



# DÁIL ÉIREANN

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## DÍOSPÓIREACHTAÍ PARLAIMINTE PARLIAMENTARY DEBATES

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### TUAIRISC OIFIGIÚIL OFFICIAL REPORT

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*Dé Céadaoin, 18 Meitheamh 2008.*  
*Wednesday, 18 June 2008.*

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

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*Paidir.*  
*Prayer.*

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#### **Leaders' Questions.**

**Deputy Enda Kenny:** It is about time that Members began to focus on the economic situation. For my part, having visited all constituencies in the past two and a half months, it is obvious that for the first time in years, the Fianna Fáil Party will be obliged to clean up a mess it created itself.

**Deputy Ruairí Quinn:** Hear, hear.

**Deputy Enda Kenny:** This will be a serious challenge—

**Deputy Dinny McGinley:** Absolutely.

**Deputy Enda Kenny:** —and the Taoiseach has presided over most of it for the last couple of years. Ireland faces a serious economic challenge as growth is projected to be slightly more than 1% this year. More than 200,000 people were on the live register in May and there is a shortfall in taxes of €3 billion, in addition to the unprecedented projected deficit of €5 billion. This means that businessmen, commuters and average workers face a period of great uncertainty and there is palpable evidence of a leaking of confidence from the economy.

The point is that people are anxious that the Government has no plan to manage the economy in a manner that would protect their incomes and livelihoods. The only evidence provided in this House of a plan in the past month was a comment from the Taoiseach in respect of the

[Deputy Enda Kenny.]

national development plan, in which he stated it was unlikely the Government would be in a position to spend the projected €252 million over the lifetime of the plan to provide information technology in schools to enable young people to measure up to the competition from abroad. From this perspective, it also is obvious that people are more than concerned and are becoming highly agitated that the Government does not have a plan to manage the economy through the challenges that lie ahead. Increasingly, people are becoming more concerned about the security of their jobs and incomes, the value of their houses and pensions, serious cutbacks in health and education and rising spending pressure in the Department of Social and Family Affairs. The Taoiseach stated yesterday he would take some action to curb the growth in current spending and that this would be brought about by adjustments. What action does the Taoiseach propose to take and when is it proposed to take it? Can the Taoiseach provide a guarantee that frontline services will not be chopped in any adjustments that are made?

**The Taoiseach:** As for the management of the economy, the Government is focused on maintaining budgetary discipline. As I have said a number of times, the leader of the Opposition's critique is contradictory. On the one hand, he asserts the Government is not spending enough on services while on the other hand, he complains on a constant level——

**Deputy Enda Kenny:** It is the same old story all the time.

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

**Deputy Enda Kenny:** He repeats that every morning.

**Deputy Pádraic McCormack:** The Taoiseach is in government.

**The Taoiseach:** His problem is that he does not have a policy. The Government will seek to maintain its budgetary parameters during the course of the year.

**Deputy Michael Creed:** It will close Mallow hospital.

**The Taoiseach:** Obviously the reduction in growth in the economy requires the Government to take account of the fact that its tax revenues will not be as buoyant as otherwise hoped.

**Deputy Pádraic McCormack:** Look at the money the Government wasted.

**The Taoiseach:** The downside scenario and risks that were outlined in the Budget Statement have materialised in practically all cases. Ireland is not immune from those international developments. The Government will seek to ensure that it works within the budgetary parameters it has set itself, which will involve budgetary discipline. The Leader of the Opposition will have to make a choice as to whether he believes this is the approach or whether he wishes to continue to spend.

**Deputy Paul Connaughton:** It is the Taoiseach who must make a choice.

*(Interruptions).*

**An Ceann Comhairle:** An Teachta Ó Coinnigh arís. Deputy Kenny, without interruption.

**Deputy Enda Kenny:** The Taoiseach's predecessor used to read out a list of statistics from a black book every morning. The Taoiseach is repeating the mantra that one cannot have it both ways, by talking about both increased spending and cutbacks. The Taoiseach who faces this

position was the Minister for Finance who presided over the veneer of perfection in the economy within recent years.

**Deputies:** Hear, hear.

**Deputy Jim O’Keeffe:** He faces a rude awakening.

**Deputy Enda Kenny:** It is coming home to roost at present. The Taoiseach has landed his Minister for Finance, who is absent, with an unholy mess. This is the first time for a long time that Fianna Fáil in government will be obliged to clean up a mess of its own economic making and it seems this will be extremely painful.

