the US, London, Birmingham, Coventry, Luton and Manchester, including with groups supporting Irish people in need of special attention and assistance such as older emigrants, travellers and undocumented Irish people in the US. Further meetings are being planned for the period ahead. Close and ongoing exchanges of this type ensure that those in the voluntary sector engaged in the provision of services to our emigrants have an effective channel of communication to the Government. In this way, we can ensure that the needs of our emigrants continue to be accorded the highest priority and that our response is effective and is developed further in the period ahead.

I am delighted to have met many of the people who work with our vulnerable emigrants, including during my visit to the London Irish Centre in December. I was pleased to hear that the establishment of the Irish Abroad Unit, and the significant increase in funding secured for emigrant ser-

vices, have been warmly welcomed by those who provide critical frontline services to our communities abroad.

### **Middle East Peace Process.**

130. **Mr. Gormley** asked the Minister for Foreign Affairs if his attention has been drawn to the Palestinian Centre for Human Rights report for the week 13 to 20 January 2005, which stated that eight Palestinians, five of whom were civilians, including two children and an elderly woman, were killed and at least 20 others injured by the Israeli Defence Forces in Palestinian territories; his views on whether these actions are consistent with the human rights obligations of the Israeli Government under Article 2 of the Association Agreement between Israel and the European Union; his further views on whether the Israel versus Ireland match scheduled for 26 March 2005 and the Ireland versus Israel match on 4 June 2005 should be called off in view of continued human rights abuses in the Palestinian territories; and if he will make a statement on the matter. [2804/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I am aware of the report to which the Deputy refers. The Government, in common with its EU partners, has repeatedly called for all parties to bring an end to the cycle of violence. The Government has consistently condemned all attacks aimed at civilians, including the continuing rocket attacks carried out by Hamas against Israelis. Equally, I have condemned the disproportionate and sometimes indiscriminate nature of the Israeli military actions in the Gaza Strip which have claimed the lives of many innocent civilians, including children, and left many injured.

The provisions of Article 2 of the Association Agreement between EU and Israel reinforce obligations which already fall to the signatories with respect to human rights. The question of whether Israel has fully lived up to its obligations under this article is a subject for regular discussion at the meetings of the EU-Israel Association Council.

The Government has given no consideration to the question of whether it would be appropriate to cancel the football matches to which the Deputy refers. I very much doubt that such a gesture would do anything to increase Ireland's influence over the actions of the Israeli defence forces. It would almost certainly lead to Ireland's elimination from the FIFA World Cup competition.

### **Irish Language.**

131. **Ms Lynch** asked the Minister for Foreign Affairs the progress made in negotiations with the European Commission regarding the status of the Irish language in the European Union; if he envisages movement on this issue during the

Luxembourg Presidency of the EU; and if he will make a statement on the matter. [2766/05]

**Minister for Foreign Affairs (Mr. D. Ahern):**

On 24 November, the Government tabled a formal proposal in Brussels requesting that official and working status in the EU be accorded to the Irish language. A copy has been forwarded to the Deputies.

The proposal outlines a practical way to enhance the standing of Irish in the EU. We are proposing that certain key EU legislation, adopted jointly by the Council and the European Parliament, would be translated into Irish. The possibility of extending the range of documents to be translated into Irish would be the subject of a review to take place not later than four years after the adoption of this proposal.

The amendment of Regulation 1 of 1958, which governs the Union's language regime, requires the unanimous approval of partners. We are continuing discussions with the other EU member states and EU institutions on this complex and sensitive issue. The outcome and length of negotiations on this matter cannot be predicted with any certainty. However, we are determined to try to make early progress on this matter.

**Lisbon Strategy.**

132. **Mr. Neville** asked the Minister for Foreign Affairs the action being taken by the Government to implement the Lisbon strategy, in view of the recent report by a person (details supplied); and if he will make a statement on the matter. [2629/05]

**Minister for Foreign Affairs (Mr. D. Ahern):**

Implementation of the Lisbon strategy is a priority for the Government. As the Deputy is aware, it is a ten year strategy covering a wide range of issues relating to economic, social and environmental renewal which fall within the responsibility of individual Departments. The Department of the Taoiseach has overall responsibility for co-ordinating Ireland's approach to the strategy, including as regards the mid-term review of implementation which is on the agenda of the European Council on 22 and 23 March.

In preparation for the mid-term review, during the Irish Presidency last year, the European Council invited the Commission to establish a high level group to review the strategy, the report of which is referred to in the Deputy's question. Under the chairmanship of former Netherlands Prime Minister Wim Kok, the high level group brought forward its report in November 2004. The Government has welcomed the approach taken in the report which emphasises growth and competitiveness, progress on which is critical if key Lisbon objectives are to be achieved by 2010. European Union Heads of State or Government agreed at the November European Council that the Commission should pay regard to the report

when preparing proposals for the mid-term review of the strategy. I look forward to considering the proposals in that regard to be adopted by the Commission today.

The high level group recommended also that governments make progress on establishing reform partnerships, as agreed at the 2004 spring European Council, involving social partners, public authorities and representatives of civil society to develop complementary strategies for change. In Ireland, the Government has already secured the agreement of the parties concerned for our social partnership structure to serve as a reform partnership for the purpose of assisting in the review of the Lisbon strategy. Accordingly, the social partners were consulted by the Government in the preparation of our national contribution to the mid-term review.

*Question No. 133 answered with Question No. 92.*

**Zimbabwean Elections.**

134. **Ms Enright** asked the Minister for Foreign Affairs the position regarding the upcoming elections in Zimbabwe; and if he will make a statement on the matter. [2627/05]

**Minister for Foreign Affairs (Mr. D. Ahern):**

The parliamentary elections scheduled to take place in Zimbabwe on 31 March will represent an important test in determining the willingness of the Zimbabwean Government to effect genuine political reforms and improve the situation in that country as regards democracy, good governance and respect for human rights.

Ireland and our EU partners believe firmly that for the parliamentary elections in March to be free and fair, they must be held in accordance with the principles and guidelines on democratic elections adopted by the SADC, Southern African Development Community, Summit in Mauritius last August and with which the Zimbabwean Government initially stated it would comply. To date, however, there has been little sign of such compliance on the Zimbabwean Government's part through political reforms such as the lifting of repressive legislation and the opening up of political space to opposition parties in Zimbabwe. If anything, the political and human rights situation has deteriorated in recent months, with the passing of repressive legislation imposing severe restrictions on the operations of non-governmental organisations, NGOs, particularly those in the human rights and humanitarian fields. Ireland, both nationally and as part of the EU, has made known our concerns to the Zimbabwean authorities regarding the possible implications of this new legislation for humanitarian organisations operating in Zimbabwe while these concerns have also been raised at EU level with the other members of SADC.

The lack of progress on the Zimbabwean Government's part in complying with the SADC



[Mr. D. Ahern.] guidelines has led the Movement for Democratic Change, the principal opposition party in Zimbabwe, to announce that it will not participate in any elections which are held outside the provisions of the SADC framework. A final decision by the MDC on whether to participate is likely to be taken shortly. Obviously, any prospect of free and fair parliamentary elections in Zimbabwe in March will be greatly diminished in the event of a MDC decision not to participate.

Ireland, along with our EU partners, will continue to urge the Zimbabwean Government to introduce the political reforms which are necessary if the parliamentary elections in March are to be held in full accordance with the SADC guidelines. SADC has an important role to play in monitoring the Zimbabwean elections and the EU is using every opportunity to press South Africa and the other members of SADC to use their not inconsiderable influence with the Zimbabwean Government in this regard. In the meantime, the common position imposing targeted sanctions against members of the ruling elite in Zimbabwe, first adopted by the EU in February 2002, is likely to be renewed for a further period of 12 months in the coming weeks, given the absence of any real progress to date by the Zimbabwean authorities towards meeting the benchmarks on promotion of democracy and respect for human rights which the EU has set.

*Question No. 135 answered with Question No. 93.*

*Question No. 136 answered with Question No. 113.*

### **Trade Relations.**

137. **Mr. Morgan** asked the Minister for Foreign Affairs his views on the human rights standards that should apply to trading relationships; and his further views on whether Ireland should trade with persistent human rights violators and thus profit from them and prop-up their economies. [2802/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** Human rights are, and have always been, a priority of successive Irish Governments and a central part of our foreign policy. The Irish Government has consistently stated its belief that the protection and promotion of international human rights is vital and that all states must continuously endeavour to better uphold and comply with the human rights obligations which devolve on them.

In terms of how we respond to human rights violations in other countries, including those with whom we have significant trading relations, there is a menu of options which can be explored, according to the circumstances of the individual country in question. This menu has a wide range and includes such options as dialogue on human

rights issues, of which the EU-China human rights dialogue is an example; and the adoption of resolutions in multilateral human rights fora, such as the UN General Assembly or the UN Commission on Human Rights.

In deciding which option to engage, Ireland, the EU and the international community consider, among other things, the degree to which a country's human rights record is improving over time and its willingness to interact with the international community on human rights questions. Seen in this light, it is often the case that engagement and co-operation are a better way of moving forward towards the further protection of human rights than the condemnation, or the isolation of a country, in response to human rights violations.

With regard to the general relationship between human rights standards and trade, there are increasing efforts to focus on the concept of corporate social responsibility. Indeed codes of conduct now exist which outline for companies the human rights standards which they should endeavour to observe in the context of trading relationships. By way of example, one such code is the United Nations Global Compact, which was launched in 2000 by the United Nations Secretary General. The global compact sets out ten principles which businesses are encouraged to respect in a manner which would advance responsible corporate citizenship, thereby leading to increased worldwide respect for international human rights standards. My Department is currently examining how we might best react to other proposals on the issue currently before the UN.

*Question No. 138 answered with Question No. 92.*

### **Diplomatic Representations.**

139. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if his attention has been drawn to the case of a person (details supplied); and if he has made representations to Germany in respect of this case. [2801/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I understand that Mr. Remzi Kartal was detained in Germany on 22 January, on the basis of an international arrest warrant issued by Turkey. Mr. Kartal is detained in Nuremberg and his case is currently under consideration by the German judicial authorities. It is not my intention to make representations to the German authorities in regard to this case.

### **Human Rights Issues.**

140. **Mr. Deenihan** asked the Minister for Foreign Affairs if he has considered the findings of an Amnesty International report detailing unlawful killings in Nepal; and if he will make a statement on the matter. [2625/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I am aware of the findings of the Amnesty International Report on Nepal and would like to make a statement on the matter.

A rebellion against the monarchy of Nepal, led by the extreme left-wing Nepal Communist Party, Maoists, has been ongoing since 1996. The insurgency has, to date, claimed approximately 10,000 lives. The rebels are fighting to abolish the constitutional monarchy and establish a socialist state in the Himalayan kingdom. It is estimated that more than 40% of the country is now under Maoist control.

After consultations with other political parties on 26 November 2001, the Nepalese Government declared a state of emergency and termed the Maoists as terrorists. The King also approved mobilisation of the army in an effort to counter the insurgency. On 29 January 2003, a ceasefire was declared by the Nepalese Government and the Maoist rebels. The ceasefire proposed to lead to further negotiations between the government and the Maoists, and eventually to free and fair elections.

On 13 March 2003, Nepal's Government and the rebels agreed to release all prisoners of war and announced guidelines for peace talks. Three rounds of peace talks took place on 27 April, 9 May and 17-19 August 2003, but the process collapsed on 27 August 2003 when the Maoists stated they were withdrawing from the ceasefire because agreements reached had not been implemented and because the government would not agree to its demands, including setting up a constituent assembly. Fighting has continued since 2004. On 1 February 2005, King Gyanendra Bir Bikram Shah Dev dismissed the country's government and declared a state of emergency. EU heads of mission in Kathmandu are currently assessing the situation and will report back to member states. Together with our EU partners, we will continue to monitor the situation closely.

Ireland, together with our EU partners, is increasingly concerned at the deteriorating situation in Nepal, particularly in the human rights area. An EU Troika of Regional Directors visited Nepal from 13-15 December 2004 to convey EU concerns to the Nepalese authorities. The Troika met King Gyanendra Bir Bikram Shah Dev and then Prime Minister Deuba, as well as with representatives of the Royal Nepalese Army and civil society. The Troika emphasised the need for all parties to pursue a political solution through negotiations between all sides and assured the Nepalese authorities of EU support for a peace process. The Troika also expressed grave concern at the rapidly deteriorating human rights situation in Nepal and reminded all sides of their obligations under both Nepali and international law. It further expressed the EU's support for the efforts of the National Human Rights Commission, NHRC, and stated that the intimidation of human rights defenders was unacceptable.

Since the Troika visit, the EU has asked EU heads of mission in Kathmandu to report on the current situation in Nepal, including on human rights.

The situation of human rights in Nepal was addressed by the United Nations Commission on Human Rights at its 60th session in 2004. Together with our EU partners, we are currently considering the most effective form of action for the commission to adopt at this year's session.

The UN High Commissioner for Human Rights, UNHCHR, Ms Louise Arbour, visited Nepal from 23-26 January 2005 to assess the human rights situation there. The UNHCHR expressed concern at the alarming and growing number of human rights abuses and called on the government to act in compliance with international humanitarian and human rights law. She further called on the Nepalese Government and Maoist rebels to facilitate the work of the National Human Rights Commission and called for full and unhindered access to places of detention. The UNHCHR also urged the Maoist rebels to engage with the people of Nepal through reasoned argument in a democratic arena and to pursue their objectives in compliance with international law.

Ireland, together with its EU partners, will continue to follow closely the situation in Nepal and to encourage both sides to pursue a peaceful, political solution and respect for human rights.

*Question No. 141 answered with Question No. 92.*

*Question No. 142 answered with Question No. 92.*

143. **Mr. Hayes** asked the Minister for Foreign Affairs if the Government has committed specific assistance to the Turkish Government for putting in place new judicial and police procedures that will help to underpin human rights in Turkey; and if he will make a statement on the matter.  
[2637/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** Turkey has made very significant progress over the past three years in the adoption of wide-ranging constitutional and legislative reforms. Prime Minister Erdogan has made it clear that his government's programme of human rights reform is being implemented in the interests of the Turkish people. It is also a central element in the development of Turkey's relations with the European Union. The December 2004 European Council decided that Turkey sufficiently fulfils the political criteria for membership to enable the opening of accession negotiations and that this should happen on 3 October 2005. The pace of the negotiations will depend in large part on Turkey's continued progress in the implementation of reforms.

[Mr. D. Ahern.]

Over the past year, there have been a number of important developments in judicial and police reform in Turkey. The major constitutional reform package adopted in May 2004 resulted in the abolition of the state security courts and the removal of all references in the constitution to the death penalty, which has been abolished for all circumstances. The reform package also enshrined in the constitution the principle of the supremacy of international and European treaties ratified by Turkey over domestic legislation. A comprehensive new penal code was adopted by the Turkish Parliament in September 2004 and will enter into force in April 2005. In its report for 2004 on Turkey's progress towards accession, the Commission noted that the legislative and administrative framework required to combat torture and ill-treatment has been substantially put in place since 2002 when the government declared its intention to pursue a zero tolerance policy against torture. The challenge for Turkey in the period ahead is to ensure the full implementation of human rights reforms throughout the country and at every level of the Administration.

The revised Accession Partnership with Turkey, which was adopted by the Council in May 2003, provides the framework for an intensive dialogue between the EU and Turkey on preparations for accession and on the details of the reform process. Ireland has participated fully in this dialogue, in direct contacts with the Turkish Government and in co-ordination with our partners in the EU. Following the December 2004 European Council decision, the Commission is now preparing proposals for consideration by member states for a further revision of the Accession Partnership, setting out the priorities for the reform process in the context of the opening of accession negotiations. The EU will continue to work closely with Turkey to encourage the successful implementation of human rights reforms, especially in relation to the zero tolerance policy on torture, which will be essential for progress in the negotiations.

The Accession Partnership is the framework for assistance to Turkey. Some €235 million was allocated in Community assistance in 2004, including support for a range of human rights activities. These include support to enable the Human Rights residency in the Office of the Prime Minister to promote the reform packages throughout the Administration. The EU is also supporting important activities in the area of justice and home affairs, including the implementation of measures to ensure protection and justice for children in the judicial system and the establishment of a national probation service.

Turkey has benefited from a number of EU and international programmes designed to assist the establishment of judicial and police procedures that comply with international standards.

The issue of training for the judiciary and the police in the culture of human rights is crucial. The European Commission and the Council of Europe have taken a joint initiative to provide training for judges and police. To date, training has been provided to over 200 Turkish human rights trainers, with responsibility for training over 9,000 judges. Since 2003, all judges and prosecutors in Turkey have received training on the European Convention for the Protection of Human Rights and Fundamental Freedoms and the case law of the European Court of Human Rights. The EU is also providing assistance on police co-operation and on the fight against organised crime, and the Council of Europe last year undertook a comprehensive programme of training for the police on modern European policing standards.

*Question No. 144 answered with Question No. 92.*

### **Diplomatic Relations.**

145. **Mr. Perry** asked the Minister for Foreign Affairs the nature of the relationship between Ireland and Belarus; if he has had recent contact with the authorities in Belarus; and if he will make a statement on the matter. [2636/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** Diplomatic relations between Ireland and Belarus were established on a non-residential basis in 1992, following the break up of the former Soviet Union. Ireland's current Ambassador in Moscow, Mr Justin Harman, presented his credentials to President Lukashenko in January 2004. The Belarus Ambassador in London, Dr. Alyaksei Mazhukhou, presented his credentials to President McAleese on 16 December 2004. I have not had contact with the Belarusian authorities for reasons which I shall outline. However, the two ambassadors have been very active.

Belarus is a European country of considerable potential which, tragically, has become isolated from the European mainstream. The policies pursued by the Government of Belarus, notably the lack of progress towards democracy, the rule of law and respect for human rights, have prevented Belarus from taking up its rightful place among European democratic countries. The unhappy result today is that Belarus alone among the countries on the eastern border of the EU, or soon to border the Union, is not covered by the European neighbourhood policy. For several years already, since 1997, the EU has restricted bilateral ministerial level contacts with Belarus.

With the exception of humanitarian or regional projects, or those which directly support the democratisation process, Community technical assistance programmes to Belarus have also been halted. Naturally, these measures have limited the development of intergovernmental relations between Ireland and Belarus.



The continuing lack of any democratic reform in Belarus and the authorities's self-isolating economic and foreign policies are a matter of real concern to Ireland, to the new EU member states which are immediate neighbours of Belarus — Poland, Lithuania and Latvia — and to the EU as a whole. There is a widely shared wish to foster a more positive trend in Belarus. Before the parliamentary elections and referendum of 17 October last in Belarus, the European Union made clear that an unfair election would not be without consequences for EU policy towards Belarus.

The latest statement of EU policy towards Belarus followed the fraudulent election and referendum of 17 October 2004 and is in the form of Council conclusions adopted on 22 November 2004. These conclusions stipulate that bilateral ministerial contacts of the EU and its member states with President Lukashenko and his government will be established solely through the Presidency, the Secretary General-High Representative, the Commission and the Troika, and that other contacts with the President and members of his government will be limited to a minimum. At the same time, the Council conclusions envisage intensified assistance efforts by the European Commission to meet the challenges arising from the self-isolation of Belarus. The Commission is to co-ordinate assistance programmes to Belarus, specifically programmes which support the needs of the population by humanitarian, regional and cross-border co-operation and projects directly and indirectly supporting democratisation and democratic forces in Belarus.

Limited intergovernmental relations have not prevented the development of significant links between the people of Belarus and the Irish people. The authorities of Belarus at the highest level have expressed appreciation of the work of groups such as the Chernobyl Children's Project in the area of humanitarian assistance to Belarus.

As the House is aware, I raised at the General Affairs and External Relations Council on 22 November last my deep concern that new administrative restrictions might have the effect of preventing such groups from pursuing their humanitarian work. Strong representations were made through bilateral diplomatic channels in the following weeks and the former President of the Council as well as Secretary General High Representative Solana raised the matter again in separate letters to Foreign Minister Martynov before the end of last year. I shall continue to watch relevant developments closely.

Arising from the Council conclusions I described, a series of EU meetings and workshops on assistance programmes for Belarus is now under way, with input from the Chernobyl Children's Project as well as NGOs from some other member states which also have extensive experience of working in Belarus. The objective is to develop practical ideas on how the EU and

member states can contribute most effectively to meeting the humanitarian needs of the population of Belarus and supporting civil society. Ireland's experience of NGO involvement in Belarus is a valuable resource in this context. The work in hand is the core element of an ongoing political effort to fashion an adequate EU policy towards Belarus as a neighbouring country. Whether the authorities of Belarus will be willing to change course and engage fully in developing fruitful relations with the EU is ultimately a matter for them to determine.

*Question No. 146 answered with Question No. 108.*

### **Overseas Development Aid.**

147. **Mr. Stanton** asked the Minister for Foreign Affairs if he has raised with his European and American counterparts the low levels of aid given to Afghanistan to assist in the rebuilding and restructuring of that country; the Government's views on these low aid levels; and if he will make a statement on the matter. [2645/05]

**Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan):** Afghanistan has embarked on an enormous political, economic and social transformation since it emerged from 23 years of conflict just three years ago. Much progress has been made. Millions of children have returned to school. There have been major investments in primary health care, water, sanitation and rural development. Economic growth rates are positive.

There are major challenges ahead. Safe water and sanitation coverage is low and only 6% have access to electricity. Yet, for the first time in a generation the people of Afghanistan can see discernible progress economically and socially. They have an elected President, are preparing for general elections and there is a development framework to guide the country's reconstruction.

The international community is fully supporting the Government of Afghanistan in its work of rebuilding the country. This is a co-operative effort involving the Government of Afghanistan, bilateral donors, including Ireland, UN agencies, the EU and civil society as represented by non-governmental organisations, NGOs, including Concern, GOAL, Trócaire and Christian Aid.

The international community has committed large sums to Afghanistan in development and humanitarian assistance. Last year at the Afghanistan Donor Conference held in Berlin in March, donors pledged €8.2 billion over three years. President Karzai expressed himself happy with this degree of support. Assistance from the US to Afghanistan between 2001 and 2004 amounted to €4.2 billion. In 2002, the EU provided over €850 million and in 2003, €835 million. These sums represent a very substantial level of support and they were delivered rapidly.

[Mr. C. Lenihan.]

Ireland plays its part in the reconstruction of Afghanistan. Since 2002, Ireland has provided €17 million in support of recovery and reconstruction. These funds are delivered through the Afghanistan Reconstruction Trust Fund, ARTF, UN agencies, international organisations and trusted NGO partners. Ireland contributed €800,000 to support the organisation of the presidential elections, through the United Nations Development Programme, UNDP.

The rebuilding of Afghanistan is a long-term project. The commitment of the international community will be necessary for a number of years, until the economy of Afghanistan begins to produce the revenues necessary to fund its own development. Ireland will continue to play its role as long as necessary.

148. **Mr. Ring** asked the Minister for Foreign Affairs if he has discussed the level of Ireland's overseas development aid with the United Nations since the budget 2005 statements on aid; and if he will make a statement on the matter. [2632/05]

**Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan):** I have not had the occasion to discuss the level of our overseas development aid with the United Nations since the budget 2005 statements last December. Officials of my Department are, however, in regular contact with the United Nations funds, programmes and specialised agencies whose development work Ireland supports.

#### Human Rights Issues.

149. **Mr. Hayes** asked the Minister for Foreign Affairs if the Government has raised the issue of the detention and torture of prisoners in Peru with the Peruvian Government; and if he will make a statement on the matter. [2626/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I am aware that Amnesty International has stated that the treatment of prisoners in the Challapalca Maximum Security Prison in the department of Tacna, Peru amounts to cruel, inhuman and degrading ill-treatment and that it has expressed concern about reports that these prisoners have been subjected to physical and psychological violence, as well as enduring harsh climatic conditions. The Inter-American Commission on Human Rights is also reported to have been highly critical of the conditions in the prison. I presume that the Deputy is referring to these reports. Ireland, together with its EU partners, continues to monitor the process towards peace and reconciliation, as well as the other efforts to improve human rights and democracy in Peru.

In the Declaration of Guadalajara, which was adopted during the recent Irish Presidency, the countries of the EU and Latin America and the Caribbean, including Peru, reiterated their com-

mitment to the promotion and protection of all human rights. I understand that last year the prison authorities in Peru were reported to be committed to closing Challapalca Prison. While Ireland does not have a resident embassy in Peru, I have asked our non-resident ambassador, based in Mexico City, to request the local EU Presidency in Lima to inform us about the current situation regarding the prison, following any necessary approach to the Peruvian authorities.

150. **Mr. Eamon Ryan** asked the Minister for Foreign Affairs the efforts he has made on behalf of a person (details supplied); his views on whether the parliamentary procedures used to convict and sentence this person fell far short of internationally recognised standards; his further views on Amnesty International's opinion that this person should face trial by an independent and impartial court; and if he will make a statement on the matter. [2812/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I refer the Deputy to my reply to Question No. 457 of 26 January 2005, a copy of which can be seen below for information.

457. **Mr. Quinn** asked the Minister for Foreign Affairs if he will take all appropriate steps to urge the Zimbabwean authorities to secure the release of a person (details supplied); and if he will make a statement on the matter. [1408/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I am aware of and have been closely following the case of Mr. Roy Bennett, the Movement for Democratic Change, MDC, opposition Member of Parliament, who was sentenced by the Zimbabwean Parliament last October to 12 months imprisonment with labour. A number of aspects of the case give rise to concern, including the apparently arbitrary procedures employed in Mr. Bennett's trial and conviction by a committee of the Zimbabwean Parliament rather than by an ordinary court, where the maximum penalty applicable would have been a small fine. While it is not possible to condone the action for which Mr. Bennett was sentenced, it is clear that the sentence imposed was politically motivated and wholly disproportionate to the offence committed.

The imprisonment of Mr. Bennett is one of many incidents in an overall pattern of harassment, intimidation and violence which opposition politicians and supporters have faced in Zimbabwe for some years now. Regrettably, the overall human rights situation in Zimbabwe continues to deteriorate, with arbitrary arrests and ongoing politically inspired violence. Legislation has just been enacted by the Zimbabwean Parliament which will impose serious restrictions on the activities of human rights NGOs operating in Zimbabwe.

Ireland and its EU partners are continuing to take the lead in highlighting the serious human rights situation in Zimbabwe, including through tabling a resolution on the issue at the recent session of the UN General Assembly. We will continue, through EU Ambassadors in Harare, to press for the repeal of repressive legislation and an end to attacks on basic freedoms by the Zimbabwean authorities. Such political reforms are crucial if there is to be any prospect of free and fair parliamentary elections in Zimbabwe next March, carried out in accordance with the Principles and Guidelines on Democratic Elections adopted by the Southern African Development Community Summit in Mauritius last August.