**Deputy Johnny Brady:** Fianna Fáil has been obliged to clean up after Fine Gael on many occasions.

**Deputy Enda Kenny:** Those who face a 30% hike in electricity charges cannot wait to see what kind of plan the Government will produce to manage the economy. The Government has put them in a position in which they are being stretched beyond the limit on a weekly basis. Every commuter faces rising petrol and diesel prices. Business competitiveness is drifting from us and small business and retail units are at the point of breaking down. There is no plan beyond the Taoiseach’s words stating that we will manage our way through this.

I refer to the great monolith called the HSE, which the Taoiseach funded as Minister for Finance. A number of years ago, a report from Professor Drumm stated there were 2,500 too many people in the system. In recent weeks, another report has stated there are 1,000 too many in the system. The Minister for Health and Children, who also is absent from the Chamber, has stated it was premature to speculate as to the extent of redundancies or otherwise in the HSE. I wish to ask the Taoiseach a straight question in this regard. In the Taoiseach’s consideration, are there sufficient numbers in the HSE or are there too many? We have very contradictory reports about this. There was an amalgamation of all the health boards involving 110,000 employees. As the Minister for Finance who funded this, and now as the Taoiseach who must preside over the “adjustments”, as he calls them, are the numbers in the HSE too high or too low? Can he give the House a guarantee that we will not be faced with a series of practical problems for thousands of people because front line services are the first to get the chop due to the bureaucratic bloating that took place under his stewardship as Minister for Finance?

I listened this morning to the director of St. Michael’s Hospital, who is being asked to make the choice about which children he is to leave out of his hospital.

**An Ceann Comhairle:** You are over time.

**Deputy Enda Kenny:** That is a scandalous position in 2008 and it has been created by the Taoiseach. I would like him to answer me about the HSE.

**The Taoiseach:** I would once again like to speak to the Deputy about his overall budgetary position. The Deputy next to him claims that I spent too much money last year and this year. Now Deputy Kenny is claiming that we are not spending enough, so he must figure out where his party stands on this issue.

**Deputy Michael Creed:** Answer the question.

**Deputy Bernard Allen:** Let us hear what the Government is doing.

**Deputy Richard Bruton:** Who said that the economy could sustain a downturn? Who spent money on the basis of unsustainable revenue from property taxes?

**An Ceann Comhairle:** Deputy Bruton is completely out of order. This is Leaders' Questions, so others cannot ask the Taoiseach anything.

*(Interruptions).*

**The Taoiseach:** That is another untruth.

**Deputy Bernard Allen:** The time for bluster is over.

**The Taoiseach:** Shouting will not help the Deputy devise a policy.

**Deputy Paul Connaughton:** The Taoiseach is doing a lot of shouting himself.

**The Taoiseach:** I am not shouting at all.

**Deputy Bernard Allen:** The Taoiseach has no answer.

**The Taoiseach:** I am just trying to be heard.

**An Ceann Comhairle:** Let me remind Members that this is Leaders' Questions. This means that the leaders of the parties ask questions and it is not for anybody else to intervene. An Taoiseach, without interruption.

**Deputy Charles Flanagan:** This is government by Opposition now.

**The Taoiseach:** Thanks be to God we do not have that. The Leader of the Opposition raised some points about electricity. Rising costs in materials like gas, coal and oil on the wholesale markets have put suppliers under pressure. Since the latest price review last year, the cost of gas and oil has gone up by between 80% and 100%.

I understand that the amount quoted in the newspapers today is speculative and I remind the House that, in 1999, the Dáil established the Commission on Energy Regulation with a remit to oversee the operation of the electricity and natural gas industries. The CER operates independently of the Government and its functions are wide-ranging. It covers areas of security, safety and reliability of supply, as well as environmental protection. The regulator is also mandated by the Government to act in the interests of customers to ensure that prices charged are reasonable in all circumstances.

The process that applies to setting electricity tariffs is that the ESB will present its price case to the CER, something which is expected towards the end of July. Following a full review of that case, which includes an independent review of fuel prices, the ESB's own costs and its ongoing investment requirements, the CER will engage in a public consultation process. This will focus on what the CER views as a fair and reasonable cost to the industry. A final new tariff, if allowed, is expected to be announced at the end of August or early September. The process is in the interests of the customer and not the electricity industry. That is the position.

**Deputy Pádraic McCormack:** What is the Government's position?

**The Taoiseach:** That is the position.

**Deputy Pádraic McCormack:** Is that the Government's position, or the position of the CER?

**The Taoiseach:** I am sorry, but I have just outlined the position.

The other question was about disability services. Since 2004, we have seen multi-annual budgetary commitments being made to the disability sector. These were instigated in my own time and I continue to show a commitment to them. We have seen a consistent increase in the numbers being provided with services. This year, we are providing 30,000 people with day services, 8,800 with residential care services and 7,200 with respite services. That is a large increase on what was the case some years ago.

The HSE is currently reviewing its overall financial position for the year. The roll-out of planned developments in disability services is being considered in that context. The Minister for Health and Children has been in communication with the HSE with a view to an early determination on the matter. The HSE agreed with the Department that the allocation of the funding for this year should provide 200 extra residential places for people with intellectual disability, 53 respite places, 450 day places, 80 residential places for people with physical and sensory disability and 250,000 hours of personal assistance and home support services, as well as a number of posts for providing assessment and ongoing interventions. This is mainly for children under five, which was the agreement under the Disability Act 2005 and with the disability sector. There is also a review of all this under the Towards 2016 discussions in the social partnership context.

There has been a considerable increase and there will continue to be services provided for people with disability. The Deputy continues to portray the HSE negatively in everything that it does. However, it is fair to point out that in its report on its activities for 2007, it exceeded the service plan levels of activity in many areas.

**Deputy Enda Kenny:** What about the numbers? I asked the Taoiseach about the numbers.

**The Taoiseach:** There are still problems, but it is not fair or accurate to portray constantly the necessary reforms in the health service as bringing about a continuous disimprovement in services. It is a narrative that continues all the time.

**An Ceann Comhairle:** We are over time.

**The Taoiseach:** There is a review taking place on manpower policy.

**Deputy Jim O'Keeffe:** Another review.

**The Taoiseach:** No. This has been practically completed and it involves a very detailed assessment of how we can make sure that the configuration of personnel is more at the front line than in the administrative area. It also recognises, in fairness to those who work in support services, that the actual allocation of resources for people in those services is not totally out of kilter with international practice. There is room for people to reconfigure on the basis of industrial relations practice and of trying to do the job properly. Facile, simple solutions are not the way. Changes have been made by the HSE. There has been a range of real successes. There is an acknowledgement and understanding that the *status quo* is not sustainable going forward, that we are changing the service delivery model in the health service, that we must move more into the community and primary care area and that a changeover is taking place.

The HSE has confirmed that there has been a greater rate of increase in public health——

**Deputy Emmet Stagg:** These are cutbacks.

**The Taoiseach:** I am trying to answer questions raised by Deputy Kenny. I can answer other questions when those Deputies are in a position to raise them as well.

[The Taoiseach.]

The OECD confirmed that between 1995 and 2005, the second greatest rate of increases in health spending occurred in this country. We are applying €14.2 billion to the health service this year, which represents €9,730 for every taxpayer in the country. This represents practically the full take of income tax to the Exchequer revenue for this year. There is a considerable allocation of resources and we must work within those budgetary parameters to meet the situation to which the Deputy referred in the first part of his comments. The second part of the Deputy's comment tried to disregard that aspect.

*(Interruptions).*

**An Ceann Comhairle:** Iarrfaidh mé anois ar cheannaire Phairtí an Lucht Oibre, an Teachta Eamon Gilmore, a cheist a chur.

**Deputy Eamon Gilmore:** I want the Taoiseach to picture a primary school. Looking at a primary school in this country today, the first thing that would strike him is the number of prefabs. There is a clutter of prefabs in school yards, as well as prefab extensions. Sometimes the entire school is a prefab. The Labour Party spokesperson on education, Deputy Ruairí Quinn, had been asking the previous Minister for the past six months how many prefab buildings there are in primary schools. She had been telling him that the information was not available in her Department. However, the Minister for Education, Deputy Batt O'Keeffe, recently wrote to Deputy Quinn and told him that there are 2,235 pre-fabs in more than 800 primary schools throughout the country. Some 1,372 of those are being used for mainstream classes, 552 as resource rooms and 72 for special needs education. There are 40,000 primary school children attending classes in pre-fab buildings, which are hard to heat in winter and very difficult to keep cool at this time of the year. They are certainly not suitable on a long-term basis.