The Government has been active in ensuring that EU Ambassadors in Zimbabwe continue to monitor Mr. Bennett's case closely with a view to the EU intervening on behalf of members of the opposition in Zimbabwe, including Mr. Bennett, who have been unfairly imprisoned.

*Question No. 151 answered with Question No. 109.*

#### **Shannon Airport Landings.**

152. **Ms McManus** asked the Minister for Foreign Affairs his policy with regard to the use of Shannon Airport by the US military for the transport of al-Qaeda suspects and prisoners; if his attention has been drawn to media reports that a US jet used to abduct and transport such suspects landed in Shannon Airport three times in 2004; and if he will make a statement on the matter. [2767/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I am aware of various reports claiming that an aircraft which has in the past landed at Shannon Airport was used in December 2001 by US authorities for the transportation of al-Qaeda suspects from Sweden to Egypt. My understanding of the articles is that they do not allege that any stops were made in Shannon on that particular occasion, nor do they offer any proof that prisoners have been transported through Shannon by the US authorities. The aircraft referred to by the Deputy is a civilian registered aircraft. The regulation of the activities of civilian aircraft is primarily a matter for the Minister for Transport, who made inquiries in the matter and outlined his findings to this house in replies to parliamentary questions on 7 October 2004, 19 October 2004, 2 November 2004 and 23 November 2004.

I would take the opportunity to reiterate my previous statements to the House that the Government has no information to indicate that prisoners are being transported through Irish airports to and from Guantanamo or elsewhere. The transport of prisoners through Irish airports should only take place in accordance with Irish

law. This has been made clear to the US authorities. For their part, the US authorities have confirmed that Irish airports are not used for this purpose and that they would not seek to use Irish airports for this purpose in the future without seeking the authorisation of the Irish authorities.

#### **Iraqi Elections.**

153. **Mr. English** asked the Minister for Foreign Affairs the position regarding the elections undertaken in Iraq; and if he will make a statement on the matter. [2635/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I refer the Deputy to my reply to Question No. 97 today.

*Question No. 154 answered with Question No. 102.*

*Question No. 155 answered with Question No. 127.*

*Question No. 156 answered with Question No. 129.*

#### **Human Rights Issues.**

157. **Mr. Stagg** asked the Minister for Foreign Affairs if there has been a change in the Government's position on the re-imprisonment of a person (details supplied) who had expressed an interest in seeking residency here. [2787/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I share the Deputy's concerns about the situation of this person and the background to the case. My understanding is that the person in question was arrested when he attempted to cross the Israeli border into the West Bank. This was a violation of the restrictions imposed as a condition of his release from prison in 2004 at the end of the prison sentence which he had served. On this occasion he was detained briefly and released on 25 December.

The Government has consistently been of the view that the person concerned should be given freedom to travel to and from Israel. However, the restrictions applying to the person in question have been the subject of judicial review by the Israeli Supreme Court. I do not think that there is any likelihood that the Israeli Government will overturn the court's decision.

The Government will continue to monitor the situation.

*Question No. 158 answered with Question No. 92*

159. **Ms Lynch** asked the Minister for Foreign Affairs the topics discussed in the general and regional areas of foreign policy on the recent trip to the People's Republic of China; and if he will make a statement on the matter. [2765/05]



181. **Mr. O'Dowd** asked the Minister for Foreign Affairs if Government representatives discussed human rights concerns with representatives of the Chinese Government during the recent trade mission to that country; and if he will make a statement on the matter. [2631/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I propose to take Questions Nos. 159 and 181 together.

The Taoiseach undertook an official visit to China from 17-22 January 2005. Official talks took place between Premier Wen Jiabao and the Taoiseach on 18 January in Beijing during which general bilateral relations and foreign policy issues were discussed. The Taoiseach also paid courtesy calls on Mr. Hu Jintao, President of the People's Republic of China, and Mr. Wu Bangguo, Chairman of the National People's Congress of China.

The principal focus of the Taoiseach's discussions with Premier Wen was on the rapid development of bilateral relations with China since the Taoiseach's previous visit to China in 1998. In this context, both sides welcomed the strengthening of relations evidenced in the exchanges of high-level visits, the growth in trade, and the development educational, cultural and people-to-people links. The Taoiseach and the Chinese Premier also discussed Taiwan, the EU arms embargo on China and the issue of market economy status for China. They also briefly reviewed current international issues, including the recent tsunami disaster in South East Asia. Further co-operation in the fields of agriculture, education, healthcare, tourism, software and scientific research were also discussed.

The Taoiseach and Premier Wen discussed human rights during their meeting on 18 January. The Taoiseach, while recognising the different historical perspective of Ireland and China in regard to the promotion and protection of human rights, stressed the importance that the Government attaches to China's continued progress in this area. The possibility of developing bilateral co-operation on furthering human rights norms was raised with the Chinese side.

The Taoiseach had an interesting exchange with Chairman Wu on the Chinese Government's efforts to promote human rights and the rule of law. Chairman Wu looked forward to Irish and Chinese parliamentarians continuing this dialogue at various meetings scheduled to take place during the course of this year.

Discussions on human rights issues also took place at official level during the course of the Taoiseach's visit. In particular, the Irish side raised the case of Ms. Yang Fang. Ms. Yang Fang studied in Ireland some years ago and it has been alleged that following her return to China, she was placed in detention by the Chinese authorities and has been prevented from resuming her studies in Ireland. We have raised Ms. Yang

Fang's case with the Chinese authorities through the EU-China human rights dialogue, which is the agreed framework for raising individual human rights cases. On 18 January, the Chinese side reported that Ms. Yang Fang was not in detention and that she had left her employment several months ago to care for her aging mother. The Chinese side expressed regret that in two previous cases where they had responded to Irish Government representations to allow Chinese students to return to Ireland to continue their studies, the students concerned had become outspoken critics of the Chinese Government in Ireland.

#### **Middle East Peace Process.**

160. **Mr. Connaughton** asked the Minister for Foreign Affairs if he has had contact with the President of the Palestinian Authority, Mr. Mahmoud Abbas, with regard to the Middle East peace process; and if he will make a statement on the matter. [2652/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I have not yet had the opportunity to make direct contact with President Abbas. The Taoiseach telephoned President Abbas to congratulate him on his election victory shortly after the result was formally announced and the Government will maintain contact with President Abbas in the weeks to come. It is my intention to visit the region in the near future and I hope to meet with President Abbas at that time.

*Question No. 161 answered with Question No. 108.*

#### **Arms Trade.**

162. **Mr. Morgan** asked the Minister for Foreign Affairs the basis on which the Taoiseach supports ending the EU ban on arms exports to China; the basis on which the Taoiseach is impressed with China's commitment to change its human rights record; and if there is any other country for which he accepts the argument that progress on human rights must be gradual. [2803/05]

179. **Mr. Gormley** asked the Minister for Foreign Affairs the reason the Government is in favour of lifting the EU arms embargo on China; and if he will make a statement on the matter. [2805/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I propose to take Questions Nos. 162 and 178 together.

China has for some time been seeking the lifting of the EU arms embargo on that country. China has argued that the embargo is discriminatory and does not reflect the nature of the present relationship between China and the EU. It has argued that its purpose in seeking the lifting of the embargo is to remove a symbolic impediment

to EU-China relations, rather than to increase arms exports from the EU.

At the EU-China Summit held on 8 December 2004, the EU confirmed its political will to continue to work towards lifting the embargo. The Chinese side welcomed this positive signal and considered it beneficial to the sound development of the comprehensive strategic partnership between China and the EU. The EU reaffirmed that work on strengthening the application of the EU code of conduct on arms exports was continuing.

The European Council, at its meeting on 16-17 December 2004, reaffirmed its political will to continue to work towards lifting the embargo. At the same time, the EU underlined that the result of any decision should not be an increase of arms exports from EU member states to China. In this regard, the European Council recalled the importance of the criteria of the EU code of conduct on arms exports, in particular criteria regarding human rights, stability and security in the region and the national security of friendly and allied countries. The European Council also stressed, in this context, the importance of the early adoption of a revised EU code of conduct on arms exports, and the new instrument on measures pertaining to arms exports to post-embargo countries known as the “toolbox”.

The EU code of conduct on arms exports is a politically binding document which has been in operation since 1998 and contains eight criteria for assessing applications for export licences for military equipment. Included in these criteria is respect for human rights in the country of final destination and the preservation of regional peace, security and stability. Work on revising the code of conduct is currently ongoing and progressing well at technical level within the EU.

During his discussions with Chinese leaders in Beijing last month, the Taoiseach indicated that Ireland was ready to support the lifting of the arms embargo once the revised code of conduct was in place. He recalled the mutual understanding that the lifting of the embargo was not intended to lead to an increase in EU arms exports to China. He also explained the importance to the EU of continued progress in the promotion and protection of human rights in China.

The Government continues to examine this issue with our EU partners, in the context of our overall relationship with China, our ongoing commitment to human rights and the broader regional and international context. The EU will return to collectively take a decision on lifting the embargo once technical work on revising the EU code of conduct on arms exports has been completed.

Human rights are universal and should always be respected. Unfortunately, this is not the case in many parts of the world. This is particularly so in countries which have little or no experience of democracy or of respect for individual human

rights. The approach of the Government is to seek to encourage the governments of such countries to move in the direction of greater respect for human rights. This is in no way to condone any violations which take place but it is to be realistic in recognising that radical change will not take place overnight and that change can often be best achieved through engagement.

*Question No. 163 answered with Question No. 93.*

#### **Tsunami Disaster.**

164. **Mr. Penrose** asked the Minister for Foreign Affairs if his Department is still advising Irish tourists not to travel to the Maldives, eastern parts of Sri Lanka and the west coast of Thailand in the wake of the tsunami disaster in the region; and if he will make a statement on the matter. [2776/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** My Department is no longer advising against travel to the Maldives, the eastern parts of Sri Lanka and the western coastal areas of Thailand.

However, because of disruption to tourists and public services as a result of damage caused by the tsunami, my Department advises Irish travellers intending to travel to the Maldives, the eastern and southern coastal areas of India, including the Andaman and Nicobar Islands, the western coastal areas of Malaysia and the western coastal areas of Thailand to check with their travel operator and, if possible, with the accommodation provider at their destination before they depart.

#### **Northern Ireland Issues.**

165. **Caoimhghín Ó Caoláin** asked the Minister for Foreign Affairs if his attention has been drawn to the proposal of the Northern Ireland Affairs Committee of the British House of Commons to hold an inquiry into Reconciliation: Dealing with Northern Ireland's Past; his views on whether it is appropriate for the committee to deal with this issue; if he has discussed it with British Government representatives; and if he will make a statement on the matter. [2753/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** In November 2004, the Northern Ireland Affairs Committee of the British House of Commons announced that it would hold an inquiry entitled “Reconciliation: Dealing with Northern Ireland's Past”. The Irish Embassy has been in contact with the committee with regard to this particular inquiry.

Mr. Michael Mates, chairman of the committee has stated publicly that the committee recognises that dealing with Northern Ireland's past is first and foremost a matter for the people of Northern Ireland themselves. Last week the committee extended its deadline for submissions to have the opportunity to hear from a wide a range of victim

[Mr. D. Ahern.] and community groups across Northern Ireland. Due to the sensitivity of the issues involved, evidence will be given in private.

On 26 January the committee heard evidence from six victims groups and a further two sessions are planned for 2 and 9 February. The inquiry is expected to be lengthy and unlikely to be completed in advance of the British general election due later this year.

The Government has closely followed the preliminary discussions on how to deal with the past in Northern Ireland and the Minister for Foreign Affairs has had discussions with the Secretary of State for Northern Ireland in the context of the British-Irish Intergovernmental Conference. The Irish Embassy in London will continue to liaise with the Northern Ireland Affairs Committee and report on the sessions and the outcome of this particular inquiry.

#### **Humanitarian Assistance.**

166. **Mr. Howlin** asked the Minister for Foreign Affairs if he will consider the establishment of a special unit to train and resource appropriate personnel for service abroad and at home in the area of disaster relief logistics; and if he will make a statement on the matter. [2764/05]

**Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan):** Ireland has a strong record in responding to humanitarian emergencies in many parts of the world. Funding is provided to key partners such as UN agencies, NGOs and other international organisations which have a wide range of experience and skilled personnel. Government funding assists NGOs such as Concern, GOAL, Trócaire, Oxfam and others to place skilled personnel on the ground as quickly as possible. UN agencies, such as the United Nations disaster assessment and co-ordination teams, are also directly assisted.

The Defence Forces have considerable logistical expertise. For example, four skilled personnel in engineering and logistics have been seconded from the Defence Forces to work with the United Nations Joint Logistical Centre in Colombo, Sri Lanka, at the request of the UN. The personnel, who are assisting in post-tsunami disaster operations, were present on the ground within a few days of the request.

Ireland has consistently supported the development of the EU's civilian capabilities to respond to crisis situations, both in respect of natural disasters, such as the Asian tsunami, and in respect of conflict and post-conflict scenarios. We have committed civilian resources both to the mechanism for civil protection and through the civilian capabilities commitment process under the European security and defence policy. These resources range from police capabilities to rule of law experts to civil protection personnel. An action plan to improve the EU's civil response capacities

was agreed earlier this week at the EU Foreign Ministers' meeting. Ireland fully supports this plan.

Skilled personnel are available in the Defence Forces, the public sector and NGOs. It is important that such skilled personnel can be deployed quickly where clear needs have been identified and coordinated. The EU and UN have a strong role to play in this regard. In addition, we will continue to work at strengthening coordination within Government and with the NGOs with a view to improving the way we respond as a nation to crises such as the recent tsunami.

#### **EU Enlargement.**

167. **Mr. Stanton** asked the Minister for Foreign Affairs the progress being made by all countries seeking membership of the European Union in meeting accession criteria; the timeframe for accession in each case; and if he will make a statement on the matter. [2616/05]

246. **Mr. Durkan** asked the Minister for Foreign Affairs his preferred options for the future enlargement of the EU; and if he will make a statement on the matter. [3148/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I propose to take Questions Nos. 167 and 246 together.

With regard to Bulgaria and Romania, the European Council noted the formal closure of accession negotiations at the European Council on 16-17 December 2004. Both countries are due to sign an accession treaty on 25 April on the occasion of the General Affairs and External Relations Council. From that day they will participate as active observers at most EU meetings. The accession of both countries to the European Union will take place in January 2007 if they are ready.

The Helsinki European Council in December 1999 decided that Turkey was a candidate for membership, destined to join the Union on the basis of the same criteria applied to the other candidate states. The December 2004 European Council agreed, on the basis of the Commission's report and recommendation, that Turkey sufficiently fulfils the Copenhagen political criteria to enable the opening of accession negotiations. It requested the Commission to begin work on a proposal for a negotiating framework and to present it to the Council, with a view to the opening of accession negotiations on 3 October 2005. The clear objective of the negotiations will be Turkey's accession to the Union, provided it meets the requirements for membership. The pace of the negotiations will depend in large part on progress in the implementation of Turkey's wide-ranging reform programme. Given the substantial financial consequences of Turkish accession, the European Council agreed that it will not be possible to conclude negotiations until



after the establishment of the financial framework for the period from 2014.

The European Union has offered the prospect of eventual membership to the countries of the western Balkans, on the basis of the implementation of a detailed reform process. Croatia applied for membership in February 2003. The June 2004 European Council decided, on the basis of the Commission's opinion, that Croatia is a candidate country for membership and that the accession process should be launched. It decided to convene a bilateral intergovernmental conference with Croatia early in 2005 in order to begin accession negotiations. The December European Council confirmed this decision and invited the Commission to present to the Council a proposal for a framework for negotiations with a view to opening the accession negotiations on 17 March 2005, provided there is full co-operation with the International Criminal Tribunal for the former Yugoslavia. The negotiations will be based on Croatia's own merits and their pace will depend solely on Croatia's progress in meeting the requirements for membership.

On 22 March 2004, the Taoiseach, in his capacity as President of the European Council, accepted the application for membership of the former Yugoslav Republic of Macedonia at a ceremony in Dublin. The General Affairs and External Relations Council in May requested the Commission to prepare its opinion on the application. I expect that the Commission will present its opinion for consideration by the Council later this year.

Ireland will continue to give constructive support to the enlargement process on the basis that the European Union should continue to be open to all European states which respect its fundamental values. Those neighbouring countries that do not currently have the prospect of membership of the European Union are offered opportunities for closer economic integration and political co-operation with the European Union through the European neighbourhood policy. These opportunities are offered in return for concrete progress with political, economic and institutional reforms reflecting shared values.

In this way, it is expected that the European Union and its neighbours, whether or not they are pre-accession countries, will enjoy strengthened relations based on commitments to common values including democracy, respect for human rights and the principles of market economy, sustainable development, as well as poverty reduction.

### **Tsunami Disaster.**

168. **Mr. Neville** asked the Minister for Foreign Affairs the number of Irish citizens who remain unaccounted for following the Asia tsunami; and if he will make a statement on the matter. [2658/05]

182. **Ms O'Sullivan** asked the Minister for Foreign Affairs if he will report on the efforts made

by the Irish Ambassador and Embassy staff in Malaysia to assist in the search for Irish victims of the tsunami disaster in South Asia; and if he will make a statement on the matter. [2774/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I propose to take Questions Nos. 168 and 182 together.

So far, there are two confirmed Irish casualties. There are two other Irish people still missing in Thailand and who I very much regret to say seem most unlikely to be found alive at this stage. There is a small number of others whom my Department are still trying to contact but who are regarded as low risk as they were mostly notified to us by friends rather than family. We have no reason to believe at this stage that they were anywhere near the worst affected areas.

When the disaster occurred on 26 December, the Department immediately established a crisis response centre with a number of emergency help line numbers to assist relatives and friends enquiring about Irish people in the affected areas. The crisis centre received over 3,000 calls concerning over 1,200 Irish people who were thought to be in the areas affected by the tsunami.

On 27 December, the Irish Ambassador to Malaysia, who is also accredited to Thailand, went to Phuket and set up an office to assist in locating and helping Irish people in that area. An additional officer from headquarters also went there to assist as did staff from the Honorary Consulate in Bangkok. In addition, the First Secretary from the Irish Embassy in New Delhi, who was in Sri Lanka at the time of the disaster, immediately began providing consular assistance from the office of the Honorary Consul in Colombo. These were the areas most affected as far as Irish people were concerned.

The ambassador and his staff searched for Irish people in the Phuket area and helped Irish people there to be evacuated. Advertisements were placed in an English language paper in Thailand asking Irish people in Thailand to contact home or to make contact with a local representative on the ground. The ambassador worked with the local authorities, hospitals and other embassies to help trace and assist Irish citizens. Embassy staff also assisted relatives of missing Irish citizens and dealt with repatriation procedures.

The Garda Síochána has also been actively involved in this process. A special Garda incident room was established in Dublin which has worked closely with the consular section of my Department in tracing people reported to the crisis centre. The gardaí arranged for DNA samples to be taken from relatives of possible Irish victims to assist in the process of identifying the bodies of foreign nationals recovered in the Phuket area. In addition, a Garda team went to Phuket to support our embassy staff and in particular to liaise with the forensic authorities there.

The ambassador was greatly helped by a number of Irish citizens in Phuket who volunteered to assist the embassy team there. This assistance was greatly appreciated.

[Mr. D. Ahern.]

My Department is continuing to provide consular assistance to the families of Irish citizens who are still unaccounted for. In this context, I have announced my intention to establish an Honorary Consulate in Phuket. Pending its formal establishment, I have appointed an Irish resident there, Ms Fallon Wood, to represent the Department there and to act as a point of contact in regard to the search for Irish citizens missing in that area.

*Question No. 169 answered with Question No. 95.*

### Overseas Development Aid.

170. **Mr. Murphy** asked the Minister for Foreign Affairs if he will report on the political and security situation in Liberia; the level of aid given by Ireland to Liberia for 2005; and if he will make a statement on the matter. [2647/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** Under the terms of the comprehensive peace agreement of August 2003, Liberia is currently administered by a transitional government under the chairmanship of Mr. Gyude Bryant until parliamentary and presidential elections are held before the end of 2005. The elections are scheduled for October and voter registration is due to start in April. The cost of the elections is expected to amount to \$17.5 million. This election will mark the return of Liberia to a constitutional democracy after 14 years of civil war.

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 and many serious issues remain to be effectively addressed. The situation is generally stable in Monrovia but less so in other areas. Sporadic outbreaks of fighting in rebel strongholds highlight the need for a comprehensive process of disarmament, demobilisation and reintegration. The fragility of peace in Liberia became apparent at the end of October 2004 when a weekend of violence shook Monrovia in which 16 people were killed. Last week there were reports of some disturbances in the south-eastern part of the country, which it is thought may have links to rumoured ritual killings in the area. Extra UNMIL troops were deployed to the region and the situation was described as calm but tense. There were also riots last week in the north of Liberia following a protest by ex-combatants at the United Nations' failure to pay the second half of their \$300 resettlement allowance.

The UNMIL programme of disarmament, demobilisation, rehabilitation and reintegration, DDRR, for rebel groups recommenced on 15 April 2004. Disarmament and demobilisation was concluded on 31 October. All the armed groups have signed a paper accepting the end of armed conflict and agreeing to disband. According to the UN, almost 103,000 former combatants have been disarmed and 27,000 rifles, over 7 million

rounds of ammunition and 29,830 rounds of heavy ammunition recovered. Due to the fact that the number of combatants disarmed greatly exceeded original estimates, the DDRR programme has encountered significant financial problems. Last December, the UN Secretary General appealed urgently for an additional \$60 million to address the remaining funding shortfalls. Ireland contributed €500,000 in 2004 to support the DDRR process.

The United Nations Mission in Liberia, UNMIL, was established on 19 September 2003 by UN Security Council Resolution 1509. The primary task of UNMIL is to observe and monitor implementation of the ceasefire agreement which was concluded by the Liberian parties in June 2003. More broadly, UNMIL's role is to support the implementation of the comprehensive peace agreement of 18 August 2003. The Irish contingent comprises a motorised infantry battalion of some 430 personnel along with a small number of additional personnel deployed at force headquarters and as military observers. 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. Our personnel have been widely commended for the professionalism of their work.

President McAleese, accompanied by the Minister for Defence, Deputy O'Dea, visited Liberia on 14 December 2004 and met with Chairman Bryant, United Nations Special Representative in Liberia, Mr Jacques Klein, and the Irish battalion. Chairman Bryant visited Ireland in November and expressed his gratitude for the invaluable role that Ireland has played in Liberia.

In December 2004 the United Nations Security Council renewed its trade sanctions against Liberia, extending bans on timber exports until after the 2005 elections and also arms exports to the country for another year. The ban on diamond exports will also continue for another six months. The sanctions were originally imposed to stop ex-President Charles Taylor from using foreign earnings to fuel conflict in Liberia and the region in general. The sanctions may be reviewed on a six monthly basis. The European Union also renewed Article 96 measures against Liberia in December in line with the UN Security Council sanctions, as it was agreed that Liberia had not made enough progress in areas such as human rights, governance and the judicial system to warrant an easing of sanctions at this time.

At the Liberia reconstruction conference in New York on 5-6 February 2004, Ireland announced bilateral assistance of €5 million over two years. In 2004, over €2 million of this pledge was disbursed. The remainder of the pledge — €3 million — is due to be disbursed in 2005.

Ireland will open a new Development Co-operation Ireland office in Freetown, Sierra Leone, in early 2005 to oversee programmes in Sierra

Leone and Liberia. This will involve having a small technical presence on the ground. Development Co-operation Ireland's medium-term strategy in Liberia will continue to focus on humanitarian needs and on the rehabilitation of key sectors such as education and health. Liberia's urgent humanitarian requirements need to be addressed in tandem with the recovery, reconstruction and development needs identified in both the results focused transition framework, RFTF, and the humanitarian appeal for 2005. DCI believes that the reintegration needs are huge not only for ex-combatants but also for refugees, IDPs and the communities to which they are returning. The new DCI office in Freetown will design a framework to facilitate the disbursement of the remainder of Ireland's pledge for Liberia.

Ireland will continue to encourage all parties in and around Liberia to carry out their commitments and obligations under the comprehensive peace agreement. We will lend active support to the work of the United Nations Special Representative in Liberia, Jacques Klein, and to the EU Special Representative for the region, Mr Hans Dahlgren of Sweden.

#### **Middle East Peace Process.**

171. **Mr. Sherlock** asked the Minister for Foreign Affairs his views on the outcome of the recent Presidential election in the Palestinian Authority; his further views on whether the election of President Abbas represents an opportunity for peace in the region; and if he will make a statement on the matter. [2783/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** The Government, in common with its partners in the European Union and the wider international community, has welcomed the recent victory of Mahmoud Abbas in the Palestinian presidential elections. The EU election observation mission reported that the conduct of the election was generally satisfactory considering the difficult circumstances surrounding it. The Taoiseach personally congratulated the newly elected President as soon as the results were officially announced, and wished him every success in the exercise of his responsibilities.

It is of the utmost importance, now that President Abbas has a solid mandate from the Palestinian people, that political negotiations be renewed at a very early date, with a view to concrete progress. Prospects for this progress will depend on all parties demonstrating a renewed vigour and determination to achieve results. In this regard, we are encouraged by the positive outcome in recent days of the efforts on both sides to bring about a lasting ceasefire.

#### **Iraqi Elections.**

172. **Mr. Gogarty** asked the Minister for Foreign Affairs his views on the results of the Iraqi elections; and if he will make a statement on the matter. [2810/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I refer the Deputy to my reply to Question No. 97 today.

#### **United Nations Reform.**

173. **Mr. Broughan** asked the Minister for Foreign Affairs his views on the recent United Nations report on the reform of the United Nations; and if he will make a statement on the matter. [2757/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** The Deputy is referring to the report of the high level panel on threats, challenges and change, which issued on 2 December 2004.

The high level panel was established in November 2003 by the United Nations Secretary General, Kofi Annan, to examine how best collective action can meet current and future threats to peace and security. Specifically, the panel was tasked with analysing current and future challenges to international peace and security and assessing how best collective action can meet these challenges. It was asked to recommend changes necessary to ensure effective collective action, including but not limited to a review of the principal organs of the United Nations.

A central priority of Ireland's Presidency of the European Union was to mobilise EU support for the multilateral system and the United Nations. Ireland drafted and coordinated the EU's contribution to the work of the panel and it is gratifying that many of its key elements are reflected in the panel's recommendations.

At the UN next September, heads of state and government will review the implementation of the millennium summit declaration and examine progress in achieving the millennium development goals. At the same time, they will seek agreement on reforms, including institutional reforms, to improve the functioning and effectiveness of the UN system. At the end of next month, Secretary General Annan, having reflected on the panel's recommendations and the reaction to them, and also on the recently issued report of the millennium project, co-ordinated by Professor Jeffrey Sachs, will make some core proposals of his own to act as a basis for agreement on a balanced outcome at the September summit.