Does the Taoiseach believe it is acceptable that 40,000 children should have to go school in pre-fab buildings? Is that good enough after ten or 11 years of the best economic performance this country has ever had?

**Deputy Bernard J. Durkan:** The worst Government.

**Deputy Eamon Gilmore:** Does he agree that there is now a solution to this problem? We know there is a downturn in residential construction. We are being told that by the end of 2009 something like 65,000 jobs will have been lost in this sector, so there is now a capacity to build schools. Now that there is a slowdown in residential construction, which has the same skill set as that required for the building of schools, will he take the opportunity to accelerate the school building programme to bring forward a plan for the construction of permanent school rooms and extensions that principals all over the country have been applying to the Department for over a number of years? This would take 40,000 children out of pre-fab buildings and put them into the type of schoolrooms they ought to have in this day and age.

**The Taoiseach:** There are 850,000 pupils in first and second level education and 4,000 schools. The Deputy is correct about the unprecedented capital investment programme for school building over the past ten years, something of which this Administration is very proud. In an effort to deal with historic problems, there has also been a need to provide extra teachers quickly — particularly resource teachers for students with special needs. These were in their tens and hundreds when we came into office and I am glad to say they are now in their thousands. We are providing 8,000 special needs assistants alone and 7,000 resource and learning support teachers. That is an indication of the effort to deal with this issue. The point raised by the Deputy must be seen in that context.

Is there a suggestion that, rather than providing temporary accommodation which is of good quality in many cases, we should wait until the classrooms are built before putting in the teachers? A decision has to be made. We are putting in extra teachers to reduce class sizes, providing extra supports in their thousands as well as a major capital investment programme. This year——

**Deputy Joe Costello:** We are going back to the hedge schools.

**The Taoiseach:** That is absolute nonsense. If that is the level of debate we are going to have, it is nonsense.

**Deputy Joe Costello:** That is what the Taoiseach is talking about. He is talking nonsense.

**Deputy Michael Creed:** There are 2,000 pre-fab schools.

**The Taoiseach:** We have seen the most accelerated and comprehensive capital programme for the modernisation of the school system in the history of the State, but the comment I hear back is “hedge schools”. If that is the size of the policy content where the Deputy is coming from——

*(Interruptions.)*

**The Taoiseach:** I do not suggest for a moment that there are not continuing challenges or that one can be complacent about their nature. However, I defend the Government’s record in terms of what has been achieved under successive Ministers as a result of successful policies. I recognise that, in reducing class sizes, providing thousands of resource teachers and more special assistances, there will be cases — as there always have been — where temporary accommodation is required. I acknowledge that in some instances this has been going on too long and I respect that some people have grievances in this regard, but do not portray the education system as being totally bereft of development or modernisation because that is not a true reflection of the situation.

*(Interruptions.)*

**Deputy John Cregan:** The Deputies called them “hedge schools”.

**Deputy Emmet Stagg:** That was Deputy Costello.

**Deputy Eamon Gilmore:** I asked the Taoiseach a very simple question, which I thought was not that difficult to answer. I asked him about pre-fabs and primary schools. However, he talked about primary and secondary schools, teachers, hedge schools——

*(Interruptions.)*

**Deputy Eamon Gilmore:** ——anything to hedge away from giving an answer.

**The Taoiseach:** Smart comments.

**Deputy Eamon Gilmore:** There is a very simple problem here. Some 40,000 children go to school in pre-fab buildings, which is not acceptable to anybody. We all understand that a temporary situation can arise in any school which can be met by having a pre-fab for a year or two while an extension is being built or whatever. However, the problem is that many of these pre-fabs are in effect the permanent schools. We do not even know how long many of them



[Deputy Eamon Gilmore.]

have been in place, although from looking at them in our constituencies we realise that quite a number have been there for very long periods of time.

I am asking the Taoiseach to acknowledge to the House, to the children attending such pre-fabs, the teachers who must teach in them and the parents that the situation is not acceptable to him as head of the Government. Now that there is a downturn in housing construction, I ask him to take the opportunity to accelerate the school building programme. All of the schools concerned have made applications over time to the Department of Education and Science for extensions, new schools or whatever replacement class rooms they need.