In publicly welcoming the report of the panel in December, I said that it made a compelling case for the multilateral system as the best way for all states, working together, to confront threats and challenges to security and development in today's world. From Ireland's perspective, the report contains two critically important elements. First, it makes the case — convincingly — for a new, more comprehensive approach to security, making it clear that effective collective security demands that we address poverty, disease and underdevelopment as well as terrorism and weapons of mass destruction. This reflects the central premise of the EU's contribution to the work of the panel — there can be no hierarchy of threats.



[Mr. D. Ahern.]

Second, the report makes a number of specific recommendations for the prevention of threats, including terrorism, poverty, internal conflict and the proliferation of weapons of mass destruction, as well as on the institutional reform of the UN. Many of these are sound, constructive and worthy of support. A particular emphasis of the panel, which I strongly endorse, is the need for sustained, coordinated multilateral support for peace building in countries emerging from conflict and at risk of sliding back into conflict.

I welcome the report's affirmation of the responsibility to act to prevent gross violations of human rights in cases where the authorities in the states in question prove unable or unwilling to fulfil these responsibilities themselves. I also welcome the impetus the report has given to consideration of reform of UN institutions, including the Security Council and the General Assembly, as well as the proposal for the establishment of a peace building commission.

As regards Security Council reform, which is likely to be a major area of discussion ahead of the September summit, I wish to see a practical and effective outcome that would broaden the representation on the council, including from the developing world. Ireland has long believed that the Security Council should be reformed to make it more reflective of today's world; its legitimacy, and therefore its effectiveness, would be thereby enhanced.

Ireland also believes strongly that the maintenance of international peace and security is a shared responsibility. We will, therefore, in the discussions ahead of the September summit, make it clear to the UN Secretary General and to our international partners that smaller countries, especially those like Ireland that provide strong support to the UN, politically, financially and militarily, must continue to have the opportunity to serve on the Security Council at appropriate intervals.

The task ahead of us is to work with Secretary General Annan to prepare effectively for next September's summit and to ensure that it adopts a positive package of measures that will set us on course for the implementation of the millennium summit declaration and the achievement of the millennium development goals, and that will enhance the effectiveness of, and restore confidence in, the system of collective security based on the UN Charter.

The promotion of support for a positive outcome at the September summit is an important priority of the Government and will be high on the agenda in all discussions with my international colleagues over the course of the year.

*Question No. 174 answered with Question No. 104.*

#### **Natural Disasters.**

175. **Mr. Durkan** asked the Minister for Foreign Affairs if he intends to propose any initiat-

ives at EU level with a view to creating a contingency force or body with the capability of a rapid response to issues such as the natural disaster in south east Asia; and if he will make a statement on the matter. [1530/05]

#### **Minister for Foreign Affairs (Mr. D. Ahern):**

The General Affairs and External Relations Council, GAERC, on Monday, 31 January, discussed the issue of enhancing the EU's capacity to respond to emergency situations such as the Asian tsunami, including through rapid response civilian capabilities.

The EU already has a number of mechanisms at its disposal in the civil protection and civilian crisis management arena to respond to both natural disasters and conflict and post-conflict situations. These include the Community mechanism for civil protection, which was activated in response to the tsunami and through which member states contributed resources in areas such as water purification, forensic capabilities and field hospitals, and civilian capabilities committed by member states under the European security and defence policy, ESDP.

Monday's GAERC adopted a wide ranging action plan on post-tsunami response which included a commitment to rapidly examine how these mechanisms might be improved and whether new structures are required to ensure that the EU is capable of mounting an effective civilian response to similar disasters. I stressed at the GAERC that, whether this is done through enhancing existing instruments or by creating new structures, the challenge is to ensure that the product of our work over the coming months is a flexible and effective EU capability which can deploy rapidly in situations of immediate need. I also reiterated Ireland's ongoing commitment to developing the EU's civilian crisis management capabilities.

I also intend to explore with my Government colleagues possible means by which Ireland might increase its capabilities for assisting in humanitarian crises.

*Question No. 176 answered with Question No. 100.*

*Question No. 177 answered with Question No. 92.*

#### **Foreign Conflicts.**

178. **Mr. Crawford** asked the Minister for Foreign Affairs the position regarding the security situation in Afghanistan; and if he will make a statement on the matter. [2662/05]

#### **Minister for Foreign Affairs (Mr. D. Ahern):**

On 10 January 2005, Mr. Jean Arnault, the special representative of the Secretary General of the United Nations, UNSRSG, for Afghanistan reported to the UN Security Council. The special representative said that the security situation in Afghanistan had shown signs of improvement in recent weeks. He cautioned, however, that the

international community should not become complacent and pointed out that such progress is predicated on a continued high level of international military, political and economic assistance to Afghanistan.

Events in recent weeks demonstrate that the security situation remains volatile. On 20 January 2005, a suicide bomber carried out an assassination attempt on General Rashid Dostum, the Uzbek general who was a candidate in last year's presidential election. The Taliban are reported to have claimed responsibility for the attack. On 29 January 2005, an Afghan soldier was reported to have killed five of his fellow troops at a coalition base in the southern Helmand province. The reason for the attack remains unclear.

These events point to the need for the international community to remain focused on supporting Afghanistan. The decision of the UN Security Council on 17 September 2004 to extend the mandate of the NATO led international security assistance force in Afghanistan, ISAF, for a further 12 month period beyond 13 October 2004, was an important development in this regard.

To ensure a secure environment in Afghanistan, it is important that all irregular forces are disarmed and demobilised or integrated into the national army. The disarmament, demobilisation and reintegration process, DDR, has gained momentum in recent weeks and 33,000 militiamen have now been disarmed. If this momentum is maintained, it is hoped that the disarmament and demobilisation of the Afghan militia forces will be completed by June 2005, which is within the timeframe established by the Berlin conference last year. Reintegration activities for demobilised militia would then be expected to continue to 2006. I welcome progress made to date and strongly urge all concerned to make a full commitment to the completion of the DDR process.

The publication of a report on transitional justice by the Afghan Independent Human Rights Commission, AIHRC, on 29 January 2005 is a further, positive development in Afghanistan. The report is based on nationwide consultations with Afghan people on how they would like past human rights abuses to be addressed. The report concludes that the majority of citizens consulted wish to exclude individuals who are perceived as perpetrators of war crimes from political functions and high public office. I welcome the publication of this report and encourage the Afghan authorities to develop a strategy, in keeping with the wishes of the Afghan people as contained in the report, to address issues of transitional justice.

Looking ahead, the coming year will be an important one for Afghanistan. The parliamentary and local elections, due to take place in late spring 2005, represent the final step in the implementation of the Bonn Agreement of December 2001 on arrangements for the re-establishment of permanent government institutions in Afghanistan. The independent electoral commission, IEC,

appointed by President Hamid Karzai on 19 January 2005, is expected to decide on the date of the elections within the next few weeks. These elections will undoubtedly present a considerable political and logistical challenge. It is important that the international community remains engaged in this process.

The House will be aware of the grave problems that flow from the resurgence of poppy cultivation in Afghanistan. The opium economy is equivalent to 60% of Afghanistan's GDP and accounts for 56% of cultivated land. Afghanistan is now the largest drug cultivating country in the world. President Karzai has identified counter narcotics as a priority for the Afghan government and has introduced a number of important initiatives in this regard, including a national counter narcotics programme, the appointment of a Minister for Counter Narcotics and the establishment of a cabinet sub-committee on counter narcotics.

Ireland, together with our EU partners, fully supports the Afghan authorities' uncompromising stance on the illicit cultivation of and trafficking in drugs. Over the past three years, Ireland has contributed €500,000 per annum to the UNODC, €300,000 per annum of which has been channelled into counter narcotics projects in the region. We expect to be in a position to substantially increase our support for the programmes being carried out by UNODC, including in Afghanistan, in 2005.

Afghanistan will continue to face many serious challenges in the period ahead and will, therefore, continue to need extensive support from the international community. Ireland and our partners in the European Union are determined to continue to play our part in this process.

*Question No. 179 answered with Question No. 162.*

#### **Middle East Peace Process.**

180. **Dr. Twomey** asked the Minister for Foreign Affairs the action being taken by the Government and the European Union to progress the Middle East peace process; and if he will make a statement on the matter. [2634/05]

#### **Minister for Foreign Affairs (Mr. D. Ahern):**

The Government stands ready, in concert with our EU partners, to assist the parties to the conflict in their efforts to move forward on the basis of the road map. Ireland, through its membership of the European Union and its relations with Palestine, Israel, the United States, Arab and other key partners, will strongly support early action, led by the quartet, to advance the implementation of the road map.

The General Affairs and External Relations Council in Brussels on Monday reaffirmed the EU's commitment to support the efforts of both parties to re-launch political contacts at all levels. Developments in recent days on this track have been encouraging and we look forward to a constructive outcome from the meeting which is

[Mr. D. Ahern.] scheduled to take place between President Abbas and Prime Minister Sharon on 8 February. I intend to visit the Middle East region in the coming weeks when I hope to meet with President Abbas.

*Question No. 181 answered with Question No. 159.*

*Question No. 182 answered with Question No. 168.*

*Question No. 183 answered with Question No. 92.*

184. **Mr. Howlin** asked the Minister for Foreign Affairs the meetings he envisages taking place at Irish or European Union level as would advance the road map for peace in the Middle East; if he proposes to meet the new President of the Palestinian Authority; and if he will make a statement on the matter. [2763/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** The European Union will meet with the US President on 22 February. This meeting will provide an excellent opportunity for the EU and US to consider how best to support further progress in the implementation of the quartet road map. I also note the intention of the United Kingdom to host a conference in London on 1 March which will focus on means by which the international community can support the Palestinian Authority in its continuing efforts to meet its obligations under the road map. I intend to travel to the region in the near future, at which time I hope to have the opportunity to meet with President Abbas and other key players in the peace process.

#### **Debt Relief.**

185. **Mr. Gilmore** asked the Minister for Foreign Affairs if he has had talks with the Department of Finance about Ireland and the European Union's approach to the debts of such countries in which debt service imperils poverty reduction and impedes sustainable development, in particular in countries in which debt service exceeds such countries' combined expenditure on health and education; and if he will make a statement on the matter. [2761/05]

**Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan):** The Government's policy on developing country debt, launched in July 2002, was jointly agreed by the Departments of Foreign Affairs and Finance. Both Ministers have endorsed the policy and are involved in its promotion.

Implementation of the policy at official level involves effective co-operation between officials of the respective Departments. Officials from my Department participate in the official delegation to the World Bank and IMF annual general meetings, which are usually led by the Minister for

Finance, to advise on debt and other development related issues.

*Question No. 186 answered with Question No. 104.*

#### **Emigrant Issues.**

187. **Ms B. Moynihan-Cronin** asked the Minister for Foreign Affairs if, during the course of his recent visit to Irish emigrant groups in London, the issue of providing RTE television for Irish persons living in England was raised; his views on whether such a service is viable; and if he will make a statement on the matter. [2769/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I am aware of the interest of some Irish people living in Britain in seeing Irish television programmes and will keep my colleague the Minister for Communications, Marine and Natural Resources advised of the views of our community abroad on this matter.

#### **International Agreements.**

188. **Mr. Boyle** asked the Minister for Foreign Affairs if he will report on his recent visit to Sweden and Finland to discuss EU battlegroups; and if he will make a statement on the matter. [2807/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** My discussions with Swedish foreign minister, Laila Freivalds, and Finnish foreign minister, Erkki Tuomioja in Stockholm and Helsinki last week covered a wide range of issues. These included the ongoing development of the European security and defence policy and the role EU rapid response elements, or battlegroups, can play in enhancing the EU's crisis management capabilities. The visit provided an opportunity to discuss the plans of Finland and Sweden to participate in the initiative, including the establishment of a Swedish-led battlegroup with Finland and Norway. I also briefed Ms Freivalds and Mr. Tuomioja on Ireland's intention to continue to consult with partners over the coming months on possible participation in the initiative as outlined by the Minister of Defence at the military capabilities commitment conference in November 2004. I reiterated our commitment to the triple lock and the need for Government and Dáil approval and UN authorisation to the deployment of Defence Forces personnel for crisis management missions overseas.

Discussion also took place of the continued development of the European Union's civilian crisis response capabilities, especially the enhancement of the EU's capacity to respond to disasters such as the Asian tsunami. We agreed to work closely together to develop the EU's civilian rapid response capabilities.

*Question No. 189 answered with Question No. 116.*



*Question No. 190 answered with Question No. 126.*

### **Human Rights Issues.**

191. **Mr. Boyle** asked the Minister for Foreign Affairs his views on whether there have been improvements in China's human rights record; if so, if he will report on those improvements and the way in which such improvements will impact on Irish foreign policy towards China; and if he will make a statement on the matter. [2806/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** As stated on many occasions, the Government continues to take concerns about human rights in China very seriously. Human rights issues are a constant point of discussion with the Chinese authorities at national and European Union level. Dialogue on human rights issues is a constant element of our bilateral exchanges. While recognising that respect for human rights in China is not at the level we would wish, the Government takes the approach of seeking to encourage the Chinese authorities to continue to move in a positive direction. This approach, which situates human rights issues within a broad dialogue on matters of mutual concern, is shared by other European and North American Governments and is the approach most likely to yield tangible long-term progress on human rights.

During his recent visit to China, from 17 to 22 January 2005, the Taoiseach and Chinese Premier Wen Jiabao discussed a wide range of issues including the issue of human rights. While recognising the different historical perspectives of Ireland and China on the promotion and protection of human rights, the Taoiseach stressed the importance the Government attaches to China's continued progress in this area. The possibility of developing bilateral co-operation on furthering human rights norms was raised with the Chinese side. The Taoiseach also had an interesting exchange with Chairman Wu on the Chinese Government's efforts to promote human rights and the rule of law. Chairman Wu looked forward to Irish and Chinese parliamentarians continuing this dialogue at various meetings scheduled to take place during the course of this year.

On 16 November 2004, the Tánaiste, Deputy Harney, and I held official talks with the Chinese Vice-Premier, Mr. Huang Ju, in Dublin Castle. During our discussion on EU-China relations, I raised our concerns on human rights with the Vice-Premier. I also recalled that a number of specific issues were being addressed through the EU-China human rights dialogue and that the Government looked forward to continued progress in this regard. The Chinese Vice-Premier informed me of the measures his government was taking in the field of human rights, including the addition of an express provision on human rights in China's constitution in 2004. For the first time, the Chinese constitution recognises and enshrines the concept of human rights. The Vice-Premier stated that China wished to continue the regular

EU-China human rights dialogues and confirmed that China would attend the next session of the dialogue in February 2005. China has recently upgraded its presence in the EU-China human rights dialogue to director-general level.

The EU-China human rights dialogue established in 1996 is the agreed formal framework through which the EU raises its concerns about individual human rights cases and more general issues, such as the protection of freedom of religion and expression. These issues were also raised at the EU-China summit which took place at the Hague on 8 December 2004. While it is true that many serious challenges remain on the human rights situation in China, a number of positive developments and important first steps have taken place recently. In addition to the inclusion of a specific clause on human rights in the Chinese constitution, another noteworthy constitutional amendment in 2004 was the insertion of a constitutional clause stating that private property is inviolable. In 2001, China ratified the International Covenant on Economic, Social and Cultural Rights and in 2003, in line with reporting requirements under the covenant, submitted its first report to the Committee on Economic, Social and Cultural Rights. The report is due to be considered by the committee in April of this year.

Together with its EU partners, the Government will continue to encourage the Chinese authorities to respect fully the human rights of all citizens. I will continue to avail of my discussions with Chinese representatives to express our position on these matters.

*Question No. 192 answered with Question No. 113.*

*Question No. 193 answered with Question No. 92.*

### **Overseas Development Aid.**

194. **Mr. Deasy** asked the Minister for Foreign Affairs the priorities for Development Co-operation Ireland for 2005; and if he will make a statement on the matter. [2638/05]

**Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan):** Poverty reduction will continue to be the chief objective of the aid programme administered by Development Co-operation Ireland. Our aim is to address fundamental human needs such as food security, basic education, primary health care and a safe water supply in all of our development programmes. This is in line with the targets set out in the millennium development goals agreed by the international community. In the programme countries in which our aid is focused, we will continue to deliver assistance to meet basic needs through area-based programmes designed in consultation with the countries concerned. In recent years, we have, in addition, become involved in sectoral-based programmes at a national level in key sectors, chi-

[Mr. C. Lenihan.]

effly education and health. We will also retain an on-going focus on democracy and respect for human rights and the promotion of gender and social equity. We will continue our close partnership with Irish and international NGOs through dialogue on policy development and by funding NGO projects.

It is hardly necessary in the wake of the recent tsunami disaster to state that funding for emergency humanitarian assistance remains a priority for Development Co-operation Ireland. Such funding is normally channelled through Irish NGOs and international humanitarian agencies such as the Office of the United Nations High Commissioner for Refugees and the International Red Cross. Ireland's membership of the European Union, the United Nations and a range of international multilateral organisations allows us to participate in development cooperation programmes at a global level and to provide assistance to areas of need outside of our programme countries. The priority the Government attaches to this very important area of our foreign policy is demonstrated in the substantial increases in the level of funding provided for official development assistance in recent years. In 2005, total ODA is expected to reach a record €545 million. In addition, further increases of €65 million each year have been agreed for 2006 and 2007. When payments by other Departments are factored in, total ODA over the next three years will amount to at least €1.8 billion.

Over the coming months, I will engage in a broad consultative process around the country with a view to the production of a White Paper on development co-operation which sets out coherent, effective and sustainable policy priorities for the Government's official development aid programme.

#### **Diplomatic Representations.**

195. **Mr. Crowe** asked the Minister for Foreign Affairs if he has discussed with the British Prime Minister the jailing of a person (details supplied) in the context of the Bloody Sunday tribunal; if he has called for this person's release; and if he will make a statement on the matter. [2612/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** While my officials have been examining this case, I do not propose to comment on its particular circumstances. The person concerned has been convicted of contempt of court. My officials have, however, met with representatives of the Bloody Sunday Trust and are aware of their deep concern. I understand that the individual concerned is not currently looking to appeal the conviction.

196. **Mr. Crowe** asked the Minister for Foreign Affairs if he has raised with the British Prime Minister the recent admission by a person (details supplied) that they had planted electronic listening devices in the offices of Sinn Féin at Connolly House, Belfast; and if he will make a statement on the matter. [2613/05]

#### **Minister for Foreign Affairs (Mr. D. Ahern):**

The incident to which the Deputy refers was initially raised by the Government with the British authorities through the British-Irish intergovernmental secretariat in Belfast in September 2004 at the time the listening device was discovered. I also understand that the leader of the Deputy's party presented the electronic device in question to the British Prime Minister Mr. Blair at the negotiations in Leeds Castle in September 2004. The Deputy's party leadership will have had an opportunity to discuss the issue directly with the British Prime Minister on that occasion.

In view of the additional information which has recently come to light, the Government has again raised the issue with the British authorities. The British side has replied that irrespective of the allegations in the press, it will not make any comment on the matter. The Government has consistently argued for greater accountability for all intelligence agencies in Northern Ireland and has drawn attention to the potential role of the policing board in this regard. With regard to the intelligence activity of the Police Service of Northern Ireland, the oversight commissioner, Mr. Al Hutchinson, stated in his latest report, published in December 2004, that positive progress had taken place in achieving all the changes recommended by the Independent Commission on Policing and the further changes recommended by the Blakely, Crompton and Stevens reports.

#### **Dublin-Monaghan Bombings.**

197. **Mr. F. McGrath** asked the Taoiseach his views on the extent of non co-operation by the British authorities with official inquiries in this jurisdiction, including inquests; the action the Government will take; his further views on whether it is acceptable that victims should be left to pursue private actions in the European Court of Human Rights. [2916/05]

**The Taoiseach:** I received a letter recently from Prime Minister Blair on the Dublin and Monaghan bombings of 1974 and the Dublin bombings of 1972 and 1973 which I passed to the Joint Committee on Justice, Equality, Defence and Women's Rights on foot of its current deliberations. In the letter dated 10 January 2005, the Prime Minister stated:

The Government welcomed the establishment of the Barron inquiry and co-operated with it as fully as possible, conducting a thorough search of all government records and, consistent with its responsibilities for protecting national security and the lives of individuals, ensuring that all potentially relevant information that was uncovered, including intelligence information, was shared with the investigation. The Government notes Mr. Justice Barron's conclusions that, while allegations of collusion between British security forces and the perpetrators of the bombing were not fanciful, he had not seen any evidence

to corroborate it and it could not be inferred, even as a probability. In the circumstances, the Government concludes that no further benefit to the public interest would accrue from the establishment of an inquiry, within the United Kingdom, to re-examine these allegations. On the matter of British cooperation with Justice Barron's extended inquiry into the Dublin bombings of 1972 and 1973, it was our judgement at the time of Justice Barron's approach that, given our experience of the scale of the task in identifying relevant material in the Dublin-Monaghan and Dundalk bombings, it would not be possible to conduct another major search through our records for material relating to the 1972/73 bombings within the timescale of the inquiry.

Notwithstanding this response, I continue to believe that a mechanism should be found to allow for the independent scrutiny and assessment of material and files held by the British authorities. I reiterated this view in London yesterday.

In the final report on the report of the independent commission of inquiry into the Dublin and Monaghan bombings, the Joint Committee on Justice, Equality, Defence and Women's Rights recommended that in the event that an inquiry based on Weston Park proposals failed as a consequence of a lack of co-operation from the Government or authorities in Great Britain or Northern Ireland, the Irish Government should consider instituting proceedings in the European Court of Human Rights in Strasbourg, pursuant to the European Convention on Human Rights, seeking appropriate declaratory relief against the UK and requiring it to put in place an appropriate investigation. The Government has not yet considered this recommendation.

#### Health Board Services.

198. **Mr. Neville** asked the Tánaiste and Minister for Health and Children the outcome of an appeal against the decision to refuse the domiciliary care allowance for a person (details supplied) in County Limerick. [3129/05]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for payment of and entitlement to domiciliary care allowance. Accordingly, my Department has requested the chief officer for the executive's mid-western area to investigate the matter raised and to reply directly to the Deputy.

#### Health Board Staff.

199. **Dr. Devins** asked the Tánaiste and Minister for Health and Children when it is proposed

by the Health Service Executive to apply the terms of the Protection of Employee (Fixed-Term Work) Act 2003 (details supplied). [2928/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the application of employment legislation to its employees. Accordingly, my Department has requested the acting national director of human resources at the HSE to investigate the matter raised and to reply directly to the Deputy.

#### Health Board Services.

200. **Mr. Allen** asked the Tánaiste and Minister for Health and Children if he will investigate the situation of a person (details supplied) in County Cork; and if the Health Service Executive southern area will provide him with a bed. [2929/05]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for nursing home care in County Cork. Accordingly, my Department has requested the chief officer for the executive's southern area to investigate the matter raised and to reply directly to the Deputy.

201. **Ms Shortall** asked the Tánaiste and Minister for Health and Children if she will clarify her comments on the new Ballymun health centre made on a radio programme (details supplied) to the effect that the new centre would be open in a matter of weeks; the precise timescale for the fit-out and equipping of the centre; and when she expects it to be operational. [2930/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health Act 2004 provided for the HSE, which was established on 1 January 2005. Under the Act the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the fit-out and equipping of Ballymun health centre. Sanction has been granted to the Health Service Executive to proceed with the fitting out of the health centre. Accordingly, I have asked the HSE to now progress this project as a matter of urgency and, as I stated on the radio programme concerned, the facility will be open as quickly as is logistically possible.

#### Cancer Screening Programme.

202. **Dr. Cowley** asked the Tánaiste and Mini-



[Dr. Cowley.]

ster for Health and Children when the rollout of funding in the south and west for BreastCheck will take place; the timeframe involved; the progress she has made has made on the all-Ireland rollout of the BreastCheck programme; and if she will make a statement on the matter. [2931/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The roll-out of the national screening programme to the remaining counties is a major priority in the development of cancer services. This will ensure all women in the relevant age group in every county will have access to breast screening and follow up treatment where appropriate. A capital investment of approximately €20 million has been approved to construct and equip two static clinical units, one in Cork and the other in Galway. Design briefs in respect of both have been completed. It is anticipated that the advertisement for the appointment of a design team will be placed in the EU Journal in the coming weeks. Any woman, irrespective of her age or residence, who has immediate concerns or symptoms should contact her GP who, where appropriate, will refer her to the symptomatic services in her region.

#### Services for People with Disabilities.

203. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children her views on whether it is fair or reasonable that sick and special needs groups, elderly persons in disadvantaged areas especially those living alone, should be obliged to pay for their own transport to attend out-patient services; her further views on whether this is creating considerable hardship, especially for elderly persons living alone; if her attention has been drawn to the fact that the western area Health Service Executive is no longer providing transport except to those needing dialysis or with cancer; and if she will make a statement on the matter. [2932/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for patients attending hospital in the executive's western area. Accordingly, my Department has requested the chief officer for the executive's western area to investigate the matter raised and to reply directly to the Deputy.

#### Medical Cards.

204. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if a medical card will issue immediately to a person (details supplied) in County Kilkenny; and if she will make a statement on the matter. [2934/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health Act 2004 provided for

the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the assessment of applications for medical cards. Accordingly, my Department has requested the chief officer for the executive's south eastern area to investigate the matter raised and to reply directly to the Deputy.

#### Services for People with Disabilities.

205. **Mr. Penrose** asked the Tánaiste and Minister for Health and Children if she will take steps to ensure that a person (details supplied) in County Westmeath is provided with the necessary speech and language therapy and occupational therapy; and if she will make a statement on the matter. [2936/05]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal services. This includes responsibility for speech and language therapy and occupational therapy. Accordingly, my Department has requested the chief officer for the executive's midland area to investigate the matter raised and reply directly to the Deputy.

#### Housing Aid for the Elderly.

206. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children the position regarding the application for special housing aid for the elderly for a person (details supplied) in County Wexford; when the application will be processed or works will commence; and if she will make a statement on the matter. [3027/05]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of the housing aid scheme in County Wexford on behalf of the Department of Environment, Heritage and Local Government. Accordingly, my Department has requested the chief officer for the executive's south eastern area to investigate the matter raised and to reply directly to the Deputy.

#### Health Board Services.

207. **Mr. Neville** asked the Tánaiste and Minister for Health and Children when orthodontic treatment will be made available to a person (details supplied) in County Limerick. [3075/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health Act 2004 provided for

the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for orthodontic services. Accordingly, my Department has requested the chief officer for the executive's mid-western area to investigate the matter raised and to reply directly to the Deputy.

#### **Cancer Incidence.**

208. **Mr. Gregory** asked the Tánaiste and Minister for Health and Children when a report will be available on the survey and study of cancer deaths in the Sean O'Casey Avenue area of Summerhill, Dublin 1; and if she will make a statement on the matter. [3076/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the issues raised by the Deputy. I understand that the Health Service Executive's eastern regional area is investigating the matter. Accordingly, my Department has requested the chief officer for this area to advise the Deputy on the progress to date in its investigation of this matter.

#### **Health Board Services.**

209. **Dr. Upton** asked the Tánaiste and Minister for Health and Children the position regarding the provision of appropriate long-term secure accommodation for a person (details supplied) in Dublin 8; and if she will make a statement on the matter. [3123/05]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive is required to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. Accordingly, my Department has requested the chief officer of the executive's eastern regional area to investigate the matter raised and to reply directly to the Deputy.

210. **Mr. G. Mitchell** asked the Tánaiste and Minister for Health and Children if the Health Service Executive will have an Alzheimer's sufferer (details supplied) transferred from Crookslong to Cheeverstown. [3146/05]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered

on its behalf, health and personal social services. This includes responsibility for the provision of Alzheimer's care in the Dublin area. Accordingly, my Department has requested the chief officer for the executive's eastern regional area to investigate the matter raised and to reply directly to the Deputy.

#### **Services for People with Disabilities.**

211. **Mr. Cregan** asked the Tánaiste and Minister for Health and Children about the necessity to have parking bays available at hospitals for disabled drivers; if such spaces should be available; if they should be free; the process available to a disabled driver who spent €500 over a seven month period while visiting their dying spouse; and the way in which such a person can process a refund. [3160/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. Services at Beaumont Hospital are provided under an arrangement with the executive. My Department has requested the chief officer for the executive's eastern regional area to examine the issues raised and to reply to the Deputy directly.

#### **Hospital Services.**

212. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the difficulties being experienced by patients and visitors at the car parking facilities at Mayo General Hospital, Castlebar, County Mayo and to the complex parking requirements that obtain there (details supplied); the proposals that exist for an improvement in this situation; if it is intended to provide a covered walkway to the hospital entrance for patients and visitors; if she has satisfied herself with the current arrangements for parking both for staff and for members of the public; and if she will make a statement on the matter. [3181/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for Mayo General Hospital. Accordingly, my Department has requested the chief officer for the executive's western area to investigate the matter raised and to reply directly to the Deputy.

#### **Hospital Charges.**

213. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children if her Department has issued guidelines or regulations

[Caoimhghín Ó Caoláin.] regarding the manner in which hospital charges are made and if she will specify any such guidelines or regulations. [3182/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** I take it that the Deputy is referring to charges for acute hospital care. The Health (In-Patient Charges) Regulations 1987, as amended, specify the level of such charges and categories of persons exempted from public hospital statutory in-patient charges. These charges currently stand at €55 per night up to a maximum of €550 in any 12 consecutive months. As well as those with full medical card eligibility, the categories exempted include infants up to the

age of six weeks and women receiving services in respect of motherhood. The 1987 regulations also provided that, pursuant to section 45(7) of the Health Act 1970, a person may be exempted from public hospital charges on hardship grounds.

Under the Health (Out-Patient Charges) Regulations 1987, attendance at accident and emergency departments is subject to a charge where the patient does not have a letter of referral from a general practitioner. This charge, which applies only to the first visit in any episode of care, is currently €55.

In addition to these statutory charges, under section 55 of the Health Act 1970 there is a charge for a private patient or semi-private patient in a public hospital and this is outlined as follows.

Charges in Public Hospitals Revised Charges per day as from 1 January 2005

Hospital Category	Private Accommodation	Semi-Private Accommodation	Day-care
	€	€	€
Health Board Regional Hospitals Voluntary and Joint Board Teaching Hospitals	501	393	361
Health Board County Hospitals Voluntary Non-Teaching Hospitals	418	336	299
Health Board District Hospitals*	179	153	133

*Note:* These charges are additional to the public hospital statutory in-patient charge.

In 1994 the Department issued a circular which provided key information on the application of these charges and I will have a copy of this circular forwarded to the Deputy.

Charges can also be made in respect of road traffic accidents. Under the Health (Amendment) Act 1986 the Health Service Executive may impose charges on all patients for treatment arising out of injuries sustained in road traffic accidents where compensation is subsequently payable. These charges are based on the average daily cost of the hospital or hospitals where the patient was treated and are independent of other hospital charges. Letters were issued by my Department to the health boards outlining the judgment and directing them to charge the average daily cost in all road traffic accident cases. I will have copies of these letters forwarded to the Deputy.

#### Health Board Services.

214. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the case of a person (details supplied) in Dublin 9; and if she will initiate an investigation into this matter. [3183/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and

deliver, or arrange to be delivered on its behalf, health and personal social services.

Services at St. James's Hospital, Dublin are provided under an arrangement with the executive. My Department has requested the chief officer for the executive's eastern regional area to examine the issues raised and to reply to the Deputy directly.

#### Hospital Charges.

215. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to a practice of hospitals charging two sets of rates for inpatient stays, a base rate and a rate applicable if a patient is successful in a personal injury claim; if departmental guidelines or regulations on hospital charges permit this practice; and if she will make a statement on the matter. [3184/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** Under the Health (Amendment) Act 1986 the Health Service Executive may impose charges on all patients for treatment arising out of injuries sustained in road traffic accidents where compensation is subsequently payable. The Act does not withdraw eligibility for public hospital services from road traffic accident victims, but allows health boards to recover the costs of all services provided to them. Following enactment of the legislation, my Department directed that charges be calculated on the basis of the hospital's average daily cost. Following legal



challenge, the Supreme Court, on 11 July 2001 in the judgment referred to by the Deputy, ruled that this costing approach is reasonable, proper and *intra vires* the Health (Amendment) Act 1986.

Letters were issued by my Department to the health boards outlining the judgment and directing them to charge the average daily cost in all road traffic accident cases.

While bills are generally issued in all road traffic accident cases, they are only settled where compensation is received and then forwarded to hospitals. Also, compensation may be significantly reduced in cases where contributory negligence is established. In the event of a person failing to obtain a compensation award, that person will only be liable for the normal statutory and maintenance charges, where applicable.

The administration of the charging system is a matter for the Health Service Executive and my Department has no function in this regard.

### Departmental Properties.

216. **Mr. J. O’Keeffe** asked the Minister for Finance when a property (details supplied) in County Cork was acquired; the amount spent to date on the property on maintenance and security; and if he will make a statement on the matter. [2938/05]

**Minister of State at the Department of Finance (Mr. Parlon):** The Commissioners of Public Works, acting on behalf of the Reception and Integration Agency of the Department of Justice, Equality and Law Reform purchased the property referred to in County Cork in October 2000 for €3,549,711. The total security and other costs incurred on the property to date are €657,000. The property is currently the subject of judicial review proceedings.

### Works of Art.

217. **Mr. McGuinness** asked the Minister for Finance if the artist responsible for the piece of art located at the river bank, Maudlin Street, Kilkenny, has been consulted on its safety, present condition and location due to the works carried out under the flood relief scheme; if immediate action will be taken in this matter; and if he will make a statement on the matter. [2940/05]

**Minister of State at the Department of Finance (Mr. Parlon):** The piece of art in question consists of four standing stones located within the grounds of the county hall.

As the location of this piece of artwork was in the path of the new flood embankment being constructed as part of the drainage scheme works, it was found necessary to dismantle and relocate the standing stones. The necessity for dismantling and relocating the stones was discussed and

agreed with Kilkenny County Council, as the owner of the artwork and of the property upon which it stood.

At present, the stones are stored within the grounds of the county hall. However, Kilkenny County Council has advised the OPW of the preferred location for the re-erection of the artwork and it is anticipated that it will be re-erected over the next two weeks.

The OPW’s discussions in respect of this matter were with Kilkenny County Council, as the owner of both the piece of artwork and the property upon which it was located.

### Flood Relief.

218. **Mr. McGuinness** asked the Minister for Finance if planning permission was obtained by the OPW for the erection of a timber fence along the river bank at Maudlin St, Kilkenny; if a more appropriate fence will be considered, allowing those who use small boats and canoes to access the river at this point as they did before the scheme was put in place; if local residents will be consulted; if the issues will be resolved immediately; and if he will make a statement on the matter. [2945/05]

**Minister of State at the Department of Finance (Mr. Parlon):** A comprehensive package of safety measures have been included in the drainage scheme works to counteract potential dangers to public safety. These measures were agreed between the OPW, the local authority and representatives of the various local water safety and water based sporting groups. It was agreed, as part of these measures, that fencing would be provided along the riverbank at places where sloping rock armour has been placed.

As there is a section of rock armoured riverbank at Maudlin Street, Kilkenny, a timber post and rail fence has been erected in accordance with the agreed safety measures. The OPW did not obtain planning permission for the erection of this fence as it was informed by the local authority that it was not required for a fence of this nature.

As the rock armour protection does not extend along the entire length of the riverbank between Maudlin Street and the pumping station, consultation with the local authority will take place over the next few days as to the most appropriate cut off point for the fence. In making this decision, public safety will be the paramount consideration.

### Tax Code.

219. **Dr. Upton** asked the Minister for Finance his plans to allow cohabiting couples avail of the married persons tax credit; and if he will make a statement on the matter. [2948/05]

**Minister for Finance (Mr. Cowen):** Generally speaking, the tax system treats cohabiting couples

[Mr. Cowen.]

as separate and unconnected individuals. Each partner is a separate entity for tax purposes, and credits, bands and reliefs cannot be transferred from one partner to the other.

The working group examining the treatment of married, cohabiting and one-parent families under the tax and social welfare codes, which reported in August 1999, was sympathetic, in principle, to changes in the tax legislation to address the issues raised relating to cohabiting couples and reported that the options that it set out should be considered further. However, it acknowledged with regard to the tax treatment of cohabiting couples that a key issue is whether tax law should proceed ahead of changes in the general law.

I also draw the Deputy's attention to the consultation paper on the rights and duties of cohabitants, which was published in April 2004 by the Law Reform Commission. That paper indicated that in light of the current policy on individualisation of the tax bands, the commission was not recommending any change to the income tax treatment of cohabiting couples.

I put it on the record of the House previously that I would view as problematic and unwise a situation where changes in the tax code would set a headline in advance of developments in other relevant areas of public policy, for example, in the area of legal recognition of relationships other than married relationships. I am still of that view.

It has been the practice of successive Ministers for Finance not to comment in the run up to the annual budget and Finance Bill process on what may or may not be included in that process. I do not intend to depart from that practice.

#### **Property Valuations.**

220. **Mr. Andrews** asked the Minister for Finance if he will amend section 28 (4) of the Valuation Act 2001 which requires that a material change must have occurred to allow a revision of valuation in order that properties can obtain more realistic valuations that would in many cases allow a ground rent to be bought. [2950/05]

**Minister for Finance (Mr. Cowen):** There is already provision under section 67 of the Valuation Act 2001, with regard to legislation predating the 2001 Act where rateable valuations are required, for the commissioner to cause a valuation to be made and a certificate to issue so as to satisfy the provisions of this precedent legislation. Section 67 relates to properties that fall within Schedule 4 — domestic properties.

Section 28 of the Valuation Act 2001 applies to legislation allowing for the purchase of ground rents and would not apply, so the question of material change of circumstances does not arise.

#### **Site Acquisitions.**

221. **Cecilia Keaveney** asked the Minister for Finance the position with regard to a site selection for decentralisation for the social and family affairs offices for Buncrana in County Donegal; and if he will make a statement on the matter. [2952/05]

**Minister of State at the Department of Finance (Mr. Parlon):** The Office of Public Works advises that negotiations are currently at an advanced stage on the acquisition of a site for the decentralisation programme at Buncrana.

#### **Dormant Accounts Fund.**

222. **Mr. Crawford** asked the Minister for Finance the details of the purpose and provisions of the proposed dormant accounts Bill, which up until recently was featured on the Government's legislative programme; and if he will make a statement on the matter. [3044/05]

**Minister for Finance (Mr. Cowen):** The intended purpose of the Dormant Financial Assets Bill was to extend the dormant accounts treatment of assets, other than life assurance and bank accounts, which have been dealt with in recent legislation. However, a secondary legislation approach can be adopted for some items and those requiring primary legislation can now be accommodated in the Financial Services (Consolidation) Bill.

The purpose of the Financial Services (Consolidation) Bill is to consolidate and simplify financial services legislation, in accordance with the Government's Better Regulation agenda. The Bill may also accommodate certain amendments to related primary legislation, for example, legislation to deal with dormant financial assets. It is expected that this Bill will be published in late 2005.

#### **Vehicle Imports.**

223. **Mr. Coveney** asked the Minister for Finance the number of used vehicles (details supplied) imported per annum from 1993 to 2005; the number of imported used vehicles registered in the same period; the number of imported used vehicles registered that were exempt from VRT; the country of origin of all used vehicles imported; the country of origin of all imported used vehicles registered; and the country of origin of all imported used vehicles registered that were exempt from VRT. [3045/05]

**Minister for Finance (Mr. Cowen):** The data available, as supplied by the Revenue Commissioners, is set out in the table below. This data is collected with reference to vehicle registration tax, VRT, classifications and does not distinguish between all types of vehicles as both goods vehicles and tractors are category C vehicles. Accurate data with regard to the country of origin of imported used vehicles is not available.

Year	Category A1	Category A2	Category A3	Total A1, A2 and A3	Category B (Car Derived Vans)	Category C (Commercial Vehicles)	Category D	Category M		Total Reg	Total Reg	Total Reg
	Cars up to 1400cc	Cars 1401-1900cc <sup>(1)</sup>	Cars over 1900cc <sup>(1)</sup>	Total Reg	Total Reg	Total Reg	Total Reg	(Motor Cycles)	Total Reg	Gross	Net	Exempt
	Total Reg	Total Reg	Total Reg	Total Reg	Total Reg	Total Reg	Total Reg	Total Reg	Total Reg	Total Reg	Total Reg	Total Reg
1993	31,980	1,960	—	33,940	1,318	14,869	103	2,661	52,891	42,774	10,117	
1994	39,873	1,372	—	41,245	981	13,212	42	2,630	58,110	50,171	7,939	
1995	43,882	709	—	44,591	1,007	13,758	51	2,650	62,057	54,719	7,338	
1996	47,318	846	—	48,164	1,035	14,771	66	3,058	67,094	59,264	7,830	
1997	43,991	837	—	44,828	882	13,866	82	3,185	62,843	54,468	8,375	
1998	43,605	1,309	—	44,914	1,053	13,614	86	3,377	63,044	54,774	8,270	
1999	15,403	18,432	3,657	37,492	1,285	16,635	91	3,325	58,828	51,116	7,712	
2000	9,716	12,195	2,982	24,893	1,094	13,020	130	3,633	42,770	35,397	7,373	
2001	5,494	8,305	2,341	16,140	852	11,850	88	4,488	33,418	26,417	7,001	
2002	3,906	7,280	2,652	13,838	992	11,280	92	4,272	30,474	24,370	6,104	
2003	3,877	4,978	5,773	14,628	1,065	13,044	95	3,933	32,765	27,446	5,319	
2004	6,046	8,715	8,812	23,573	1,428	15,469	76	3,606	44,152	38,434	5,718	

*Note:* The registrations shown for each category are gross i.e. they include those vehicle registrations which are exempt from VRT.

*Note* <sup>(1)</sup>: Prior to 1 January 2003 motor cars with an engine capacity greater than 2000cc were registered in Category A3.



### Remit of the Ombudsman.

224. **Dr. Upton** asked the Minister for Finance if he will examine the possibility of extending the remit of the Office of the Ombudsman to include the Law Society and the Honourable Society of King's Inns. [3047/05]

**Minister for Finance (Mr. Cowen):** Having regard to the current orientation of the Ombudsman's remit to governmental and public sector bodies and my intention to publish legislation which will develop the institution further along existing lines, I do not think it appropriate to extend its remit to the two non-governmental bodies the Deputy has mentioned.

### Tax Code.

225. **Mr. Wall** asked the Minister for Finance the position with regard to the sale of sugar beet quotas by farmers and the tax refunds on the sale of such quotas; and if he will make a statement on the matter. [3085/05]

**Minister for Finance (Mr. Cowen):** I am informed by the Department of Agriculture and Food that in Ireland the entire sugar quota is allocated to Irish Sugar Limited, the only sugar manufacturer in this country. The company in turn places contracts with farmers to grow sugar beet sufficient to manufacture the sugar quota. There is no specific quota for sugar beet. Therefore, any taxation issues regarding the sale of such quota by individual farmers should not arise.

### Departmental Submission.

226. **Mr. Wall** asked the Minister for Finance his views in relation to a submission (details supplied); the steps he intends to take in relation to it; and if he will make a statement on the matter. [3086/05]

**Minister for Finance (Mr. Cowen):** I can confirm that this particular submission was received in my Department and is receiving due consideration. In this regard, it would be inappropriate of me at this stage to outline any future steps I may or may not take with regard to the submission.

### Pension Provisions.

227. **Mr. Cregan** asked the Minister for Finance the situation in relation to an application from management of An Post to award pensioners their due increase; the reason for this delay; if the delay or refusal is in breach of the Act setting up An Post when original Civil Service staff were guaranteed that their conditions could not be worsened; when payment will be made to pensioners; and if it will include all arrears from the due date. [3157/05]

**Minister for Finance (Mr. Cowen):** My colleague, the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey has primary responsibility for matters relating to An Post. The An Post superannuation scheme is

a matter for An Post, in the first instance. The approval of the Minister for Communications, Marine and Natural Resources and the agreement of the Minister for Finance are required for any changes to the scheme, including any proposals regarding post-retirement pension increases.

I am satisfied that the An Post pension scheme conforms to the relevant guarantees provided in the Postal and Telecommunications Services Act 1983. In accordance with public service pension policy, the An Post superannuation scheme provides for "pay parity", that is, pensions are increased in line with pay of staff serving in An Post.

As the Deputy is aware, there are continuing discussions between the board of An Post and the Communications Workers Union on the financial position of the company. While the issue is still being discussed, the board has decided that it would not be appropriate to pay increases due under Sustaining Progress to serving staff in view of the financial circumstances facing the company.

Accordingly, it is not at present possible to pay the relevant increases to the pensioners pending the conclusion of these discussions and the resolution of the issue of Sustaining Progress payments to serving staff.

### Tax Code.

228. **Mr. Cregan** asked the Minister for Finance the situation in relation to liability to inheritance tax on a house transferred on death from parents to an adult child; if he will provide the thresholds; if a child is liable for the balance over the threshold; if the threshold refers to the amount received from each parent or both; and if he will make a statement on the matter. [3158/05]

**Minister for Finance (Mr. Cowen):** For the purpose of gift and inheritance tax, the relationship between the person who provided the gift or inheritance, that is, the disponer, and the person who received the gift or inheritance, that is, the beneficiary, determines the maximum tax-free threshold, known as the "group threshold". There are three group thresholds based on the relationship of the beneficiary to the disponer and these group thresholds are indexed annually by reference to the consumer price index. The indexed group threshold applying to a gift or inheritance received by a child from their parents is the group A threshold which, for 2005, is €466,725. This threshold refers to the amount received from both parents and is not a separate threshold from each parent.

Any other gifts or inheritances that might have been received by the beneficiary from within the same group A threshold, that is, from parents, since 5 December 1991 will also be taken into account when applying the threshold for the purposes of calculating the gift or inheritance tax. If the total value of all gifts and inheritances received by the beneficiary since this date from

within this group is above the threshold figure of €466,725, then a 20% rate of gift or inheritance tax will apply on the difference.

In this case, if the parents leave a house worth €500,000 to their daughter by way of two separate inheritances, inheritance tax would not arise until the daughter received the second 50% of the house, because she would only then exceed her tax-free threshold and inheritance tax would only arise on the sum exceeding the threshold outlined above.

The Deputy may wish to note that the Finance Act 2000 introduced an exemption from CAT for the recipient of a dwelling-house where the dwelling-house is taken by way of a gift or inheritance provided certain conditions are satisfied. Essentially, CAT no longer applies in respect of a gift or inheritance of a dwelling-house taken on or after 1 December 1999, provided the recipient of the gift or inheritance had been living in the house for three years prior to the gift or inheritance and does not have an interest in any other residential property. Also, the recipient must continue, except where he or she is aged 55 years at the date of the gift or inheritance, to occupy that dwelling house as his or her only or main residence for a period of six years from the date of the gift or inheritance. This exemption ensures that what may be the family home for many people will not be the subject of gift or inheritance tax where the conditions for this relief are met.

229. **Mr. Cregan** asked the Minister for Finance the situation in relation to the necessity to have parking bays available at hospitals for disabled drivers and if tax relief against such costs when receipts are available can be allowed to be claimed by such a person or a member of their family. [3159/05]

**Minister for Finance (Mr. Cowen):** The question of the provision of parking spaces for disabled drivers at hospitals is matter for the Minister for Health and Children.

With regard to claims for tax relief against the cost of parking at hospitals, there is currently no provision in tax law which would allow relief from income tax in respect of parking expenses incurred by persons with or without a disability. There are no plans to change this at present.

### **Renewable Energy Generation.**

230. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources if the contract for the purchase of electricity from the anaerobic digester projects under the AER 6 scheme (details supplied) will be reviewed. [3046/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** In the biomass anaerobic digestion, AD, and biomass combined heat and power, CHP, categories of the AER VI competition applicants were required to

submit evidence of either a current planning permission, or an extant planning application to the relevant planning authority, for the construction of the relevant project on the closing date for receipt of tenders. All of the applicants shown on the winners and reserve lists for the competition satisfied this requirement.

My Department has recently written to all of the applicants in the biomass AD and biomass CHP categories seeking views on a proposed decision to exclude from further consideration, in the AER VI process, those projects in these categories that have not as yet secured full planning permission or are not currently the subject of an active and valid planning application. Applicants have until next week to respond to my Department's letter. Following a review of the responses from the applicants, it will be formally decided if any projects will be excluded from further consideration. Apart from this, no other review of contracts is foreseen at this stage.

### **Fisheries Protection.**

231. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources if, in view of the statement by the Commission and the Council on the weighing of pelagic fish, he will bring forward an interim arrangement for the current year; and if he will make a statement on the matter. [3108/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** At the Agriculture and Fisheries Council on 21 to 22 December 2004, the Council and Commission agreed a statement on the weighing of pelagic fish with the following wording: The Council invites the Commission to come forward early in 2005 with a proposal to develop a scheme allowing the fish to be weighed after transport from the port of landing. Such a scheme should provide sufficient safeguard to ensure that the fish landed is accounted for and weighed correctly.

The Commission has now brought forward draft proposals which are currently being examined at a technical level. As the rules for weighing pelagic fish are set at EU level, I do not have any significant scope to introduce interim national measures.

### **Marine Safety.**

232. **Cecilia Keaveney** asked the Minister for Communications, Marine and Natural Resources when urgent structural and physical works will be carried out on a building that houses a radio station (details supplied) in County Donegal; and if he will make a statement on the matter. [3109/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** There are no urgent structural and physical works required at the Marine Rescue Centre at Malin Head, County Donegal.

[Mr. Gallagher.]

However, as part of the future development of the Irish Coast Guard it has been decided to move from the existing three control centres to two — those at Valentia, County Kerry and Malin Head. The Department is at present considering detailed proposals as to how these two centres would operate and it expects to complete this process shortly.

### **Renewable Energy Generation.**

233. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources the numbers, for each category, of renewable power projects within the AER V and AER VI support mechanisms, which he expects will be able to connect to the grid before the time deadlines notified in clause 2.2.4 of the AER V competition rules and clause 2.8 of the AER VI competition rules; the number of projects in each category which now have either a forecast connection after the end of 2005 or have for other reasons been delayed; the timeframe and assessment standards which will apply to his Department's case by case consideration of possible extensions to these contracts; if he expects any such contracts to be reallocated to other projects on the AER reserve lists. [3122/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The time deadline referred to in both of these clauses is 31 December 2004. However, last June a general extension to the time deadline was granted to compliant projects where delays occurred due to later forecasts for connections to the electricity network or other delays occurred beyond the control of the applicant in AER V or VI. This extension is until 31 December 2005.

Outside of this general extension, applications for extensions to time deadlines will be dealt with, on a case by case basis, in accordance with clauses 4.3 to 4.6 of the terms and conditions of the AER V and clauses 4.3 to 4.7 of the terms and conditions of the AER VI. In general terms, extensions will only be granted where it is demonstrated to the satisfaction of my Department that the reason for the delay was beyond the control of the project developer.

The general extension in place to the end of this year will apply unless it comes to the notice of my Department that in a particular case a project is being delayed for reasons that are within the control of the project developer. Where it is proposed to withdraw AER support in any particular case, the applicant will be afforded an opportunity to make representations why that course of action should not be pursued. Any such representations will be considered objectively and on its merits. I cannot prejudge such representations by speculating at this point in time as to how much capacity will be reallocated to other projects on the reserve lists.

With regard to the timing of grid connection offers, I have no function in relation to such

matters, which are primarily a matter for the network operator, which is in turn regulated by the Commission for Energy Regulation. However, I am aware of the CER decision of 23 December last, Direction on Resuming Connections Offers to Wind Generators. The network operators have five months from the date of the decision to issue binding offers to what are termed "gate 1" applicants for connection and recipients have 30 days to respond. It is not possible to make any reasonable assumptions on the take up of connection offers until this process is completed.

In the event that capacity support is ultimately withdrawn from any project or surrendered by any project developer, that capacity will be reallocated to the next projects up to the limit of the capacity withdrawn or surrendered on the published reserve list in accordance with the terms and conditions of the AER VI competition.

### **Post Office Network.**

234. **Mr. Lowry** asked the Minister for Communications, Marine and Natural Resources his proposals for the 1,400 post offices in An Post; and if he will make a statement on the matter. [3174/05]

235. **Mr. Lowry** asked the Minister for Communications, Marine and Natural Resources his views on the postmasters union proposals for the post office network; his plans to ensure that the current post office network remains operational; and if he will make a statement on the matter. [3175/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 234 and 235 together.

The Government is committed to a viable and sustainable nationwide rural post office network providing a range of services to meet consumer needs. The Government has already made an equity injection of €12.7 million into the network in 2003 to facilitate modernisation measures. Furthermore, the Government has strongly supported An Post initiatives such as the channelling of new utility and banking services through the network. I am exploring with An Post the bringing forward of further initiatives to continue underpinning our network of rural post offices. In this regard, the company has been actively pursuing a number of opportunities in both the public and private sectors, with some success. For example, various banking and bill payment service contracts have been secured and new services in these areas are available at the post office counter.