The problem is that when they contact the Department of Education and Science, the telephone is dead. They cannot get an answer, and the situation has become worse in recent times as, presumably, the Department cuts, pares and does whatever is needed in light of the current public finances. I am simply putting it to the Taoiseach that there is a solution to the problem. There is now spare capacity in construction and why can this not be utilised to accelerate the school building programme? This would do two things simultaneously. It would provide the schools that will have to be built anyway, because at the moment the Government is pouring money down the drain. The State is paying €35 million a year in rent for some of these temporary structures and the schools will have to be provided anyway. We have to build schools for a growing population and so it is as well to do it now.

Second, there is the added advantage of doing it now because it would give a boost to the construction sector and ensure the spare capacity is utilised. Given the state that construction is in, a better deal could be agreed in terms of the cost of constructing these buildings at this stage.

**Deputy Brendan Howlin:** Hear, hear.

**The Taoiseach:** To answer Deputy Gilmore's questions directly, about 4% of the total student population is being educated in what he calls temporary accommodation in terms of the full school-going population. That is the size of the problem he is addressing. It will always be the case in trying to deal with increased student intake in rapidly developing areas that schools need to be provided where heretofore there were not even communities. Priority has been given to this and to children with special needs. Classes have been provided for autism, for instance, and there are 200 special classes now in the system, whereas we had none before. Those types of situations must be catered for and in the context of that there will be continuing occasions, I suggest, where temporary accommodation is part of the solution. It is not the permanent answer to the provision of education in schools, but given the practicality involved in providing for the extra teacher because of the growth in intake or whatever for the following September, this is what happens. There is good quality temporary accommodation in place, as well as poor quality temporary accommodation because it has been there for too long and some schools have not been able to get their projects completed. This is against a background of a €640 million capital allocation this year for schools alone.

*11 o'clock*

**Deputy Pat Breen:** It will all be going to County Offaly.

**The Taoiseach:** That is the largest allocation ever made for the capital programme in education. It is true that some of that construction activity offsets the reduction in residential housing output but not to the full extent. We all know that. We are also aware that we doubled construction industry employment levels. While employment levels in the industry will be reduced this year from 300,000 to 240,000, when we came into office only 120,000 workers were

employed in that industry. While I do not have the information in front of me, I would like to know what the capital budget for schools was in 1997, but I am sure it was a lot less than it is now, and I would expect it to have been so.

**Deputy Michael Creed:** What has that got to do with anything?

**The Taoiseach:** Credit must be given where it is due. A sum of €640 million is being provided this year for schools alone. The Government will continue to examine how to provide priority investments in education in forthcoming budgets. We have always done that and it remains a priority area. However, there are varying levels of priority in the area. For example, no one contests that in rapidly developing areas a school must be provided while in other cases a school may need an extra prefab to deal with the extra intake, but the latter's level of priority cannot be as high as the case where there is no school and that is the prioritising that is taking place.

The contractual commitments for this year already account for €200 million. It comprises large-scale projects under construction at the start of the year. Projects are constructed under the permanent accommodation and small schools schemes and other commitments. There are projects commencing construction which will account for another €243 million. This problem is, therefore, being addressed significantly. Over €100 million is going into the permanent accommodation and small schools scheme this year. I do not accept there is indifference, inactivity or non-prioritisation of this matter in what is certainly a difficult year but one in which we must work within the budgets we have. The Government will continue to give priority to this important area.

#### **Parliamentary Questions: Motion.**

**Minister of State at the Department of the Taoiseach (Deputy Pat Carey):** I move:

That, notwithstanding anything in Standing Orders, oral questions to the Taoiseach shall not be taken today.

Question put and agreed to.

#### **Requests to move Adjournment of Dáil under Standing Order 32.**

**An Ceann Comhairle:** Anois, iarratais chun tairiscint a dhéanamh an Dáil a chur ar athló faoi Bhuan-Ordú 32. We will now deal with Requests to move Adjournment of Dáil under Standing Order 32.

**Deputy Joe McHugh:** I wish to seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, why the Department of Education and Science is refusing to make a decision regarding a student who suffers from brittle asthma and, despite three letters having been sent seeking clarification, the student's school has yet to receive an acknowledgement from the Department.