To date, An Post has introduced new service delivery models in order to improve access to post office services. There are 1000 automated post offices, 475 non-automated post offices, 160 postal agencies and An Post has established 3,000 postpoint outlets in retail premises of which 600 can be used for bill payment.



The automated network accounts for over 95% of An Post's counter business. This means that the 1,000 automated offices transact 95% of counter business while 475 non-automated offices undertake 5% of business. This figure clearly illustrates the level of business transacted by individual non-automated offices. The current level of automated coverage is considered by An Post to be extremely comprehensive by any objective standard and this level of coverage makes it difficult to justify on either customer-service or economic ground the extension of automation to all offices, regardless of their location or business volumes.

Automation of the post office network was completed in 1997. It is, therefore, only in very exceptional circumstances, such as an existing automated office closing and its equipment being transferred to a suitable neighbouring location which transacts significant volumes of welfare business, that offices are automated today.

A core objective for An Post continues to be the retention of access to post office services in as many locations as possible, in the manner which best meets consumer needs, whether services are provided via post offices, postal agencies or the postpoint network.

I have met with the Irish Postmasters Union and listened with interest to their proposals for the future of the post office network. I have urged both An Post management and the Irish Postmasters Union to work together to continue to retain and develop customer driven services, which is ultimately the way to secure the future of the network.

*Question No. 236 answered with Question No. 93.*

### **Common Foreign and Security Policy.**

237. **Mr. Allen** asked the Minister for Foreign Affairs if he will report on the ongoing developments at European level with regard to a common European security and defence arrangement; and if he will make a statement on the matter. [2907/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** In the context of the European security and defence policy, ESDP, the Union is increasing its ability to contribute to both the civilian and military dimensions of crisis management. There is great value in the comparative advantage of the EU in this area, given the Union's unique range of "soft power" instruments to utilise for conflict prevention, crisis management and peace promotion purposes. These include political, diplomatic, economic, humanitarian and civil and military instruments.

Over the past year, the ESDP has become increasingly operational. Following significant preparatory work undertaken by the Irish Presidency, the EU launched Operation Althea in December last year, a follow-on military crisis management mission to the previous NATO-led

SFOR mission in Bosnia-Herzegovina. This is the largest ESDP mission to date. Some 7,000 personnel from 33 countries are participating, including 53 members of the Irish Defence Forces. The mission is authorised by a Chapter VII UN mandate, as was the case for SFOR.

In addition, the work of the EU police missions in Bosnia-Herzegovina and in the Former Republic of Macedonia, FYROM, is continuing, with the former headed by Assistant Commissioner Kevin Carty of the Garda Síochána. Preparations for a police mission in the Democratic Republic of Congo are under way and the mission is expected to deploy in the first half of this year.

The EU is also continuing to develop its capabilities for crisis management, both military and civilian. The European Defence Agency, established last year, is intended to play a central role in addressing shortfalls in European capabilities. It has functions in the areas of defence capabilities development, armaments co-operation, the defence industry and research and technology. The agency should ensure that the defence forces of EU member states are properly equipped to carry out crisis management missions.

The development of the battlegroups — rapid response elements concept has been an important focal point for ESDP. Member states have committed up to 13 battlegroup formations which will be available to deploy to crisis situations within a 15 day period from 2005 onwards. A total of 22 member states are committed to participating in the initiative.

The Union is also examining how existing civilian capabilities can be further developed to ensure a more rapid and flexible EU response to crisis situations. The aftermath of the tsunami has demonstrated the importance of developing such a capability. While ESDP continues to develop in response to the changes affecting Europe's security environment, the provision in the treaties for a common defence remains only a possibility. In the European constitution, the possibility of an EU common defence is based on the existing treaty article. This would be for decision by the European Council acting unanimously and in accordance with member states' constitutional requirements.

In any event, Ireland's position is clear. The amendment to Bunreacht na hÉireann in October 2002 precludes Ireland from participating in a common defence. As a consequence, the Irish people would have to amend Bunreacht na hÉireann before Ireland could take part in a common defence.

### **Iraqi Elections.**

238. **Mr. Gormley** asked the Minister for Foreign Affairs his views on the results of the Iraqi elections; and if he will make a statement on the matter. [2994/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I refer the Deputy to my reply to Question No. 97 today.

*Question No. 239 answered with Question No. 93.*

#### **Illegal Immigrants.**

240. **Mr. Connaughton** asked the Minister for Foreign Affairs his plans to help undocumented Irish citizens now trapped in the USA; the number of Irish persons in this situation; if his attention has been drawn to the hardship, inconvenience and worry this problem has caused to the persons concerned and to their families; and if he will make a statement on the matter. [3107/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** Immigration controls and procedures are a highly sensitive issue in the United States, particularly since the tragic events of 11 September 2001. We can anticipate a vigorous debate in the US Congress on any measures proposed to regularise the circumstances of undocumented people.

The number of Irish people who may be resident in the United States without the appropriate authorisation is difficult to estimate. While the US authorities have estimated that the number may have declined to 3,000 in the year 2000, many of the organisations working on the ground with our emigrants would regard this figure as a very low estimate.

The Deputy can be assured that the circumstances of undocumented Irish people in the US are raised on an ongoing basis in our bilateral contacts with US political leaders. I welcome recent comments by President Bush that immigration reform will be a high priority during his second term in office. I believe that such comments reflect an awareness of the importance of addressing the situation of the undocumented in the US in a constructive and sympathetic way. All proposals for reform will, of course, have to be considered in detail by the US Congress. I will be monitoring closely developments and will raise this issue in my contacts with figures in the US Administration and Legislature.

I am acutely aware of concerns regarding the circumstances of some Irish emigrants living in the United States and of the stress which their undocumented status causes to them and to their families. The information and advice which the Irish immigration centres in the US make available to our community there is of particular relevance at this complex time of change. They provide much needed frontline services to meet a wide range of needs. In 2004, funding to these organisations from my Department was €535,000, representing an increase of 83% on the previous year. I was delighted to secure a very substantial increase in funding for emigrant services in 2005, and this will enable us to support them further in their invaluable work.

The Deputy can be assured that through the ongoing efforts of our embassy and my own contacts and those of my Cabinet colleagues with political leaders in the US, we will continue to encourage and support all measures that benefit Irish citizens in the US.

#### **Common Foreign and Security Policy.**

241. **Mr. Durkan** asked the Minister for Foreign Affairs his intentions in regard to the participation in EU battlegroups and emergency relief initiatives; and if he will make a statement on the matter. [3125/05]

243. **Mr. Durkan** asked the Minister for Foreign Affairs the degree to which he expects to support or contribute to an EU rapid reaction or relief force or group; and if he will make a statement on the matter. [3127/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I propose to take Questions Nos. 241 and 243 together.

A major challenge for the EU is to ensure that it is able to respond rapidly and flexibly to crisis situations overseas. In this context the Union is taking forward the development of both civilian and military capabilities.

The battlegroups-rapid response elements concept has been under development in the European Union for some time. From the outset of the establishment of the European security and defence policy, ESDP, in 1999, it has been envisaged that, in order to carry out the full range of so-called Petersberg Tasks, the EU's crisis management capabilities would need to include rapid response elements, available and deployable at very high readiness.

The Minister for Defence has already outlined to the House the parameters of the Government's position in terms of a possible Irish contribution to rapid response elements. After consideration by the Government, Ireland indicated at the Military Capabilities Commitment Conference in November 2004 that we were prepared to enter into consultations with partners with a view to potential participation. An important element of such consultations includes discussions at Foreign Minister level. I have already held bilateral political consultations with both my Swedish and Finnish counterparts, which took place in Stockholm and Helsinki last week. In addition, an interdepartmental group, which includes representatives of my Department, the Department of the Taoiseach, the Department of Defence, the Defence Forces and the Attorney General's office, has been established to examine the policy, legislative and operational issues arising from possible participation. The consultation process and the report of the interdepartmental group will enable the Government to make a fully informed decision on Ireland's participation in rapid response elements.

Regarding emergency relief initiatives, EU member states over the coming weeks and

months will discuss how best to be able to respond to international disasters. A central question is whether such responses should focus on existing arrangements, such as the Community mechanism for civil protection and ESDP civilian capabilities, or, through creating a new rapid response structure.

Ireland has consistently supported the development of the EU's civilian capabilities to respond to crisis situations, both in respect of natural disasters, such as the Asian tsunami, and in the context of conflict and post-conflict scenarios. We have committed civilian resources through both the Community mechanism for civil protection and, more broadly, through the civilian capabilities commitment process under the ESDP. These resources range from police capabilities to rule of law experts to civil protection personnel.

We are fully committed to continuing to play our part in enhancing the EU's civilian capabilities, including through contributing to any new rapid response civilian structures that may be developed. Together with my Government colleagues, I will examine what additional capabilities Ireland can make available in response to humanitarian crises.

*Question No. 242 answered with Question No. 102.*

*Question No. 243 answered with Question No. 241.*

*Question No. 244 answered with Question No. 113.*

#### **Humanitarian Assistance.**

245. **Mr. Durkan** asked the Minister for Foreign Affairs his views as to how best to co-ordinate and deliver famine or disaster relief; and if he will make a statement on the matter. [3147/05]

247. **Mr. Durkan** asked the Minister for Foreign Affairs if, at EU or UN level, he has voiced opinions on the best way in which the logistics of disaster relief can be delivered expeditiously; and if he will make a statement on the matter. [3149/05]

249. **Mr. Durkan** asked the Minister for Foreign Affairs his views as to how best to combat starvation and war in Africa, through the EU or UN; and if he will make a statement on the matter. [3151/05]

251. **Mr. Durkan** asked the Minister for Foreign Affairs the ten most serious starvation or war-torn trouble spots; and his views as to how best to assist. [3186/05]

**Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan):** I propose to take Questions Nos. 245, 247, 249 and 251 together.

The effective co-ordination of humanitarian relief is a key objective for all donors and organisations involved in responding to emergencies.

Poor co-ordination can lead to duplication of effort, waste of scarce resources, poor identification of the most vulnerable and can ultimately cost lives.

Ireland is actively engaged in actions designed to improve global co-ordination of emergency relief. Ireland fully participates in the Good Humanitarian Donorship, GHD, initiative. The GHD agenda is improved delivery of humanitarian aid through a series of actions that donors can take to strengthen and enhance their emergency response. One of these actions is better co-ordination. The optimal way to assist co-ordination is to support the central role of the United Nations. For its part, the Government has appointed former Minister of State, Mr. Chris Flood, the current chairman of the Advisory Board for Development Co-operation Ireland, as a special envoy to the tsunami-affected region to monitor Irish funding allocated in response to this disaster, including how aid is being co-ordinated. He will track the use of Ireland's funds and ensure that these are employed in line with best international practice.

The United Nations Office for the Co-ordination of Humanitarian Affairs, UNOCHA, has the responsibility to co-ordinate humanitarian action in emergencies. UNOCHA is playing a key role in co-ordination in the region affected by the tsunami. The agency is also playing a vital role in Sudan and other parts of Africa. Ireland supports UNOCHA through direct assistance to its operations. Ireland also funds the United Nations Disaster Assessment and Co-ordination, UNDAC, teams, which are available to be deployed to emergencies at short notice.

The EU also has an important role to play in effective humanitarian response. The EU is the largest donor of development assistance in the world and through ECHO, the humanitarian aid service of the EU, plays an important role in emergency assistance. The recent tragic events in south Asia have focused the EU on the need for an even more co-ordinated and effective response to this type of emergency. As early as this week EU Foreign Ministers adopted a plan of action designed to improve the EU's capacity to respond to the tsunami and similar emergencies. Ireland fully supports this plan which will help save lives and rebuild livelihoods.

Ireland's programme of development co-operation has sub-Saharan Africa as its core focus. Most of the humanitarian emergencies in the world still occur there. Humanitarian situations in countries such as Sudan, Uganda, Ethiopia, Sierra Leone, Liberia, Burundi, the Democratic Republic of the Congo and Eritrea pose enormous challenges both to their Governments and international aid donors. These situations need to be resolved if the populations concerned are to progress towards the achievement of the millennium development goals by 2015.

In the longer term, Ireland's development programme tackles the structural reasons under-



[Mr. C. Lenihan.]

lying endemic poverty. One of the main ways in which this is pursued is through our strong development partnerships with six countries in sub-Saharan Africa. Through these partnerships, Ireland fully engages with Governments, local communities, donors, EU and UN agencies on the basis of poverty reduction strategy plans, PRSPs, which prioritise a country's resources and expenditures to reduce poverty and also to foster a culture of respect for democracy, human rights and the rule of law. The challenges are enormous. However, through the range of initiatives being pursued in the humanitarian and development spheres, I am confident that we are making progress in addressing the needs of vulnerable communities in some of the poorest countries in the world.

*Question No. 246 answered with Question No. 167.*

*Question No. 247 answered with Question No. 245.*

#### **Overseas Development Aid.**

248. **Mr. Durkan** asked the Minister for Foreign Affairs his plans to enhance the work of the international community with the programme to combat AIDS in Africa; and if he will make a statement on the matter. [3150/05]

**Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan):** Recent statistics published by UNAIDS indicated that in 2004 nearly 40 million people were living with the HIV/AIDS virus. Sub-Saharan Africa, by far the worst-affected region, is now home to over 26.6 million people living with HIV/AIDS. Approximately 3 million new infections occurred there in 2004 while the epidemic claimed the lives of an estimated 2.3 million Africans in the past year.

HIV/AIDS is a key priority for the Development Co-operation Ireland programme. Ireland was one of the first donors to develop a HIV/AIDS strategy and we have worked to ensure that the issue is high on the agenda of the EU and of the UN's funds and programmes. Since 2001, Ireland's financial allocations to the fight against AIDS have increased ten-fold with a budget allocation almost reaching €50 million in 2005.

These resources are directed at HIV/AIDS activities at the global, regional, national and community levels and are implemented through international and regional organisations and in our programme countries. The latter include six highly-affected countries in southern and eastern Africa.

During 2005, Ireland will continue to work with the international community in advocating for a sustained and resourced global response to HIV/AIDS, strengthened leadership at all levels; and improved co-ordination of resources and planning for HIV/AIDS prevention and control.

In particular, Ireland will continue to advocate for a strong response to HIV/AIDS through financial support and representation on the executive boards of UN agencies such as UNDP and UNICEF. In addition, Ireland will continue to provide funding to the Joint United Nations Programme on HIV/AIDS-UNAIDS. UNAIDS is the main advocate for global action on the epidemic. It brings together the efforts and resources of ten UN system organisations to help prevent new HIV infections, to provide care for those already infected and to mitigate the impact of the pandemic.

Ireland will continue its support to the global fund to fight AIDS, TB and malaria and will be represented at all the board meetings in 2005. We will continue to use our membership of the board to contribute to strategic policy orientation and our work at country level also feeds into policy dialogue. At the country level, Development Co-operation Ireland will continue to work with the Clinton Foundation and other donors, such as Norway and Canada to support the Government of Mozambique in its efforts to implement a national HIV/AIDS strategy, including a plan to provide life saving drugs to infected poor people.

HIV/AIDS continues to be an enormous obstacle to reducing poverty and to attaining the millennium development goals. Through the Development Co-operation Ireland programme, the Government will do all in its power to combat the pandemic at the global, regional and national levels in developing countries.

*Question No. 249 answered with Question No. 245.*

#### **Passport Applications.**

250. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs the procedure for an Irish citizen to obtain an Irish passport when the person has no birth certificate or baptismal certificate. [3180/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** Where a person's birth in Ireland has not been registered, there is a late registration procedure where this may be regularised through the General Register Office, Joyce House, 8-11 Lombard Street East, Dublin 2. This will enable the person to acquire a birth certificate which can be used to apply for a passport.

In exceptional circumstances, if the person has urgent travel plans and there is insufficient time for the late registration process to be completed, my Department may be able to facilitate them with the issue of a very restricted passport to cover their immediate journey. In support of any such application, the person would need to supply a completed and witnessed passport application form, two photographs, a letter from the General Register Office confirming that a late registration application is being processed, evidence of their identity and claim to citizenship, proof of travel and the appropriate passport fee.

In such cases, the person would be advised to make direct contact with the Passport Office, Molesworth Street, Dublin 2; telephone LoCall 1890 426888, who will be able to advise further depending on their individual circumstances.

*Question No. 251 answered with Question No. 245.*

### **Sport and Recreational Development.**

252. **Mr. P. McGrath** asked the Minister for Arts, Sport and Tourism the position in regard to the future use of the lands at Abbotstown. [3051/05]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** In January 2004 the Government decided to proceed with the development of a sports campus on the State-owned lands at Abbotstown. Campus and Stadium Ireland Development Limited was requested to put forward proposals for the development of a sports campus. I have received a development control plan from it for a sports campus at Abbotstown. This plan provides a framework for the development of a sports campus, focusing in particular on the first phase of the development. It is my intention to present proposals to the Government shortly on the development of a sports campus at Abbotstown.

### **Company Closures.**

253. **Mr. Wall** asked the Minister for Enterprise, Trade and Employment the meetings he has had with Irish Sugar (details supplied) on the stated closure of the Carlow sugar plant; if he has investigated the total loss of employment due to this stated closure; the steps he intends to take to overcome such job losses; and if he will make a statement on the matter. [3087/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** I have not had any meetings so far with the company in question on its sugar plant in Carlow. Primary responsibility for this area rests with the Minister for Agriculture and Food. However, I am aware that Enterprise Ireland is seeking a meeting with the company to discuss the company's plans. I expect this meeting will take place at an early date.

The board of Greencore has made a commercial decision to cease production of sugar beet in Carlow, with Mallow remaining as the sole producers in Ireland. It is too early to assess the full implications of the decision taken by the company. However, the State agencies under the aegis of my Department will be available to assist. Initially, the full services of FÁS will be made available to any workers who wish to avail of these services.

Carlow town is already a key focus for IDA Ireland in attracting foreign direct investment. The existing base of overseas companies consists of five firms employing almost 1,000 people. In addition, IDA Ireland has committed an invest-

ment of €11.5 million in the development of the Carlow business and technology park. Enterprise Ireland and the Carlow County Enterprise Board are similarly committed to the development of indigenous industry in Carlow.

I am confident that the combined efforts of the State agencies and the local business and community interests will be sufficient to address the ongoing needs of the Carlow area. I will be prepared to assist in whatever way I can.

### **Work Permits.**

254. **Mr. J. O'Keeffe** asked the Minister for Enterprise, Trade and Employment if he will issue a work permit to a person (details supplied). [3101/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** No record of a valid work permit application exists in this case. Incomplete or inaccurate applications are returned to the employer for completion. In the aftermath of EU enlargement, it is Government policy that employers should be able to source nearly all of their workforce needs from within the EU. Accordingly, only in cases where exceptional levels of skill and qualifications are needed for the job, and the employer has made meaningful attempts to find EEA nationals first, will my Department now consider work permit applications.

### **Company Closures.**

255. **Mr. Deenihan** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the closure of a company (details supplied) in County Kerry; the level of aid granted to the company by the IDA; if this will now be refunded by the company; and if he will make a statement on the matter. [3103/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** I regret the recent announcement by Jet Environmental of the closure of its operation in Killorglin, County Kerry with the loss of 30 jobs. The company was paid €240,000 in IDA Ireland grant assistance. In this regard, IDA Ireland has initiated proceedings for the grant revocation of the entire monies paid to the company.

As regards the employees to be made redundant, FÁS, the national training authority, will make arrangements shortly to contact the company and offer to put its full range of support services to staff being made redundant. These supports include, skills analysis, jobs placement, guidance and counselling interviews, identification of training needs and suitable training courses.

### **Job Creation.**

256. **Mr. Lowry** asked the Minister for Enterprise, Trade and Employment the number of IDA Ireland and Shannon Development sup-

[Mr. Lowry.]  
ported jobs created in north County Tipperary since 1997; the details of these jobs and their locations; and if he will make a statement on the matter. [3177/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** Job creation is a day-to-day issue for the enterprise development agencies of my Department and one in which I have no direct function. IDA Ireland is the agency with statutory responsibility for the attraction of foreign direct investment to Ireland and its regions. Shannon Development has responsibility for Irish industry in the Shannon region, including north County Tipperary. IDA Ireland, through its network of local and overseas offices, is actively marketing north County Tipperary on an ongoing basis as a location for foreign direct investment while Shannon Development has undertaken a number of initiatives in support of the indigenous sector.

From 1997 to 2003, the last year for which figures are available, a total of 567 and 1664 new jobs were created in IDA Ireland and Shannon Development supported companies in north County Tipperary respectively. County data for 2004 will not be available until mid-2005. The following table details the number of jobs created by both agencies in north County Tipperary from 1997 to 2003.

Year	IDA Ireland	Shannon Development
1997	55	241
1998	22	176
1999	191	182
2000	183	266
2001	43	304
2002	27	288
2003	46	207

Regional Development has become a significant focus of Government policy. This importance has been confirmed in the national development plan and through the preparation of the national spatial strategy. IDA Ireland will be focusing its strategy for north County Tipperary upon the concept of regional economic centres; in this case the linking of Thurles to the gateway of Limerick/Shannon. IDA Ireland is now targeting companies which have higher skill requirements, and which are more knowledge intensive.

IDA Ireland continues to work closely with its clients in north County Tipperary to encourage them to expand their existing operations in the county through the IDA strategic competi-

tiveness programme. A substantial programme of activity is under way with the existing overseas companies, to consolidate and grow their operations where possible.

Initiatives undertaken by Shannon Development include the development of the Tipperary technology park in Thurles, one of a network of five such parks in the region. There are five companies operating out of the park in areas such as e-commerce, digital cinema, software development and health and safety. Shannon Development and North Tipperary Enterprise Board also operate offices in the park. Shannon Development has acquired a 29 acre site in Roscrea with a view to developing a business park appropriate to the needs of the area. It is envisaged that the park will be attractive because of its location to office, logistics and industrial enterprises. Shannon Development in association with local authorities is spearheading the drive to bring high speed Internet access to the region. Thurles, Nenagh and Roscrea have been scheduled as priority towns for phase two of the broadband roll-out programme and this should assist in attracting foreign direct investment and indigenous industry. Newport has also been selected by Shannon Development as part of its e-towns pilot project which aims to assist the renewal and improvement of smaller communities in multiple locations.

#### Job Losses.

257. **Mr. Lowry** asked the Minister for Enterprise, Trade and Employment the number of IDA Ireland and Shannon Development supported jobs lost in north County Tipperary since 1997; the details of these job losses and their locations; and if he will make a statement on the matter. [3178/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** IDA Ireland is the agency with statutory responsibility for the attraction of foreign direct investment to Ireland and its regions while Shannon Development has responsibility for Irish industry in the Shannon region, including north County Tipperary. IDA Ireland, through its network of local and overseas offices, is actively marketing north County Tipperary on an ongoing basis as a location for foreign direct investment while Shannon Development has undertaken a number of initiatives in support of the indigenous sector.

The following table details the number of jobs lost in IDA Ireland and Shannon Development supported companies in north County Tipperary from 1997 to 2003. County data for 2004 will not be available until mid-2005.

Year	1997	1998	1999	2000	2001	2002	2003
IDA Shannon Development	21 — 126	75 — 108	166 — 241	52 — 90	116 — 413	494 — 194	278 — 78

#### Grant Payments.

258. **Mr. Connaughton** asked the Minister for

Social and Family Affairs if the back to work allowance will be awarded to a person (details supplied) in County Galway from the date the



application was made for this allowance; and if he will make a statement on the matter. [2954/05]

**Minister for Social and Family Affairs (Mr. Brennan):** The back to work allowance scheme, introduced in September 1993, is part of my Department's programme of initiatives designed to assist long-term unemployed people, lone parents and other social welfare recipients to return to the active labour force. The allowance provides a monetary incentive designed to make their return to work financially attractive and viable. It is designed to support people who would not otherwise be able to return to the workforce for financial reasons.

People applying for the allowance must do so in advance of taking up employment to allow their eligibility for the scheme to be determined. Claims made after the person has started work indicate that the person was in a position to take up employment without the need of the financial support the scheme provides.

The person concerned commenced employment on 12 April 2004. She applied for the allowance in December 2004, and does not, therefore satisfy the eligibility criteria for participation in the scheme.

#### **Pension Provisions.**

259. **Ms Shortall** asked the Minister for Social and Family Affairs if he will address the anomalous position of pensioners such as a person (details supplied) in Dublin 11; his estimate of the numbers in this position; his estimate of the total cost in terms of increased pensions of allowing credits to all persons in these circumstances; and if he will make a statement on the matter. [3030/05]

**Minister for Social and Family Affairs (Mr. Brennan):** The person concerned has a gap in his contribution record covering the period from 1962 when he went over the remuneration limit for social insurance which applied until 1974. It would have been open to him at that time to continue in full-rate insurance by becoming a voluntary contributor. Pensions paid under social insurance represent good value for the contributions which people made. Approximately 57,000 people are in receipt of a reduced standard rate pension with 43,000 in receipt of a pension at the same rate as the person concerned. It is not possible to say what proportion of these are due to the remuneration limit. The estimated cost of paying full-rate pensions to all those on reduced rates is estimated at €68 million.

#### **Grant Payments.**

260. **Mr. Cregan** asked the Minister for Social and Family Affairs the situation regarding the scale of reduction for rent allowance for persons who take up employment or community employment schemes; if the sliding scale is absolute or dependent on clients' ability to pay; and the details of the process or calculation for continuing

past rent allowance indefinitely if circumstances so require. [3153/05]

**Minister for Social and Family Affairs (Mr. Brennan):** Rent supplements are provided for under the supplementary welfare allowance scheme. Supplementary welfare allowance is payable to people in part-time employment but is not normally payable to people who are engaged in full-time employment. However, arrangements have been in place for a number of years which allow people to retain a portion of their rent supplement where they take up employment through approved schemes, such as community employment, or where, following 12 months unemployment, they move from a social welfare payment to open market employment, subject to a weekly household income limit of €317.43. Back to work allowance and family income supplement, in cases where one or both of these are in payment to an applicant for rent supplement, are disregarded in the assessment of the €317.43 weekly income limit. PRSI and reasonable travelling expenses are also disregarded in the means test.

Under these arrangements, rent supplement may be retained after commencement of employment for up to four years on a tapered basis, that is, 75% in year one, 50% in year two and 25% in years three and four. There are no arrangements in place to extend entitlement beyond this period. People participating in back to work and community employment schemes, or those on other approved employment schemes who work fewer than 30 hours per week, have the option of being assessed under either standard rules or under the retention rules outlined above and will be entitled to receive payment under the more favourable option in their situation.

Under standard assessment rules, rent supplements are calculated to ensure that an eligible person, after the payment of rent, has an income equal to the rate of supplementary welfare allowance appropriate to his or her family circumstances, less a minimum contribution of €13 which each recipient is required to pay from his or her own resources. Up to €60 in respect of additional income from part-time employment is disregarded in the means test, ensuring that a person is better off as a result of taking up such an opportunity. Community employment is regarded as part-time employment for these purposes.

Eligibility thresholds and disregards, together with improvements in the standard rules of the supplementary welfare allowance scheme, ensure that people have a financial incentive to take up employment opportunities. It also ensures there is a safeguard in place to provide rent supplement in any exceptional hardship situation that might arise. The effectiveness of these arrangements will be considered further in the context of a review of the supplementary welfare allowance scheme which my Department is undertaking during 2005.

### Rural Transport Initiative.

261. **Mr. Kehoe** asked the Minister for Transport the number of rural transport initiatives that are involved in transporting persons with disabilities; and if he will make a statement on the matter. [3064/05]

262. **Mr. Kehoe** asked the Minister for Transport the number of rural transport projects that operate within any town or service any town; the towns that are serviced; if his Department has refused applications for rural transport initiatives to service any town; and if he will make a statement on the matter. [3065/05]

263. **Mr. Kehoe** asked the Minister for Transport the number of rural transport initiatives which operate around the country; the locations from which they operate; the number of persons employed in each; and the position they hold, either full time or part time.. [3067/05]

**Minister for Transport (Mr. Cullen):** I propose to take Questions Nos. 261 to 263, inclusive, together.

The rural transport initiative is a pilot project, funded by my Department since 2002. Under the initiative, 34 rural community groups are being financed to operate rural transport services in their areas.

Area Development Management Limited administers the rural transport initiative on behalf of my Department. Area Development Management Limited and the individual groups are solely responsible for all the operational aspects of the rural transport initiative. Neither I

nor my Department has any role in these matters. The provision of transport services for people with disabilities is a core feature of the rural transport initiative and all projects provide these services. Accordingly, many rural transport initiative services are provided on a door-to-door basis and some projects are in a position to provide services with fully accessible vehicles.

The rural transport initiative arose as a response to the needs of people in rural areas who, because they did not have independent access to transport, had difficulties in travelling to towns and villages. This is the primary purpose of the rural transport initiative and all the rural transport initiative projects provide services from rural areas to towns and villages. However, I am not aware that any project provides services within towns. I am not in a position to name the towns served by the rural transport initiative as decisions on what services are to be provided are operational matters for Area Development Management Limited and the individual project groups.

My Department has a role if a group requires a route licence under the Road Transport Act 1932 for a bus service. The Department has not refused any route licence application by a rural transport initiative group to service any town. With regard to the numbers employed by rural transport initiative projects, this again is an operational matter although I can say that the recent appraisal of the rural transport initiative found that there were 90 people directly employed by rural transport initiative projects and the employment of a further 200 bus drivers was supported by the initiative.

#### The Rural Transport Initiative (RTI)

##### List of RTI projects and their operational areas

Project Name	Operational Area
Aughrim-Kilmore Development Association Ltd.	North Roscommon
Avondhu Area Transport Partnership	Mid-Cork
Bantry Integrated Development Group	South West Cork
Bealach (Connamara Local Transport Partnership)	West Galway
Borrisokane Area Network Development Ltd.	North Tipperary
Carlow, Kilkenny, Sth Tipperary Rural Transport	Co. Carlow / Co. Kilkenny / South Tipperary
Comharchumann Chleire Teo (Cape Clear)	South Cork (Island)
Community of Lougharrow Social Project	East Sligo
County Limerick / North Cork Transport Group	Co. Limerick / North Cork
County Sligo LEADER Partnership Company Ltd.	North West Sligo
East Clare Accessible Transport	Clare
I.R.D. Duhallow	North West Cork
Kerry Community Transport	Co. Kerry
Kilnaleck Community & Cooperative Soc.(Cavan)	South Cavan
Laois Rural Regeneration Partnership	Co. Laois
Longford Community Resources Ltd.	North Longford
Meath Accessible Transport	Co. Meath
Meitheal Mhaigh Eo	Co. Mayo
MFG Teo	North Donegal
Monaghan Partnership	Mid Monaghan

Project Name	Operational Area
North Fingal Rural transport Company	North Dublin
Oak Partnership (Offaly / Kildare)	North Offaly / North West Kildare
Rural Lift (Co. Leitrim, Nth Cavan)	North Cavan / Co. Leitrim
Seirbhis Iompair Tuaithe Teo	South West Donegal
South East Galway Integrated Rural Dev.	South Esat Galway
South Kildare Rural	South Kildare
South Westmeath (Mount Temple)	Westmeath
Tipperary LEADER Group	North Tipperary
Tumna Shannon Development Co.	North Roscommon
Waterford Rural Transport Working Group (CDB)	Co. Waterford
West Coast Wexford Rural Transport Initiative	South West Wexford
West Offaly Partnership	West Offaly
Wexford Area Partnership	West Wexford
Wicklow Rural (Aughrim Tidy Towns Ltd.)	South Wicklow

### Rail Network.

264. **Mr. P. McGrath** asked the Minister for Transport the plans for the Dublin to Navan rail line. [3040/05]

**Minister for Transport (Mr. Cullen):** Iarnród Éireann, in conjunction with Meath and Fingal County Councils, is currently undertaking a feasibility study into providing a spur off the Dublin to Sligo railway line at Clonsilla to Dunboyne. The study is to be completed shortly and I expect to receive a copy of study results then.

There are no plans to extend this line beyond Dunboyne. However, I understand that the provision of a park and ride site at Dunboyne to cater for Navan traffic is being considered in conjunction with the possible development of rail services from Dunboyne to the city.

265. **Mr. Wall** asked the Minister for Transport the number of wagons or carriages in the ownership of Iarnród Éireann capable of transporting beet crop; the number of such carriages or wagons used in the last sugar beet campaign; and if he will make a statement on the matter. [3068/05]

266. **Mr. Wall** asked the Minister for Transport if he will report on the contracts entered into by Iarnród Éireann to provide additional wagons and carriages to cater for proposed changes in the sugar beet industry that will necessitate sugar beet being transported from the Carlow area to Mallow; and if he will make a statement on the matter. [3069/05]

267. **Mr. Wall** asked the Minister for Transport the negotiations which have taken place with Iarnród Éireann and Greencore in regard to infrastructural changes in the Carlow and Bagnelstown area to facilitate a terminal or depot for the transporting of beet to the Mallow factory; the timescale of such infrastructural changes; the cost of such changes; and if he will make a statement on the matter. [3070/05]

**Minister for Transport (Mr. Cullen):** I propose to take Questions Nos. 265 to 267, inclusive, together.

I wish to advise the Deputy that the matters raised are day-to-day operational matters for the company involved.

### Road Transport Services.

268. **Mr. Kehoe** asked the Minister for Transport the steps he intends to take following correspondence sent to his Department from an organisation (details supplied) in County Wexford concerning the renewal of a route licence within the New Ross district area. [3071/05]

**Minister for Transport (Mr. Cullen):** The route licence in question is an annual continuous passenger route licence issued under the provisions of the Road Transport Act 1932 and as such expired on 31 October 2004. My Department has been in contact with the licensee regarding the provision of service along the route. The licensee has confirmed that the service is not operating. On this basis, my Department has decided that the licence for the route in question will not be renewed.

### Driving Tests.

269. **Mr. Ring** asked the Minister for Transport the position regarding the validity of the registered driving instructor status within the driver testing and standards authority; and if he will make a statement on the matter. [3106/05]

**Minister for Transport (Mr. Cullen):** Proposals being developed by my Department for the regulation and quality assurance of driving instruction will involve a test of the competence of individual instructors. A working group comprising representatives of my Department and of instruction interests has formulated the design of the standards that a driving instructor must meet. I am considering what arrangements will be put in place to oversee implementation of the standard



[Mr. Cullen.]

in the context of the establishment of the driver testing and standards authority.

The Driver Testing and Standards Authority Bill 2004, which provides for the establishment of the authority was published on 6 July 2004 and the Second Stage debate commenced on 14 October 2004.

#### **National Anti-Poverty Networks.**

270. **Mr. Ring** asked the Minister for Community, Rural and Gaeltacht Affairs the reason funding was discontinued for a group (details supplied). [3243/05]

271. **Mr. Kenny** asked the Minister for Community, Rural and Gaeltacht Affairs the reasons for his decision to end core funding to a group (details supplied); the way in which he anticipates that the work currently undertaken by this group will be carried out; and if he will make a statement on the matter. [3244/05]

272. **Mr. McCormack** asked the Minister for Community, Rural and Gaeltacht Affairs if he will reconsider his decision to withdraw all Government funding from a group (details supplied); and if he will make a statement on the matter. [3246/05]

273. **Mr. Naughten** asked the Minister for Community, Rural and Gaeltacht Affairs if he will review the decision to withdrawn funding from a group (details supplied); the reason for this withdrawal of funding; and if he will make a statement on the matter. [3250/05]

274. **Mr. Wall** asked the Minister for Community, Rural and Gaeltacht Affairs his views on correspondence (details supplied); his plans to rectify the matter; and if he will make a statement on the matter. [3273/05]

275. **Mr. Perry** asked the Minister for Community, Rural and Gaeltacht Affairs if he will rescind the decision to withdraw funding from a group (details supplied) in view of the fact that groups such as the Sligo family resource centre has provided key supports working against poverty; if his attention has been drawn to the fact that it is the only national organisation capable of reflecting at a national level its experience and challenges in dealing with Government policies and structures; the steps he has in place to redress this situation; and if he will make a statement on the matter. [3323/05]

276. **Mr. Crawford** asked the Minister for Community, Rural and Gaeltacht Affairs the reason he has decided to stop funding a group (details supplied); if he intends to provide an alternative; and if he will make a statement on the matter. [3351/05]

279. **Mr. Bruton** asked the Minister for Community, Rural and Gaeltacht Affairs the reasons the funding for the community workers co-operative under the national anti-poverty programme has been withdrawn without consultation with the CDWC, despite the high rating of the work of the CDWC in reviews of this funding mechanism; and if he will make a statement on the matter. [3099/05]

280. **Mr. Connaughton** asked the Minister for Community, Rural and Gaeltacht Affairs the reason funding to the Community Workers Network based at Tuam Road, Galway has been withdrawn; if his attention has been drawn to the important role that this organisation has played in providing information and guidance in the drive to eliminate poverty; and if he will make a statement on the matter. [3100/05]

281. **Mr. Wall** asked the Minister for Community, Rural and Gaeltacht Affairs the reason funding for the Community Workers Co-operative has been cut; and if he will make a statement on the matter. [3120/05]

282. **Mr. Costello** asked the Minister for Community, Rural and Gaeltacht Affairs if he will reconsider his decision to withdraw funding from a group (details supplied) through the national anti-poverty programme; and if he will make a statement on the matter. [3185/05]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** I propose to take Questions Nos. 270 to 276, inclusive and 279 to 282, inclusive, together.

I refer the Deputies to my answer of 1 February 2005 to Questions Nos. 216 to 227, inclusive.

#### **Irish Language.**

277. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cad iad na plananna atá aige chun réimse leathan seirbhísí do Ghaeilgeoirí an oileáin uilig a fhorbairt. [3025/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Glacaim leis gur soláthar sheirbhísí do Ghaeilgeoirí ag comhlachtaí poiblí atá i gceist ag an Teachta. Níl aon fhreagracht ormsa mar Aire maidir le soláthar sheirbhísí dá leithéid taobh amuigh den Stát. Maidir le soláthar sheirbhísí poiblí laistigh den Stát, dírim aird an Teachta ar an bhfreagra a thug mé ar Cheist Dála Uimh 41 an 14 Nollaig 2004 maidir le cur i bhfeidhm céimiúil fhorálacha Acht na dTeanga-cha Oifigiúla 2003. Mar a d'fhógair mé cheana, leathnófar an réimse seirbhísí atá ar fáil trí Ghaeilge ó chomhlachtaí poiblí tríd an Acht a chur i bhfeidhm ar bhonn céimiúil.

### Rural Social Scheme.

278. **Mr. Kehoe** asked the Minister for Community, Rural and Gaeltacht Affairs the criteria required for rural social schemes; and if he will make a statement on the matter. [3066/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** To be eligible to participate in the rural social scheme a person must be in receipt of farm assist or have been allocated a valid herd or flock number from the Department of Agriculture and Food, and be in receipt of unemployment assistance, unemployment benefit, if previously on community enterprise or disability allowance from the Department of Social and Family Affairs.

A person is also eligible to participate on the rural social scheme if a self-employed fisherman whose fishing boat has been entered in the register of fishing boats or issued with a fishing licence for fishing for salmon at sea, from the Department of Communications, Marine and Natural Resources, and be in receipt of one of the aforementioned payments from the Department of Social and Family Affairs. In the first year of operation, up to the 16 May 2005, participants currently on a FÁS community employment scheme, who meet the criteria for the rural social scheme, are eligible to apply to transfer over to the scheme.

*Questions Nos. 279 to 282, inclusive, answered with Question No. 270.*

### Irish Horseracing Authority.

283. **Mr. McGuinness** asked the Minister for Agriculture and Food if the appropriate corporate entity has signed the legal agreement between Punchestown and his Department to protect the State's investment in the project; if she is satisfied with the progress being made in this regard relative to the financial accounts available; and if she will make a statement on the matter. [2943/05]

**Minister for Agriculture and Food (Mary Coughlan):** I can confirm to the Deputy that a revised legal agreement between the Department of Agriculture and Food and the three Punchestown trading companies was completed on 8 April 2004. I am satisfied with the progress made on this matter.

The corporate restructuring arrangement between Horse Racing Ireland and the Kildare Hunt Club is being progressed by the parties concerned. I am anxious that this corporate restructuring arrangement be implemented as soon as possible. I understand that it cannot be finalised until the question of the existence of a taxation liability is resolved. This is a matter which is outside my control.

### Grant Payments.

284. **Mr. P. Breen** asked the Minister for Agriculture and Food when a person (details supplied) in County Clare will receive the balance payment of a forest road grant; and if she will make a statement on the matter. [3049/05]

**Minister for Agriculture and Food (Mary Coughlan):** Payment of the outstanding balance of the forest road grant will be made to the person in question within the next three weeks.

### Single Farm Payment.

285. **Mr. Neville** asked the Minister for Agriculture and Food the details of provisional entitlements under the single farm payment for a person (details supplied) in County Limerick. [3077/05]

**Minister for Agriculture and Food (Mary Coughlan):** The person named submitted an application for consideration of his circumstances under the *force majeure* measure of the single payment scheme. Following processing of this application it was considered that the new entrant/inheritance measures would be more beneficial and he was advised to apply under these measures in the notification of the decision that issued to him.

Subsequently the person submitted applications for consideration in respect of both the new entrant and Inheritance measures of the single payment scheme. Following an examination of these applications, he was informed that both the new entrant and inheritance applications were successful and that, of these, the inheritance measure, combining inherited entitlements with those earned by the person involved in his own right, was more favourable than either the *force majeure* or the new entrant measures. The person named then appealed this position due to the fact that using 2001 as a reference year for the establishment of entitlements in his own right disadvantaged him because he only applied for direct payments on three animals late in 2001.

My Department has re-examined the full circumstances of this case including the information submitted on appeal and have decided that 2001 may be excluded on the grounds of *force majeure*. The net result is that the single farm payment entitlements for the person named will be based on the two-year average of the entitlements established in his own right in 2002 and the entitlements inherited from 2000. This represents the most beneficial outcome for the person named and a statement of provisional entitlements reflecting this position will issue shortly.

286. **Mr. Neville** asked the Minister for Agriculture and Food the position regarding entitlement under the single payment scheme for a person (details supplied) in County Limerick. [3079/05]

**Minister for Agriculture and Food (Mary Coughlan):** Following an unsuccessful decision in respect of his new entrant application the person named submitted an appeal to the independent single payment appeals committee seeking a review of this decision. My Department, following a re-examination of the circumstances outlined including the additional information submitted with the appeal, have overturned the decision in this case. The person named has been informed that both the years 2000 and 2001 will be excluded from his single payment calculation. The notification of this amended decision, basing his entitlements on 2002 only, was issued to the person named today.

As he is leasing in land, he may, before 16 May 2005, lease in any entitlements which the lessor may have established by having an amending clause inserted in the lease agreement which stipulates that the land is being leased together with any entitlements to be established under the single payment scheme. The number of entitlements that can be leased in this manner cannot exceed the number of hectares leased. However, he may require additional land to activate his own entitlements based on 2002 only and those, which he may lease in with the land.

The position with regard to the 2005 single payment national reserve is that all applications are being processed at present and in view of the number of applications received and accompanying documentation submitted it will be some time before processing is completed. The Deputy will appreciate therefore that it is not possible to indicate at this stage whether the person named will qualify for an allocation of entitlements from the reserve on foot of an application submitted. Applicants will be notified of their eligibility or otherwise as soon as all applications are processed.

#### **Rural Environment Protection Scheme.**

287. **Mr. Neville** asked the Minister for Agriculture and Food the position regarding the appeal of a decision to refuse a REP scheme payment to a person (details supplied) in County Limerick. [3080/05]

**Minister for Agriculture and Food (Mary Coughlan):** The appeal was received in the agriculture appeals office on 19 October 2004. The appellant requested an oral hearing which was held on 6 December 2004. Having considered the case fully, the appeals office decided to disallow the appeal. The appellant was notified in writing on 16 December 2004.

#### **Sugar Beet Sector.**

288. **Mr. Wall** asked the Minister for Agriculture and Food if she has any control over the quota contracts as determined by Irish Sugar (details supplied) in regard to such quota con-

tracts as agreed with the farming community in Ireland; if the company can sell or exchange such quotas with a company other than an Irish company; if the company can sell or exchange such quotas with another EU country; if the company can sell or exchange such quotas with a country other than an EU country; and if she will make a statement on the matter. [3081/05]

**Minister for Agriculture and Food (Mary Coughlan):** Under the EU sugar regime, each member state has a national quota for manufactured sugar. There is no quota for sugar beet nor is there a quota at farm level. The EU regulations stipulate that this national quota must be made available to the sugar manufacturing enterprises in the member state. Accordingly, in Ireland the entire national sugar quota is processed by Irish Sugar Ltd which is the only sugar manufacturer in this country. Irish Sugar Ltd places annual contracts with farmers to grow a specific tonnage of sugar beet sufficient to manufacture the sugar quota. I have no function in the placing of these contracts, neither in regard to the individuals who receive contracts nor the tonnage contracted in each case.

The EU regulations do not provide for the buying and selling of the quota for manufactured sugar. However, in the context of the proposed reform of the EU sugar regime, the Commission has raised the possibility of cross-border quota mobility. Several member states including Ireland are strongly opposed to this idea.

289. **Mr. Wall** asked the Minister for Agriculture and Food the steps she intends to take in regard to overcome the problems that farmers will encounter in relation to the closure of the sugar factory in Carlow; and if she will make a statement on the matter. [3082/05]

**Minister for Agriculture and Food (Mary Coughlan):** The decision to close the Irish Sugar Ltd plant in Carlow and to concentrate production in Mallow was a commercial decision taken by the company. I am confident that the company and the producers concerned will be able to work out satisfactory arrangements to deal with the new situation. I understand that work is to begin immediately on a substantial upgrading of the Mallow plant. To facilitate the one factory operation, beet from the Wexford region will be diverted to Wellingtonbridge for transport to Mallow by rail. The company plans a new rail depot to be established in the Carlow region to assist beet growers make their deliveries and I understand that a planning application will be submitted to Carlow County Council shortly in this regard.

#### **Animal Breeding Regulations.**

290. **Mr. Gregory** asked the Minister for Agriculture and Food, further to Question No. 672 of



26 January 2005, if the deer farm at Greenpark, County Meath owned by the Ward Union Hunt is geared exclusively to the production of venison; and if she will make a statement on the matter. [3084/05]

**Minister for Agriculture and Food (Mary Coughlan):** Deer farms in Ireland are concerned with the breeding, rearing and finishing of deer for the production of venison. I understand that the particular establishment at Green Park, County Meath is concerned with the breeding of deer for hunting by stag hounds, under licence issued by the Minister for the Environment, Heritage and Local Government.

#### **Animal Diseases.**

291. **Mr. Healy-Rae** asked the Minister for Agriculture and Food the steps she intends to take to stop roaming deer entering land (details supplied) and infecting cattle by spreading disease; and if she will make a statement on the matter. [3096/05]

**Minister for Agriculture and Food (Mary Coughlan):** Issues relating to wild deer are the primary responsibility of the parks and wildlife divisions of the Department of the Environment, Heritage and Local Government. Farmers also have a responsibility to ensure that the fencing around their holdings provides adequate protection against the entry of unwanted animals. Responsibility for farmed deer rests with the herdowners.

#### **Departmental Staff.**

292. **Mr. Connaughton** asked the Minister for Agriculture and Food if her attention has been drawn to the staff reductions proposed at her Department offices, Dock Road, Galway; if the staff members concerned have been informed that they can relocate to Portlaoise; the reason this extra work in Portlaoise cannot be carried out in the Galway office; and if she will make a statement on the matter. [3097/05]

**Minister for Agriculture and Food (Mary Coughlan):** The mid-term review of the Common Agricultural Policy introduced the most significant agricultural reform since its establishment. The decision of the Luxembourg Council to break the link between direct payments and production, known as decoupling, has changed the fundamental nature of EU supports for the farm sector and has led directly to the introduction of the single payment scheme.

The mid-term review places a significant challenge on my Department to realign functions and processes to effectively implement the single payment regime and the linked cross-compliance inspections while ensuring that customer service standards are not adversely affected, effective administration and corporate governance is main-

tained and human resource issues are addressed appropriately. Once necessary operational changes to schemes and processes have been agreed, work will proceed on implementing the staff movements and structural changes to effectively implement the single payment scheme.

Following the introduction of the single payment scheme and the mid-term review, there will be an inevitable requirement for a reduction in overall staff numbers working in the relevant areas. Local office livestock staff, including my Department's Galway office, will be affected. It is not possible at this stage to predict fully all the staff changes that will result from the reallocation of work. Several steering groups in my Department are examining all the different complex issues involved, and those groups will continue to plan and monitor the situation throughout the change-over. However, the method of managing this change process in terms of all the various work and staff movements will include setting down the basic principles to apply in the context of the redeployment of staff, and that is being discussed with the relevant unions and staff associations. The objective is to put in place a system that is fair and realisable.

While it is understood that the reorganisation of the Department due to the implementation of the single payment scheme will result in a major rebalancing of work as well as reduced staffing levels, it will be mid-2005 before the detailed effects are known.

#### **Single Payment Scheme.**

293. **Mr. Connaughton** asked the Minister for Agriculture and Food the position with regard to an application for entitlements from the national reserve by a person (details supplied) in County Galway; and if she will make a statement on the matter. [3098/05]

**Minister for Agriculture and Food (Mary Coughlan):** All applications to the 2005 single payment national reserve are being processed at present, and in view of the number of applications received and accompanying documentation submitted it will be some time before processing is completed.

The Deputy will appreciate, therefore, that it is not possible to indicate at this stage whether the person named will qualify for an allocation of entitlements from the reserve on foot of an application submitted.

Applicants will be notified of their eligibility or otherwise as soon as all applications are processed.

#### **Residency Permits.**

294. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform if the application of a person (details supplied) has been considered by his Department; if the application

[Mr. McGuinness.]

will be expedited and if permission will be granted; and if he will make a statement on the matter. [3102/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person in question made an application for permission to remain in the State to operate a business on 16 November 2004. A request for further information was issued on the same day. To date no reply has been received to that request for further information, and it is only on receipt of the information requested that consideration can be made on the application.

#### **Victims Commission.**

295. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform his views on whether in the absence of a truth commission, both the British and Irish Governments should now adopt a victims' charter (details supplied). [2910/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The issue of a charter of the kind referred to is under consideration in my Department.

#### **Dublin-Monaghan Bombings.**

296. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform, further to the outcome of the Barron report committee, the arrangements which now exist for mutual co-operation between the gardaí and the PSNI in the investigation of crimes with a definite cross-Border dimension. [2913/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** On 29 April 2002, the Irish and British Governments entered into an intergovernmental agreement on police co-operation which provides for, *inter alia*: personnel secondments and exchanges; annual conference and liaison mechanisms; co-operation in the area of training; and joint disaster planning between the Garda Síochána and the Police Service of Northern Ireland. Effect has been given to elements of the intergovernmental agreement with the enactment of the Garda Síochána (Police Co-operation) Act 2003. Moreover, at an operational level, I understand that both police services have developed close working relations in areas of particular mutual concern, such as cross-Border organised crime.

#### **Departmental Records.**

297. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform his views on whether his Department appears to be adopting a very restrictive approach in releasing files from 30 years ago to the national archives and on the fact that information relating to the number of

files, the name of the files and the file coding numbers is itself regarded as secret; and if he has satisfied himself that all relevant files in his Department were disclosed to Mr. Justice Barron. [2914/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Decisions regarding the retention, withholding and release for public inspection of 30 year old records are made pursuant to the provisions of the National Archives Act 1986.

Responsibility for such decision-making rests with certifying officers at principal officer grade who apply their judgment in the application of primary legislation to particular instances.

In the case of withheld records, the associated withholding certificate containing the file reference numbers and file names is encompassed by the same withholding obligations as the withheld records.

Notwithstanding the provisions of the 1986 Act, I would favour a new approach that would involve greater access being provided to the historic archive of the Department. In that regard, I intend to introduce new procedures to facilitate bona fide research. This would involve the appointment of a group of prominent academic figures to provide advice on the best approach to take, and I have directed my Department to draw up proposals accordingly.

I am satisfied that all files located in my Department of relevance to the subject matters of the independent commission of inquiry were made available to that inquiry.

#### **Northern Ireland Issues.**

298. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform his views on whether the activities of the British secret service here in 1972 should now be made public and the Oireachtas should be informed of the activities of a person (details supplied), the files of the Garda Síochána to which this person sought or obtained access, of the length of time the spying ring was in operation, if this person was involved in activities other than spying and if this is his real name. [2915/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Deputy will be aware that the contemporary historical record already details the activities, actual and alleged, of the person in question.

The release of any records held in this respect by public bodies, including by my Department and the Garda Síochána, is governed by the provisions of the National Archives Act 1986. According to those provisions, it is a matter for designated certifying officers to make decisions on the retention, withholding or release for public inspection of 30 year old records.

In the time available, it is not possible to respond to the remaining aspects of the question, and I will communicate further with the Deputy in this regard.