**Deputy James Bannon:** I wish to seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the threat to the less well-off caused by the soaring cost of home heating and fuel bills, according to a report published yesterday which warned that 144,171 homes experienced fuel poverty as early as 2005, with the lowest earners forced to spend approximately 13% of disposal income on energy, with Sustainable Energy Ireland saying that the average home spends €1,767 on heat and power, an increase of 70% on 16 years ago.

**An Ceann Comhairle:** Tar éis breithnithe a dhéanamh ar na nithe ardaithe, níl siad in ord faoi Bhuan-Ordú 32. Having considered the matters raised, they are not in order under Standing Order 32.

### **Order of Business.**

**The Taoiseach:** It is proposed to take No. 21a, statements on the Lisbon treaty. It is proposed, notwithstanding anything in Standing Orders, that the proceedings on No. 21a shall, if not previously concluded, be brought to a conclusion at 7 p.m. and the following arrangements shall apply: the statement of the Taoiseach and of the leaders of the Fine Gael Party, the Labour Party, the Green Party, Sinn Féin and the Progressive Democrats, or a Member nominated in his or her stead, who shall be called upon in that order, shall not exceed 15 minutes in each case; the statement of each other Member called upon shall not exceed ten minutes in each case; Members may share time; and immediately following the statements, a Minister or Minister of State shall take questions for a period not exceeding 30 minutes. Private Members' business shall be No. 45, motion re increase in the number of sitting days, resumed, to conclude at 8.30 p.m. if not previously concluded.

**An Ceann Comhairle:** There is one proposal to put to the House. Is the proposal for dealing with No. 21a agreed? Agreed.

**Deputy Enda Kenny:** Yesterday Deputy Reilly raised the growing problem in residential institutions in the absence of the health (long-term residential care services) Bill. It will not be published before the summer recess and, therefore, will not be put through the House until late October or November which means persons affected will have to wait another six to eight months. What interim measure can the Government introduce to assist those who will face serious financial pressure as a consequence? Many have been waiting for the Bill for some time. I understand some complications have arisen with it. However, as it will not be enacted before the end of November, is it proposed to introduce some interim measure, as suggested by Deputy Reilly yesterday, to provide relief?

**The Taoiseach:** Not to my knowledge. I understand a new legal basis is required and that is why the Bill must be brought forward. Unfortunately, it will not be published until the beginning of next month.

**Deputy Eamon Gilmore:** I wish to raise three matters with the Taoiseach. First, the Government, in response to the Labour Party's Private Members' motion, which will be considered later, has offered to extend the Dáil sitting by a week, from 7 July to 11 July. Will there be Leaders' Questions and written and oral parliamentary questions during that week, as is normal practice?

Yesterday, the Minister for the Environment, Heritage and Local Government published the report of the boundary review for local authority electoral areas. Does the Government accept the report and, if so, how and when will it be implemented?

Last night during the division on the approval for the arrangements for the prison at Thornton Hall, I noted the Government was under sufficient vote pressure, so much so that the Minister for Arts, Sport and Tourism, Deputy Cullen, was forced to attend in his evening wear.

**Deputy Martin Cullen:** That was no thanks to Deputy Gilmore.

**Deputy Mary Coughlan:** I thought he looked quite fetching in it.

**Deputy Eamon Gilmore:** Deputy Cullen was in great humour in the Chamber last night but wherever he went afterwards, he is in foul humour this morning.

**Deputy Emmet Stagg:** Deputy Cullen should step out for a cigarette.

**An Ceann Comhairle:** Deputy Gilmore will be aware that the Minister's evening wear is not in order. We will take the first two items.

**Deputy Martin Cullen:** I thought I would raise the tone of the place.

**An Ceann Comhairle:** I am sure the Minister did, but we will not have a discussion on it now. We will return to the first two items raised.

**Deputy Eamon Gilmore:** It also caught my eye that none of the three Green Party Ministers was in the Chamber last night for the division. Given the pressure the Government was under last night, should we read any significance into it?

**Deputy Bernard J. Durkan:** The invisible Ministers.

**Deputy Finian McGrath:** They were working hard.

**The Taoiseach:** There will be normal business on the extra sitting week. The Minister for the Environment, Heritage and Local Government will proceed with the arrangements for yesterday's report on local authority electoral areas. I cannot accommodate Deputy Gilmore's fixation with the Green Party.