### Consultancy Contracts.

299. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the consultan-

cies, work groups and specialist groups employed for carrying out studies in his Department; when those groups were established; when their reports are expected; and if he will make a statement on the matter. [2917/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The information requested by the Deputy is set out in the following tabular statement:

Name of Consultancy/Work Group/Specialist Group	Date established	Expected date of report
Helm Co-operation — re the establishment of a risk register in the Department	December 2004	Mid 2005
Goodbody Economic Consultants — re evaluation of the European Refugee Fund	16 December 2004	June 2005
Doras Luimní (University of Limerick Sanctuary Initiative) — Survey of refugees and persons with leave to remain currently living in Limerick City	8 November 2004	28 February 2005
PA Consultants — Business analysis and review of asylum, immigration and citizenship areas	October 2004	April 2005
Traveller Monitoring Committee — 2nd Progress Report	1998	Early 2005
Working Group on Equality Proofing — 2 programmes currently being finalised are: (i) ‘Manual on Equality Proofing’ and (ii) ‘Equal Status Review Template’.	2000	(i) Manual on Equality Proofing — Mid 2005. (ii) Equal Status Review Template — Mid 2005
Praxis Care Group — Evaluation of Harristown House Project	November 2003	September 2005
Capita Business Services — Evaluation of Equality for Women Measure	30 November 2001	May 2005
Internal project to examine the scope for rationalising and restructuring the State’s services in the area of youth justice	October 2004	Summer 2005
Legal costs working group	27 September 2004	April 2005

### Drugs in Prisons.

300. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the steps which have been taken to implement his commitment in the programme for Government to create a drug-free prison system. [2918/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Mindful of the commitments in the programme for Government, a group comprising Irish Prison Service management, prison governors, health authority representatives and clinicians has been consulted regarding a drugs policy for the Irish Prison Service. The policy will have regard to the commitment in the programme for Government to end all heroin use in Irish prisons and my commitment to achieving a drug-free prison system. Working to fulfil those commitments will involve implementation of stringent measures to prevent drugs from getting into prisons while, at the same time, continuing to invest in services in prisons to reduce the demand for illicit drugs in the prisoner population and meet prisoners’ treatment needs.

Central to supporting future supply and demand reduction will be the introduction of mandatory drug testing as envisaged in the prog-

ramme for Government. It will enable identification and referral of drug abusers to treatment programmes, enable enhanced focusing of resources and act as a deterrent to drug misuse. The new prison rules which are currently being finalised by my Department will include specific provision for mandatory drug testing.

In the meantime, several measures are being implemented to curtail the supply of drugs into prisons, including video surveillance, improved visiting and searching facilities, and increased vigilance by staff. Netting has been installed over the recreation yards in several of our closed prisons to prevent contraband material, such as drugs, being propelled over exterior walls. Future prison designs will seek to locate recreation yards away from perimeter walls as part of further efforts to frustrate the supply of illegal drugs. Other measures to counter the supply of drugs in prisons include screened visits in Cloverhill and the midlands prisons and new visiting arrangements at Mountjoy Prison.

Measures to reduce the demand for drugs in the prison system include education, treatment and rehabilitation of drug-addicted offenders. Those programmes and interventions are delivered on an individual and co-ordinated basis by



[Mr. McDowell.]

the psychology service, probation and welfare service, prison education service and prison officers. Particular initiatives put in place include drug-free areas, drug misuse awareness programmes, support programmes and appropriate health interventions, substitution therapies, vaccination programmes and treatment for viral illnesses. In addition, the Irish Prison Service provides prisoners with a range of opportunities to encourage them to aspire to a substance-free lifestyle, before and after release, thereby reducing demand for illicit substances.

No level of illegal drug consumption in a prison setting is acceptable to me or to the prison authorities. It is my intention and that of the Irish Prison Service, in line with the commitments in the programme for Government, to continue to take all necessary measures to reduce and eliminate drug misuse among prisoners.

301. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform if he will report on the circumstances relating to the latest report of incidents of major drug dealing in Cork Prison; the length of time this has been taking place; the steps he has taken to end or curtail this activity; and the further steps he proposes to address the situation. [2919/05]

#### **Minister for Justice, Equality and Law Reform**

**(Mr. McDowell):** I can confirm that an arrest took place recently regarding an attempt to smuggle a significant quantity of contraband, including what appeared to be several illicit substances, into Cork Prison. As this matter is currently the subject of a criminal investigation, I am sure that the Deputy can appreciate that it would not be appropriate for me to comment further on this matter, except to say that the person arrested no longer has access to the prison.

302. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the extent of drug dealing and drug usage in prisons, including the precise figures for the past three years. [2920/05]

#### **Minister for Justice, Equality and Law Reform**

**(Mr. McDowell):** It is extremely difficult to quantify the precise level of illegal drugs supplied or consumed by prisoners while in custody, particularly given the extremely covert nature of illicit drug supply and use in a custodial setting. However, an independent study by the Health Research Board, *Drug Use Among Prisoners: An Exploratory Study*, which was published in 2001, found that, “Once imprisoned, those who continued to engage in illicit drug use greatly reduced the quantity of drugs they used, and the frequency with which they used them, when compared to their drug use in the community.” This study focused on the Mountjoy Prison complex and involved anonymous and confidential interviews with prisoners who were long-term drug abusers. The study reported that:

It was felt that there was a perception among the general public that drugs were extensively available in the prison. Respondents argued that this was not the case. In the respondents’ experience, while drugs were available in the prison, the quantity was significantly lower than assumed by the general public. The introduction of mandatory drug testing will help us to answer this question, and future planning will be informed by its results.

#### **Censorship of Films Appeal Board.**

303. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the details of the membership of the Censorship of Films Appeal Board; the terms of appointment of members; and the qualifications of same for appointment. [2921/05]

#### **Minister for Justice, Equality and Law Reform**

**(Mr. McDowell):** I can inform the Deputy that the details of the membership of the Censorship of Films Appeal Board is as follows: Chairman — Mr. Paul O’Higgins SC; and eight ordinary members — Ms Ann Walsh, Ms Cathy Herbert, Ms Sarah Moorhead, Mr. Kevin Myers, Ms Ann Mooney, Fr. Damien McNiece, Rev. Canon David Pierpoint and Ms Nicola Byrne.

The terms of appointment of the members are in accordance with section 3 of the Censorship of Films Act 1923 and are such that, I, as Minister, appoint nine members to the board and nominate one of them as chairman for a term of five years. Members are eligible for reappointment at the end of the fixed five year term. I can further inform the Deputy that while the legislation governing the appointment of members of the board makes no reference to qualifications required by holders of such positions, I consider that the board, as constituted, reflects a broad spectrum of Irish society.

#### **Film Censorship Laws.**

304. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform his views on whether there is a loophole in the film censorship laws in that the film censor is obliged to grant the same certificate to a video and DVD that he has given to a film, leading to a situation that over 18 certified films are freely available in video shops all over the country; and if he will take steps to have the legislation amended to release the film censor from this obligation. [2922/05]

#### **Minister for Justice, Equality and Law Reform**

**(Mr. McDowell):** I can confirm to the Deputy that I am considering a review of the law in relation to this matter. Any such review will include the situation mentioned by the Deputy. Any proposals for changes to the legislation which might result from such a review would be brought before the Government and announced in the usual manner.

### Garda Stations.

305. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform when the proposed extension to the Garda station in Carndonagh, County Donegal will commence; and if he will make a statement on the matter. [2923/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** There are plans to provide an extension to Carndonagh Garda station and a sketch scheme of the proposed works is currently being considered by the Garda authorities. When the Garda authorities have signed off on the scheme, the Office of Public Works will be requested to progress the works to conclusion.

### Road Traffic Offences.

306. **Mr. Dennehy** asked the Minister for Justice, Equality and Law Reform the number of prosecutions taken against the drivers of heavy goods vehicles over the past three years for speeding or other safety related offences. [2924/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that statistics are not compiled in such a way as to distinguish between prosecutions for speeding, and other safety related offences, in respect of heavy good vehicles and other vehicles. I am further informed by the Garda authorities that the information could only be obtained by the expenditure of a disproportionate amount of Garda time and resources which could not be justified in the circumstances.

The following table shows the number of proceedings taken for road transport offences, including vehicle testing and tachograph offences, for the years 2001 to 2003. Statistics for 2004 are not yet available.

Year	Number of Prosecutions taken
2001	5,439
2002	5,149
2003	2,929

Rank	2002/2003	2003/2004	2004/2005
Chief Superintendent	0	0	2
Superintendent	3	6	6
Inspector	9	11	6
Sergeants	15	16	19
Gardaí	48	43	42

Members of the force who wish to attend these courses are required to apply for funding each year and the above figures reflect the numbers who received funding in each academic year.

In addition to the above, the Garda College in Templemore also delivers a HETAC approved degree in police management. This course is open

I am further advised by the Garda authorities that the introduction of penalty points and the programme of action for the road haulage industry, introduced by the Department of Transport, has led to increased driver compliance.

307. **Mr. Dennehy** asked the Minister for Justice, Equality and Law Reform the number of prosecutions taken against motorists for having defective headlights over the past three years; if figures show an unfavourable trend again; and if he will make a statement on the matter. [2925/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that the number of prosecutions for defective headlights over the past three years is as set out in the following table.

Year	Number of Prosecutions taken
2002	266
2003	245
2004	212

The declining trend in prosecutions is indicative of a greater awareness of motorists in ensuring headlights are in proper working order. This has been brought about through Garda enforcement and the introduction of the national car test.

### Garda Education.

308. **Mr. Dennehy** asked the Minister for Justice, Equality and Law Reform the number of members of the Garda who availed of the funding available to serving members to pursue a degree in management or law over the past three years; and the ranks which were involved. [2926/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities that the number of members of the Garda Síochána who have received funding in order to pursue a degree in management or law over the past three years is as set out hereunder:

Rank	2002/2003	2003/2004	2004/2005
Chief Superintendent	0	0	2
Superintendent	3	6	6
Inspector	9	11	6
Sergeants	15	16	19
Gardaí	48	43	42

to the Commissioner ranks, superintendents and inspectors with two years’ service at that rank. There were 15 graduates from this course in 2002, 18 graduates in 2003 and 14 graduates in 2004.

### Liquor Licensing Laws.

309. **Mr. Murphy** asked the Minister for Justice,

[Mr. Murphy.]

Equality and Law Reform if he plans to introduce a new liquor licensing regime; if so, whether he foresees special licences for small cafe-like pubs of under 500 square feet; off-licence sales; and for night clubs to avoid the need for taking up court time each week applying for exemptions. [2927/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The position is that the Government legislation programme, which was published on 25 January last, makes provision for the publication of an Intoxicating Liquor Bill later this year. It will repeal the Licensing Acts 1833 to 2004 together with related licensing provisions in other statutes — about 100 statutes in total — and replace them with updated provisions geared to modern conditions. Subject to the approval of the Government for its drafting, I intend to publish shortly details of the proposals which will be included in the Bill.

#### **Probation and Welfare Service.**

310. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform if he will report on the requests made by residents in Blanchardstown, Dublin 15 to locate the proposed Probation and Welfare Service to a location near the town centre; and the position regarding that proposal. [3037/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I presume that, in referring to the town centre, the Deputy is referring to Blanchardstown shopping centre. I can inform the Deputy that the old AIB premises at Main Street, Blanchardstown, was acquired by the Office of Public Works on behalf of the Probation and Welfare Service on 15 April 2002. The intention was to renovate and extend these premises, using one portion as a local office and the other as a probation centre under the national development plan. However, before proceeding with the refurbishment project, due to concerns which emerged in the matter, my Department decided to review the suitability of the location in question and examine alternative options in the Blanchardstown area, including the town centre.

If an alternative location ultimately emerges for this centre, appropriate steps will be taken to avoid loss to the Exchequer arising from the acquisition of the original premises in Blanchardstown.

#### **Prison Committals.**

311. **Mr. Neville** asked the Minister for Justice, Equality and Law Reform the procedures under section 12 of the Criminal Asylum (Ireland) Act 1945 to sentence prisoners to be removed to the Central Mental Hospital on foot of a ministerial warrant. [3113/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** A sentenced prisoner certified to be insane by two doctors may, pursuant to section 12 of the Central Criminal Lunatic Asylum (Ireland) Act 1845, be removed, on foot of a ministerial order, to the Central Mental Hospital. The person may then be held there for treatment until two doctors certify that the person concerned is no longer insane whereupon that person, on foot of a further ministerial warrant, may be remitted to the prison he was originally transferred from or released in accordance with law.

#### **Garda Stations.**

312. **Mr. Neville** asked the Minister for Justice, Equality and Law Reform the position regarding provision of a new Garda barracks at a location (details supplied) in County Limerick. [3114/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** As the Deputy is aware this station is one of eight Garda stations in counties Limerick and Tipperary which was selected by the Office of Public Works, following consultation with my Department and the Garda authorities, for inclusion in the pilot equity exchange programme which was publicised by that office last year.

In that regard, I understand from the Office of Public Works that the level of interest expressed was not adequate to meet the requirements of the programme and that the Commissioners of Public Works are now considering how best to progress matters. Accordingly, the Deputy will appreciate that is not possible, at this stage, to say when this project will commence.

#### **Child Care Services.**

313. **Mr. Neville** asked the Minister for Justice, Equality and Law Reform the position regarding the provision of a grant towards child care facilities under the equal opportunities childcare programme for a group (details supplied) in County Limerick. [3115/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I understand that an application for capital grant assistance under the Equal Opportunities Childcare Programme, EOCP, 2000-2006 was submitted by the group to my Department some time ago. The EOCP is a seven year development programme which aims to increase the availability and quality of child care to support parents in employment, education and training.

The level of demand for capital grant assistance was such that I considered it important to increase the capital provision for the current programme. Following discussions with my colleague, the Minister for Finance, an additional capital provision of €90 million was made available over the period 2005-2009, in the context of



the 2005 budget. Of this amount, €50 million is being made available under the current programme and the remaining €40 million will flow under the next phase of the post 2006 EOCP. This augments the increased EU funding of some €12 million made available last year in recognition of the progress of the programme. This brings the total funding available for the programme to €499.3 million and now includes an increased provision for capital developments for which € 205 million has been set aside. In December 2004, I announced an allocation of almost €35 million in capital funding to community based not for profit groups.

The availability of the additional capital funding will enable me to make further capital grant assistance available over the coming months and years to groups which address significant child care service gaps and where the project proposal represents good value for money when considered in relation to the current guidelines on building costs. In the light of this, the group in question has been advised that while its project had not been prioritised for immediate funding in December 2004, it will be reconsidered in the future, and I hope to make further significant capital commitments during 2005 and thereafter.

The ongoing appraisal of the applications in the pipeline will be concluded as speedily as possible to facilitate the development of additional child care facilities and places at the earliest opportunity. When the appraisal on the project in question is completed, the application will then be considered by the programme appraisal committee, PAC, chaired by my Department, before I make a final decision. In the interim, it would be premature of me to comment further on this application.

314. **Mr. Neville** asked the Minister for Justice, Equality and Law Reform the position regarding the provision of funding for the construction of a community based child care facility by an organisation (details supplied) in County Limerick. [3116/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I understand that an application for capital grant assistance under the Equal Opportunities Childcare Programme, EOCP, 2000-2006 was submitted by the group to my Department in August 2004. The EOCP is a seven year development programme which aims to increase the availability and quality of child care to support parents in employment, education and training.

The level of demand for capital grant assistance was such that I considered it important to increase the capital provision for the present programme. Following discussions with my colleague, the Minister for Finance, an additional capital provision of €90 million was made avail-

able over the period 2005 to 2009, in the context of the 2005 budget. Of this amount, €50 million is being made available under the current programme and the remaining €40 million will flow under the next phase of the post 2006 EOCP. This augments the increased EU funding of some €12 million made available last year in recognition of the progress of the programme. This brings the total funding available for the programme to €499.3 million and now includes an increased provision for capital developments for which €205 million has been set aside. In December 2004, I announced an allocation of almost €35 million in capital funding to community based not for profit groups.

The availability of the additional capital funding will enable me to make further capital grant assistance available over the coming months and years to groups which address significant child care service gaps and where the project proposal represents good value for money when considered in relation to the current guidelines on building costs. In the light of this, the group in question has been advised that while its project had not been prioritised for immediate funding in December 2004, it will be reconsidered in the future, and that I hope to make further significant capital commitments during 2005 and thereafter.

The ongoing appraisal of the applications in the pipeline will be concluded as speedily as possible to facilitate the development of additional child care facilities and places at the earliest opportunity. When the appraisal on the project in question is completed, the application will then be considered by the programme appraisal committee, PAC, chaired by my Department, before I make a final decision. In the interim, it would be premature of me to comment further on this application.

#### **Asylum Applications.**

315. **Mr. M. Higgins** asked the Minister for Justice, Equality and Law Reform if, in view of the new proposed policy for applications for residency on the basis of the applicant being a non-Irish parent of an Irish born child, the Government considered periods within the asylum process as acceptable qualifying periods to access State employment and education support. [3117/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** On 14 January 2005, I announced details of revised arrangements for the processing of claims for permission to remain from the non-national parents of Irish born children who were born before 1 January 2005. All persons granted residency under this scheme will be permitted to seek employment immediately regardless of prior status and length of time spent in the State.

[Mr. McDowell.]

The question of education support is a matter for my colleague, the Minister for Education and Science, Deputy Hanafin.

#### **Passport Applications.**

316. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform the status of a person (details supplied) who has applied for an Irish passport and is awaiting original birth certificate documentation from the United States. [3118/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The issuance of passports is a matter for my colleague, the Minister for Foreign Affairs. An Irish passport can only be issued to an Irish citizen. On the basis of the information supplied by the Deputy, the person in question is an Irish citizen. It would appear that the purpose of the process now under way is to determine, on the basis of objectively verifiable information, whether the information supplied by the Deputy is correct, that is, whether the person in question is the child of a person who was born in Ireland.

#### **Drugs in Prisons.**

317. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the instances in which persons were apprehended passing drugs to other persons in prison in 2002, 2003 and 2004. [3119/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The statistical information requested by the Deputy is not available. To attempt to compile this material would entail examination of a large number of records going back over the past three years. Even then, it is probable that seizures of drugs, or suspected drugs, would be recorded under the generic description of “prohibited articles-substances” and not classified separately. The Deputy should be aware that, on occasions where visitors or others are caught allegedly supplying drugs to inmates, gardaí can be called to a prison with a view to prosecuting the persons concerned. However, even then, no firm statistical conclusions can be inferred until the contraband concerned receives chemical analysis to ascertain its content.

#### **Garda Stations.**

318. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform his plans for a Garda station (details supplied) in County Wexford; if his attention has been drawn to the fact that the current building is outdated and a replacement building is needed as soon as possible;. [3121/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** There are plans to build a new

Garda station in Wexford town. As a first and necessary step, the Office of Public Works was requested to secure a suitable site in the town. In this regard, I have been informed by that office that the necessary procedures to complete the purchase of a particular site are nearing completion. When the site has been secured, consideration will then be given to providing the new station. I must point out that with all such proposals, construction of a new station will depend on the availability of financial and other resources and priorities within the Garda building programme. However, I assure the Deputy there will be no avoidable delay in addressing the accommodation needs of gardaí stationed in Wexford.

#### **Court Actions.**

319. **Mr. Cregan** asked the Minister for Justice, Equality and Law Reform the situation regarding court actions taken against the State or State agencies by persons of limited means; the consequences of their losing and not receiving costs; if they are normally pursued by the State; if staged payments are negotiated; if, the case of a point case, both parties are pursued for costs; if this principle follows through to no foal no fee cases in which the solicitor has a monetary interest and co-responsibility; if solicitors have been pursued for costs in no foal no fee cases; if not, the reason therefor; and if he will make a statement on the matter. [3155/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I can only reply to the Deputy’s question in so far as it relates to my Department. I draw his attention to the work of the State Claims Agency. Under the National Treasury Management Agency (Amendment) Act 2000, the management of personal injury and property damage claims against the State and the underlying risks was delegated to the National Treasury Management Agency.

I can further inform the Deputy that as regards cases dealt with by my Department, in which the State is awarded costs, the policy of my Department is to pursue such costs from the individuals concerned. However, it is often not possible to obtain costs in these type of cases as the other party has either limited means or assets. In pursuit of this policy, decisions as to how to pursue costs awarded to the State are based on legal advice on a case by case basis.

#### **Passport Applications.**

320. **Mr. Cregan** asked the Minister for Justice, Equality and Law Reform the steps a person should take to secure an Irish passport, who although not born here has lived and worked here for years; and if an application for citizenship is a necessary first step. [3161/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** All matters pertaining to the issue of Irish passports are the responsibility of my colleague, the Minister for Foreign Affairs. However, prior to obtaining an Irish passport, a non-national must first obtain Irish citizenship.

On the basis of the information supplied, it appears that naturalisation is the appropriate route to Irish citizenship for the person in the question. Such applications are considered under the Irish Nationality and Citizenship Act 1956, as amended, and the granting of a certificate of naturalisation is at my absolute discretion. The applicant must fulfil certain statutory requirements, including requirements in respect of residency. Further information and application forms can be obtained from my Department's website, [www.justice.ie](http://www.justice.ie), or by telephoning the citizenship section helpline at 1890 551 500. The helpline is operational Tuesday and Thursday mornings, from 10 a.m. to 12.30 p.m.

#### Deportation Orders.

321. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of court cases challenging deportations which have been or are being taken by the non-national parents of Irish citizen children; the anticipated cost of defending these challenges; and the number of persons against whom such orders have been made and who have not initiated legal proceedings. [3163/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Between 18 July 2003 and 12 October 2004, 384 deportation orders were made

in respect of parents of Irish born children, of whom 41 were deported. There are currently a total of 128 cases of judicial review before the courts challenging the making of deportation orders where the principal issue of contention is the right of the State to deport non-national parents of children born in the State.

It is not possible to state the anticipated costs of defending those current challenges. This is because costs can vary significantly from case to case due to the differing issues and complexities involved and the staff costs associated with processing the cases within my Department, the Office of the Chief State Solicitor and the Office of the Attorney General. Furthermore, the issue of costs to the State can only be determined when a case is finalised, either by means of settlement or by way of a court ruling and neither outcome can be predetermined at this stage.

#### Prison Building Programme.

322. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if he will report on the membership of the expert committee responsible for the site selection for the new prison complex, including the names and positions of the membership and their relevant qualifications or other expertise. [3164/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The names of the members of the committee which examined possible sites for a prison facility to replace the Mountjoy complex are set out below. CB Richard Ellis Gunne, CBRE, assisted and other professional advice in regard of particular sites was availed of as required.

Name	Position
Mr. James Martin (Chairman)	Assistant Secretary, Prisons and Probation and Welfare Policy Division, Department of Justice, Equality and Law Reform
Mr. John Conlan	Director of Finance, Irish Prison Service
Mr. Joe Boyle (Secretary)	Assistant Principal Officer, Estates Section, Irish Prison Service
Mr. David Byers	Commissioner, Office of Public Works
Mr. Sean Lennon	Governor, St. Patrick's Institution
Mr. Fergal Black	General Manager, Health Service Executive
Ms Anne O'Gorman	Principal Officer, Prisons and Probation and Welfare Policy Division, Department of Justice, Equality and Law Reform

323. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if he will list the 30 sites reviewed for the location of a new prison complex to replace Mountjoy; the way in which each site including the site now proposed, scored against selection criteria (details supplied); and if he will make a statement on the matter. [3165/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The information sought by the Deputy is available from the minutes of the com-

mittee which examined potential sites. Arrangements are being made for these to be posted on my Department's website, [www.justice.ie](http://www.justice.ie), and they will be available tomorrow.

#### State Examinations.

324. **Mr. Connaughton** asked the Minister for Education and Science if her attention has been drawn to the unrest among history teachers at second level concerning the introduction of the new leaving certificate history course and that despite the long run-in period no examination



[Mr. Connaughton.] papers have been made available to teachers; if her attention has further been drawn to the fact that the new syllabus contains several unfamiliar elements, teachers preparing students for the history examination in 2006 are put in a very unfair position and that without the relevant information on the way in which questions will be phrased or the level of information which will be required from students, it will be difficult to develop student skills of organising their ideas to answer the kind of questions that will be put to them and the way in which to time their answers; if her attention has further been drawn to the fact that history students in previous years have the experience of being able to use old examination papers to prepare for their examination and that this facility will not be available for the 2006 leaving certificate students; if her attention has further been drawn to the fact that it is the norm for examination papers to be made available at the same time that new syllabi are being prepared; and if she will make a statement on the matter. [2961/05]

**Minister for Education and Science (Ms Hanafin):** The policy relating to the issue of sample examination papers in respect of new or revised syllabuses for the certificate examinations is that they are made available in the September prior to the June in which the first examination takes place. As the first examination for leaving certificate history and geography will take place in June 2006, sample papers for these subjects will be issued by the State Examinations Commission in September 2005.

A comprehensive inservice programme for history has been in place for teachers since September 2004. During this inservice, draft sample questions prepared by the NCCA were discussed and initial feedback from teachers was sought to inform the development of the next stage of the process, namely, the preparation of sample papers by the State Examinations Commission. Furthermore, a wide range of resources is now accessible to teachers and more are being developed by the support service.

#### **Schools Building Projects.**

325. **Mr. P. McGrath** asked the Minister for Education and Science the commencement date for the construction of a school (details supplied) in Dublin 15. [3031/05]

**Minister for Education and Science (Ms Hanafin):** I am pleased to advise the Deputy that construction is expected to commence in the coming weeks on the new school in question.

#### **Site Acquisitions.**

326. **Mr. P. McGrath** asked the Minister for Education and Science if she will report on the provision of an Educate Together primary school

in the Castaheany area, Dublin 15; and if the site has been acquired by her Department. [3032/05]

**Minister for Education and Science (Ms Hanafin):** The property management section of the Office of Public Works, which acts on behalf of my Department in respect of site acquisitions generally, is in negotiations for the purchase of a site for the provision of an Educate Together primary school in the Castaheany area of Dublin 15. Due to the commercial sensitivities of site acquisitions, it is not proposed at this stage to identify specific sites to be acquired. However, this information will be placed on my Department's website when the relevant acquisitions have been completed.

The question of the advancement of a new school building for the area will be considered in the context of the schools building and modernisation under public private partnerships; an expansion of the number of schools that will be invited to deliver their building projects on the basis of devolved funding; details of schools with projects approved under the 2005 summer works scheme; schools whose projects will further progress through the design process; and schools that will be authorised to commence architectural planning. I will be making announcements in respect of these matters in the near future.

#### **School Places.**

327. **Mr. P. McGrath** asked the Minister for Education and Science if she will report on the future need for secondary school places in Castleknock resulting from the significant development projects in the area and the demand for places in the existing school (details supplied). [3036/05]

**Minister for Education and Science (Ms Hanafin):** The position at post-primary level in the Castleknock area is quite complex because, while some schools in the area are full to capacity, others are in a position to offer places. The objective of my Department is to ensure that the existing schools can between them cater for demand within the area generally. However, in view of the current and planned level of housing developments in this area, my Department has requested Fingal County Council to reserve two sites in Dublin 15 for the possible future development of post-primary schools.

The rate and pace of housing developments, the level of consequential increased demand and the availability of places in the overall Dublin 15 area will determine the timing for the acquisition and development of these sites. Any decisions to allocate capital funding for post primary education in this area will be reflected in the schools building programme going forward.

#### **Special Educational Needs.**

328. **Mr. Neville** asked the Minister for Education and Science, further to Question No. 557

of 19 October 2004, if the person (details supplied) in County Limerick is being considered for a special needs assistant. [3072/05]

**Minister for Education and Science (Ms Hanafin):** My Department received an application for special needs assistant support for the pupil in question and a decision on the application will be conveyed to the school as quickly as possible.

329. **Mr. Neville** asked the Minister for Education and Science the position regarding the provision of a special needs assistant for a person (details supplied) in County Limerick. [3073/05]

**Minister for Education and Science (Ms Hanafin):** I can confirm that my Department has received an application for special needs assistant support for the pupil referred to by the Deputy. A decision on the application will be conveyed to the school at the earliest possible date.

330. **Mr. Howlin** asked the Minister for Education and Science if her attention has been drawn to the fact that, despite concentrations of disadvantaged children in its catchment area, a school (details supplied) in County Wexford stands to lose two of its current resource allocations under the weighted system; if she will immediately review this decision and grant full disadvantaged status to this school; and if she will make a statement on the matter. [3074/05]

**Minister for Education and Science (Ms Hanafin):** The school referred to by the Deputy currently has the services of five resource teachers and one learning support teacher.

The proposed new system of teacher allocation involves a general allocation to all primary schools to cater for pupils with higher-incidence SEN, that is, pupils with borderline mild and mild general learning disability and specific learning disability. The allocation is also intended to support those with learning support needs, that is, those functioning at or below the tenth percentile on a standardised test of reading and/or mathematics. I should emphasise that individual applications may continue to be made for specific resource teacher allocations in respect of pupils with lower-incidence SEN. Some 350 additional teacher posts are being provided to facilitate the introduction of the new system. I am conscious of difficulties that could arise in relation to the proposed model, particularly for children in small and rural schools, if it were implemented as currently proposed. Accordingly, I am having the proposed model reviewed to ensure that it provides an automatic response for pupils with common mild learning disabilities, without the need for cumbersome individual applications, while at the same time ensuring that pupils currently in receipt of service continue to receive the level of service appropriate to their needs. The review

will involve consultation with representative interests and the National Council for Special Education before it is implemented in the next school year.

The school is included in the urban dimension of my Department's Giving Children an Even Break programme. The school is benefiting from supplementary funding under the programme to provide additional educational supports to be targeted at disadvantaged pupils. It did not, however, qualify for additional teaching staff, based on its level of concentration of "at risk" pupils as identified through a comprehensive, independent survey of primary schools carried out by the educational research centre in 2000 to support the implementation of Giving Children an Even Break.

331. **Ms O'Sullivan** asked the Minister for Education and Science if she will provide on a county basis in tabular form the number of children from whom a completed application for resource teaching hours awaits a decision in her Department; and if she will make a statement on the matter. [3090/05]

332. **Ms O'Sullivan** asked the Minister for Education and Science if she will provide on a county basis in tabular form the number of children for whom a completed application for special need assistance awaits a decision in her Department; and if she will make a statement on the matter. [3091/05]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 331 and 332 together.

The Deputy will be aware that with effect from 1 January 2005, the National Council for Special Education, NCSE, has taken over responsibility for processing resource applications for children with disabilities who have special educational needs. In particular, it is responsible for the following: deciding on applications for resource teaching hours in respect of children with low incidence disabilities with special educational needs at primary level; deciding on applications for additional teaching support in respect of children with disabilities with special educational needs at second level; and deciding on applications for special needs assistant, SNA, hours.

Under the new arrangements, the council, through the local special educational needs organiser, SENO, will process the relevant application for resources and inform the school of the outcome. It is important to note that in the case of decisions on resource teaching and SNAs, the SENO will outline the process to the school and parents, where appropriate, and will at the end of the process outline the basis on which the decision was made.

The Deputy is also aware that a review of SNA provision in primary schools commenced in Sep-

[Ms Hanafin.]  
tember 2004 and is continuing. The review is concerned with the level and deployment of SNA posts in mainstream classes. The intention is to ensure that the level of approved SNA support in schools, and the manner in which that support is being allocated, are such as to ensure that the special care needs of pupils are being appropriately met.

For these reasons, the information requested by the Deputy is not readily available. I am, however, satisfied that the establishment of the NCSE will greatly enhance the provision of services to children with special educational needs and result in a timely response to schools who have made application for SEN supports. The local service delivery aspect of the council's operation through the SENOs will provide a focal point of contact for parents or guardians and schools and will, I am confident, result in a much improved service for all.

### **School Staffing.**

333. **Ms Shortall** asked the Minister for Education and Science if her attention has been drawn to the frustration of the staff members of three comprehensive schools (details supplied) due to the delay in appointing a new board of management and the consequent delay in appointing a new principal to oversee the amalgamation of the three schools; the reason for this delay; and if, in view of the considerable preparatory work which must be undertaken prior to amalgamation taking place, she will take immediate steps to appoint a new board of management. [3092/05]

**Minister for Education and Science (Ms Hanafin):** I am pleased to inform the Deputy that the trustees of the three schools in question have agreed that the new amalgamated facility will be a comprehensive school and that measures will be taken immediately to have a board of management nominated, which will facilitate the appointment of a principal.

### **School Accommodation.**

334. **Mr. S. Ryan** asked the Minister for Education and Science if she will report on the need for a post primary school in Donabate, County Dublin; and when the results of the pilot project for north Dublin, east Meath and south Louth will be made available to the public including the concerned parents in Donabate. [3093/05]

**Minister for Education and Science (Ms Hanafin):** As the Deputy will be aware, a new school planning model involving published area development plans is being piloted in five areas over the current school year. Donabate is included in the pilot scheme as part of an overall plan for the north Dublin, east Meath and south Louth area. The need for a new post-primary

school in that area will be considered in this context.

The purpose of this new approach to school planning is to ensure that, in future, the provision of school infrastructure will be decided only after a transparent consultation process. In this regard, parents, trustees, sponsors of prospective new schools and all interested parties from a locality will have the opportunity to have their voices heard in the process.

Arising from this process, an individual plan will set out the blueprint for the future of educational provision in an area, which will be the touchstone against which all decisions in relation to capital investment will be made for the next decade.

The draft plan for north Dublin, east Meath and south Louth area is nearing completion in the school planning section of my Department and I hope to be in a position to publish it shortly.

### **Teachers' Remuneration.**

335. **Mr. N. O'Keeffe** asked the Minister for Education and Science if she will arrange to have arrears of salary issued to a person (details supplied). [3094/05]

**Minister for Education and Science (Ms Hanafin):** Records on the teachers' payroll databases held in my Department confirm that the person (details supplied) worked as a substitute primary teacher for five days. Arrears due to the person under the Part-time Workers Act for this employment will be paid in March. There is no record of any other payment made through the teachers' payrolls to this teacher.

VECs and boards of management of community and comprehensive schools pay casual teachers employed by them and are responsible for the payment of their arrears.

### **Special Educational Needs.**

336. **Mr. Penrose** asked the Minister for Education and Science if a child (details supplied) who is attending national school, will be provided with the necessary speech and language therapy, which educational psychologists have indicated is required, and also occupational therapy which is also required; and if she will make a statement on the matter. [3095/05]

**Minister for Education and Science (Ms Hanafin):** The issue raised by the Deputy is a matter for my colleague, the Tánaiste and Minister for Health and Children, Deputy Harney.

### **Summer Works Scheme.**

337. **Dr. Upton** asked the Minister for Education and Science if she will give consideration to an important application under the summer works scheme for urgently needed new windows at a school (details supplied). [3124/05]



**Minister for Education and Science (Ms Hanafin):** The school to which the Deputy refers has submitted an application for grant aid under the summer works scheme 2005, SWS, for replacement windows.

All SWS applications are currently being assessed in the school planning section of my Department. I intend to publish the list of successful applicants shortly.

### Higher Education Grants.

338. **Mr. Durkan** asked the Minister for Education and Science if and when a higher education grant will be awarded in the case of a person (details supplied) in County Kildare who attends the Institute of Technology, Tallaght; and if she will make a statement on the matter. [3139/05]

**Minister for Education and Science (Ms Hanafin):** The decision on eligibility for third level grants is a matter for the relevant local authority or VEC. These bodies do not refer individual applications to my Department except, in exceptional cases, where, for example, advice or instruction regarding a particular clause in the relevant scheme is desired. It appears that no such advice or instruction has, to date, been sought in the case of the student referred to by the Deputy.

If an individual applicant considers that s/he has been unjustly refused a maintenance grant, or that the rate of grant awarded is not the correct one, he or she may appeal to the relevant local authority or VEC.

Where an individual applicant has had an appeal turned down, in writing, by the relevant local authority or VEC, and remains of the view that the body has not interpreted the schemes correctly in his or her case, a letter outlining the position may be sent to my Department. Alternatively, as already indicated, the local authority or VEC may, in exceptional circumstances, seek clarification on issues from my Department.

### Teachers' Remuneration.

339. **Mr. N. O'Keeffe** asked the Minister for Education and Science if she will make arrangements to have payment issued to a teacher in respect of salary rates and substitution rates (details supplied). [3145/05]

**Minister for Education and Science (Ms Hanafin):** The payment of teachers employed by VECs is a matter for the relevant body subject to agreed procedures. As my Department has no role in the payment of individual teachers in the VEC, it would not be appropriate for me to intervene in this matter.

### Adult Education.

340. **Mr. Ferris** asked the Minister for Edu-

cation and Science when it is proposed to publish an updated strategy on adult literacy. [3170/05]

**Minister for Education and Science (Ms Hanafin):** Adult Literacy is one element of my Department's overall provision in the area of further and adult education. The current adult literacy strategy is contained in the White Paper on Adult Education, Learning for Life, and is underpinned by provisions in the National Development Plan 2000-2006. The strategy has been successful in attracting adults to return to learning. As the existing strategy is sufficiently expansive and flexible to allow for innovation and development to meet needs at both local and national level, I have no plans to publish a new strategy on adult literacy in the foreseeable future.

### Special Educational Needs.

341. **Mr. Ferris** asked the Minister for Education and Science if he will make a statement on the proposed strategy to address the issue of autism on an all-Ireland basis. [3171/05]

**Minister for Education and Science (Ms Hanafin):** The Deputy will be aware that a major landmark in the development of autism specific services was the joint launch last September by my predecessor and the Minister with responsibility for Education in Northern Ireland of the Middletown Centre for Autism. This marked the successful completion of the purchase of the former St. Joseph's adolescent centre, Middletown, County Armagh on behalf of the Department of Education in the North and the Department of Education and Science in the Republic. Both Departments plan to refurbish the property to meet the needs of a centre of excellence for children and young people with autism throughout the island of Ireland. The centre will be dedicated to improving and enriching the educational opportunities of children and young people with autistic spectrum disorders.

Four key services will be provided by the centre: a learning support service, on a residential basis; an educational assessment service; a training and advisory service; and an autism research and information service.

Since the launch, my officials have had a number of meetings with their counterparts in Northern Ireland regarding the further development of the centre. A number of working groups are continuing to address the legal, financial, organisational and infrastructural aspects of the proposal. For example, work is continuing on the development of a campus masterplan for the Middletown property which, when complete, will guide the commissioning of any necessary infrastructure and refurbishment works. In addition, the process for the recruitment of a chief executive officer to operate the centre is being formulated at present.

### **School Building Programme.**

342. **Ms M. Wallace** asked the Minister for Education and Science her views on whether the next step to be taken with regard to the four classroom extension to the existing primary school at Ratoath is the appointment of an architect; if she will provide a time frame regarding when she will be in a position to give a decision on this matter; and if she will make a statement on the matter. [3172/05]

**Minister for Education and Science (Ms Hanafin):** The extension project at the school to which the Deputy refers has been assessed in accordance with the published prioritisation criteria, which were revised following consultation with the education partners. Progress on the project is being considered under the school building programme. I recently announced the first phase of the 2005 school building programme which provided details of 122 major school building projects country wide which will prepare tenders and move to construction during 2005.

This announcement is the first in a series of announcements I plan to make in the coming period in relation to the schools building and modernisation programme that will include: details of schools identified as suitable for construction under public private partnerships; an expansion of the number of schools that will be invited to deliver their building projects on the basis of devolved funding; details of schools with projects approved under the 2005 summer works scheme; schools whose projects will further progress through the design process; and schools that will be authorised to commence architectural planning.

343. **Mr. Lowry** asked the Minister for Education and Science the progress which has been made in regard to applications from the board of management of a school (details supplied) in County Tipperary; and if she will make a statement on the matter. [3179/05]

**Minister for Education and Science (Ms Hanafin):** The building project for the school referred to by the Deputy is at an early stage of architectural planning. I recently announced details of 122 major school building projects that will progress to tender and construction phase over the next 12-15 months under the €3.4 billion multi-annual funding secured for the years 2005 to 2009.

I am anxious to ensure that a consistent flow of projects to tender and construction can be sustained into the future. I plan to make a number of announcements in the near future in regard to the schools building and modernisation programme including details of those school projects which will further progress through the design process. All projects in architectural planning,

including the school in question, will be considered as part of this process.

### **Departmental Transport.**

344. **Mr. P. McGrath** asked the Minister for Defence the occasions between June and September 2004 on which the Government jet was used to carry the Minister for the Environment, Heritage and Local Government to conferences and trips abroad; the destination and duration of the trips; the number of persons carried on each occasion; and the cost of each of the trips. [3168/05]

**Minister for Defence (Mr. O'Dea):** The Minister for the Environment, Heritage and Local Government availed of the ministerial air transport service on one occasion between June and September 2004. The Minister and six officials travelled by Learjet from Casement Aerodrome, Baldonnell, to Luxembourg on 27 June 2004, and returned from Luxembourg to Baldonnell on 28 June 2004. This involved a total flying time of three hours and ten minutes. The manufacturer's estimated direct hourly flying cost for the Learjet is approximately €1,000 per hour.

### **Wildlife Service.**

345. **Mr. Healy-Rae** asked the Minister for the Environment, Heritage and Local Government his plans to stop roaming deer in areas (details supplied) in County Kerry; and if he will make a statement on the matter. [3104/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** It is the responsibility of motorists to exercise vigilance at all times regarding all potential hazards, including wild animals. It would not be practicable for the State to take responsibility for wandering deer or other wild animals, which are not the property of the State, or for any damage or injury they may cause. Without prejudice to the above, the National Parks and Wildlife Service regularly undertakes culling of wild deer in its national parks where this is necessary for reasons of good ecological management.

### **Fire Stations.**

346. **Cecilia Keaveney** asked the Minister for the Environment, Heritage and Local Government the position in relation to a fire station (details supplied) in County Donegal; and if he will make a statement on the matter. [3110/05]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O'Keeffe):** On 3 December 2004 Donegal County Council submitted a revised application for approval in principle for a new replacement fire station at Moville. This is being considered in my Department in the context of the fire services capital programme having regard to the overall

availability of resources and priorities under the programme.

### Noise Pollution.

347. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government if he will report on the regulations for the use of security alarms in residential properties, particularly in regard to the noise pollution caused by the incessant ringing of alarms that are not deactivated. [3042/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** There are no specific regulations prescribing matters regarding the use or operation of security or intruder alarms. There are various general legislative provisions applicable to noise nuisance as well as a number of practical arrangements to reduce the incidences of unnecessary noise from alarms and to tackle persistent incidence of such noise.

Section 107 of the Environmental Protection Agency Act 1992 provides local authorities with powers to require measures to be taken to prevent or limit noise. In the case of a faulty alarm, a local authority may serve a notice under this section. Intruder alarms gave rise to 7% of the noise complaints made to Dublin City Council in 2003. Where the council receives a complaint, an advisory letter is issued to the owner or occupier advising of the terms of the current standards for intruder alarms systems. The National Standard Authority of Ireland published a voluntary standard specification, SI No. 199 of 1987, and operated a certification scheme to that standard which specified a minimum 15 minutes and maximum 30 minutes duration from the sounding of external alarms in buildings with the alarms being required to cease automatically after the maximum duration. A European standard for external intruder alarms has now replaced all national standards and incorporates considerably stricter controls regarding minimum and maximum duration for the sounding of alarms. The new limits are 90 seconds minimum and 15 minutes maximum. This standard has been applied by the NSAI for intruder alarms installed by certified installers since 1 March 2004. In addition, a new European standard is being developed for alarm monitoring centres, including a code of practice detailing the circumstances when the gardaí should be alerted. When adopted, this should ensure that the reporting of alarms to the gardaí is carried out in a consistent manner.

The Private Securities Services Act 2004 provides for a private security authority to licence, control and supervise installers of security equipment, including alarm systems and which has powers to maintain and improve standards in the provision of security services. The current and developing European standards, improved equip-

ment and the co-operation of the installers certified by the NSAI should together ensure that the incidence of false alarms and the failure of audible alarms to cut off will be significantly reduced. Under the Environmental Protection Agency Act 1992 (Noise) Regulations 1994, a local authority or any person may seek an order in the District Court to have noise giving reasonable cause for annoyance abated. The procedures involved have been simplified to allow action to be taken without legal representation. A public information leaflet outlining the legal avenues available to persons experiencing noise nuisance is available from my Department or on [www.environ.ie](http://www.environ.ie).

### Climate Change Strategy.

348. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to a target in the National Climate Change Strategy for Ireland 2000 (details supplied); and the progress which has been made towards meeting this target; and the goals outlined elsewhere in the strategy. [3048/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I refer to the reply to Question No. 235 of 9 December 2004. The energy rating initiatives envisaged in chapter six of the National Climate Change Strategy were overtaken by the adoption by the EU of the Energy Performance of Buildings Directive (EPBD) — 2002/91/EC of 16 December 2002. The EPBD must be legally transposed by January 2006. The directive mandates energy performance certification of all new buildings, and virtually all categories of existing buildings when they are being sold or let, no later than January 2009.

An interdepartmental working group comprising officials from my Department, the Department of Communications, Marine and Natural Resources and Sustainable Energy Ireland have developed a draft action plan for the purposes of implementing the directive. I received a copy of the draft from SEI on 7 December 2004. The draft incorporates a proposed timetable for implementation. SEI has advised that a revised version of this plan will be submitted to my Department shortly. It is intended to publish the draft action plan for public/industry comment within the next couple of months. The National Climate Change Strategy is under ongoing review. Preliminary greenhouse gas emissions figures released by the Environmental Protection Agency in July 2004 indicate that emissions in 2003 were 24.7% above 1990 levels, down from approximately 29% in 2002 and 31% in 2001.

### Planning Issues.

349. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government



[Mr. Kehoe.]  
the number of planning permissions granted to one-off rural housing per month for the past two years by all of the county councils in the country; and the breakdown of the figures per county.  
[3088/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Since the

second quarter of 2002 the CSO's planning permissions quarterly statistical release has included information on the number of planning permissions granted for one off houses classified on a regional basis. This information has also been published on a county basis since the second quarter of 2004. The most recently published statistical release is in respect of the third quarter of 2004. The following table sets out the relevant information and is derived from the CSO data.

Table: Number of planning permissions granted for new one-off houses, by quarter, classified by region and county from the CSO planning permissions data series

Region and County	Q2 2002	Q3 2002	Q4 2002	Q1 2003	Q2 2003	Q3 2003	Q4 2003	Q1 2004	Q2 2004	Q3 2004
Border	791	961	808	722	799	1,039	889	1,287	1,715	1,384
Cavan	—	—	—	—	—	—	—	—	326	152
Donegal	—	—	—	—	—	—	—	—	832	649
Leitrim	—	—	—	—	—	—	—	—	126	131
Louth	—	—	—	—	—	—	—	—	143	141
Monaghan	—	—	—	—	—	—	—	—	150	207
Sligo	—	—	—	—	—	—	—	—	138	104
Midland	303	360	238	322	289	316	308	444	465	381
Laois	—	—	—	—	—	—	—	—	123	70
Longford	—	—	—	—	—	—	—	—	111	88
Offaly	—	—	—	—	—	—	—	—	120	125
Westmeath	—	—	—	—	—	—	—	—	111	98
West	662	982	807	871	1,140	891	975	1,218	1,229	1,212
Galway City	—	—	—	—	—	—	—	—	9	13
Galway	—	—	—	—	—	—	—	—	665	561
Mayo	—	—	—	—	—	—	—	—	325	419
Roscommon	—	—	—	—	—	—	—	—	230	219
Dublin	150	176	162	196	199	211	202	250	233	277
Dublin City	—	—	—	—	—	—	—	—	83	103
Dun Laoghaire-Rathdown	—	—	—	—	—	—	—	—	42	53
Fingal	—	—	—	—	—	—	—	—	68	70
South Dublin	—	—	—	—	—	—	—	—	40	51
Mid-East	310	333	232	274	264	289	285	299	305	355
Kildare	—	—	—	—	—	—	—	—	148	140
Meath	—	—	—	—	—	—	—	—	119	136
Wicklow	—	—	—	—	—	—	—	—	38	79
Mid-West	384	453	411	471	399	498	461	736	690	558
Clare	—	—	—	—	—	—	—	—	272	215
Limerick City	—	—	—	—	—	—	—	—	2	1
Limerick	—	—	—	—	—	—	—	—	246	237
North Tipperary	—	—	—	—	—	—	—	—	170	105
South-East	536	581	537	528	537	624	592	687	794	791
Carlow	—	—	—	—	—	—	—	—	65	66
Kilkenny	—	—	—	—	—	—	—	—	162	157
South Tipperary	—	—	—	—	—	—	—	—	141	102
Waterford City	—	—	—	—	—	—	—	—	7	6
Waterford	—	—	—	—	—	—	—	—	148	133
Wexford	—	—	—	—	—	—	—	—	271	327
South-West	645	831	749	709	709	785	768	920	1,052	1,088
Cork City	—	—	—	—	—	—	—	—	11	16
Cork	—	—	—	—	—	—	—	—	584	738
Kerry	—	—	—	—	—	—	—	—	457	334
State	3,791	4,677	3,944	4,093	4,336	4,653	4,480	5,841	6,483	6,046

### **Wildlife Service.**

350. **Mr. Gregory** asked the Minister for the Environment, Heritage and Local Government if the National Parks and Wildlife Service has investigated the shooting of deer at a location (details supplied) as reported in a newspaper; the action that has been taken to identify and prosecute those responsible; and if he will make a statement on the matter. [3089/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** On 27 December 2005, in response to allegations that a number of deer had been shot on the night of the 26 December 2005, a member of the staff of the National Parks and Wildlife Service of my Department investigated the alleged incident. The investigation showed that the deer in question were captive-bred fallow deer that had escaped from a local deer farm. Sections 25, 28 and 29 of the Wildlife Act 1976, as amended, govern the licensing of the hunting and killing with firearms of wild mammals. These provisions of the legislation expressly limit the licensing function to wild animals. As a wild animal is defined as including an individual of a population which primarily lives independent of human husbandry, a licence was not required under the Wildlife Acts for the killing of these captive bred deer with firearms. Accordingly, there was no basis for my Department to pursue the matter further.

### **Local Authority Funding.**

351. **Mr. Murphy** asked the Minister for the Environment, Heritage and Local Government if an organisation (details supplied) in County Cork has made any application for funding. [3111/05]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** My Department has not received an application for approved status for this body, as would be required in connection with the schemes of assistance for projects by voluntary housing bodies. Cork County Council, which is responsible for administering the schemes in the area concerned, has not applied to the Department for funding for any project being undertaken by the body.

### **Local Authority Housing.**

352. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government if all local authorities in the State poverty proof their differential rents schemes; and if not, the local authorities which have not done so. [3166/05]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** Local authorities are responsible, as part of their housing management functions, for the determination of rents of their

dwellings subject to certain broad principles laid down by my Department. These broad principles are detailed in circular HRT 3/2002, which issued in March 2002. This circular states that authorities should ensure that rent increases do not absorb an excessive amount of increases in income of tenants on low-incomes, dependent on social welfare payments, and in particular, on old age pension payments. As a general guideline, it is considered that no more than 15% of any increase in such pension income should be absorbed by an increase in rent. Authorities have discretion as to the types of income to be taken into account in the assessments of rents and how to deal with hardship cases, allowances for dependent children, poverty traps and other anomalies that arise in individual cases. This ensures that rents are determined on the basis of tenants ability to pay. Such local discretion and flexibility is inherent in the devolved system of administering rent schemes.

### **Departmental Transport.**

353. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government, further to Question No. 1362 of 26 January 2005, the cost of each of the trips; and the occasions on which the Government jet was utilised on the trips. [3167/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The information requested is being compiled and will be forwarded to the Deputy as soon as possible.

354. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government, further to Question No. 1362 of 26 January 2005, the hotel in which the delegation stayed in relation to the trip to Malaysia between 11 and 20 February 2004; if more than one hotel was used, if the delegation or a part thereof relocated during the trip; the cost of hotel accommodation for the group; the travel cost; if a report on the conference was prepared by his Department and by the other Departments that were represented on this trip; if this report was published; and if he will make a statement on the matter. [3169/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The seventh meeting of the UNEP conference of the parties to the convention on biological diversity in Malaysia in February 2004 was among the largest events serviced by Ireland as part of its recent EU Presidency. Members of the Irish delegation stayed in the Pan Pacific Hotel, Kuala Lumpur for various periods between 4 and 29 February 2004 in connection both with this meeting and a subsequent related meeting of the parties to the protocol on biosafety.

The ministerial group left Dublin on 11 February and stopped over in Singapore, staying at the

[Mr. Roche.]

Ritz Carlton Hotel, on the outward journey. The group travelled to Langkawi where, accompanied by the Irish Ambassador to Malaysia, they met representatives of the Malaysian nature society and visited an ecological reserve at Kilim, Langkawi. The ministerial group stayed in the Andaman Hotel, Langkawi, during that period. The total cost of all hotel accommodation for the full Irish delegation for the period mentioned above amounted to €29,316. Total travel costs paid by my Department amounted to €37,816.

Arising from Ireland's Presidency of the European Union, the Irish delegation had the role of co-ordinating all EU input to the numerous meetings involved and acted as lead negotiator on behalf of the EU at the working groups and plenary sessions. The Minister subsequently reported on the outcome at the meeting of the European Council of Environment Ministers on 2 March 2004. The official report of both meetings is available on the website of the Secretariat to the Convention on Biological Diversity at [www.biodiv.org](http://www.biodiv.org) <<http://www.biodiv.org>>.