**Deputy Michael Creed:** Yesterday, the Commissioner for Fisheries and Maritime Affairs, Joe Borg, published proposals for the fisheries sector which was the equivalent of rearranging the deck chairs on the *Titanic*. There will be an Agriculture and Fisheries Council meeting on 23 June.

**An Ceann Comhairle:** It is not relevant on the Order of Business.

**Deputy Michael Creed:** This House must have an opportunity to have a debate on the crisis facing the fishing industry before and not after the Council meeting and especially after the publication of the Commission's proposals yesterday.

**An Ceann Comhairle:** Is a debate promised?

**Deputy Michael Creed:** Yes, a debate is promised. Two weeks ago the Taoiseach promised the House that this debate would take place and the Government Chief Whip indicated to me that it would take place. They are renegeing on that proposal and are indicating that no debate will take place.

**An Ceann Comhairle:** On the debate, Taoiseach.

**The Taoiseach:** I am not *au fait* with the exact details. The Whips will be meeting today and there are a number of committees of the House where this matter could be dealt with or here if necessary. It is a matter for the Whips.

**Deputy Michael Creed:** The Taoiseach indicated he would make Government time available.

**The Taoiseach:** No. I am making it clear there will be a Whips meeting.

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

**Deputy Michael Creed:** That was made clear two weeks ago.

**The Taoiseach:** It is equally clear today.

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

**Deputy Michael Creed:** The Taoiseach has reneged on the commitment and the Government Whip reneged on the commitment and Deputy Pat Carey knows that. The commitment was given that there would be a debate.

**An Ceann Comhairle:** Deputy Sheahan is in order.

**Deputy Tom Sheahan:** In support of my colleague I advise and urge the Taoiseach to arrange for this debate. This is not a form of warning but rather I advise the Taoiseach that fishermen are becoming very militant. We have seen what the French can do. The Minister for Agriculture, Fisheries and Food met them last week, under duress.

**An Ceann Comhairle:** We cannot deal with that now.

**Deputy Tom Sheahan:** He refused to meet them. The junior Minister was to meet them but he had to roll back on that and he met with them——

**An Ceann Comhairle:** We cannot go into that now. I call Deputy Durkan.

**Deputy Tom Sheahan:** What is being put on the table by Commissioner Borg is just moving around money which would put an end to decommissioning. It is a serious issue.

**An Ceann Comhairle:** The Taoiseach has answered. Deputy Durkan is next.

**Deputy Tom Sheahan:** The fishermen who closed down the country——

**An Ceann Comhairle:** Deputy Durkan is in order.

**Deputy Michael Creed:** On a point of order.

**An Ceann Comhairle:** I hope this is a point of order because we must move on.

**Deputy Michael Creed:** The record of the House will show the Taoiseach gave a commitment here that this debate would take place and could be arranged by the Whips. That was to take place this week.

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

**Deputy Michael Creed:** The Taoiseach is indicating the debate can only take place after the Council of Ministers meeting which is the equivalent of closing the stable door after the horse has bolted. We are asking that this debate take place tomorrow so this House has an opportunity to address all the issues of concern — the immediate concerns of the fuel crisis but also a range of other issues such as illegal unreported catches, quota issues etc. There are a myriad of issues that need to be addressed.

**An Ceann Comhairle:** Deputy Creed has made his point. The Taoiseach has indicated that the Whips will be discussing——

**Deputy Michael Creed:** The Taoiseach has now withdrawn the commitment he gave previously. The Government Whip indicated to me this debate would take place this week.

**An Ceann Comhairle:** The Whips have to discuss it. I call Deputy Durkan.

**Deputy Bernard J. Durkan:** The general topic of discussion outside this House seems to be rising prices.

**An Ceann Comhairle:** It might well be but——

**Deputy Bernard J. Durkan:** I can see the Ceann Comhairle is anxious to help me out. There seems to be no response from the Government and no indication of what will be done.

**An Ceann Comhairle:** This is completely out of order.

**Deputy Bernard J. Durkan:** An explosive situation is developing and if some action is not taken ——

**An Ceann Comhairle:** We cannot have that now.

**Deputy Bernard J. Durkan:** Can I ask the Taoiseach if it is intended to address this issue under one or other of the Bills before us or is it intended to bring legislation into the House?

**An Ceann Comhairle:** No legislation is promised in this area.

**Deputy Bernard J. Durkan:** This is an important issue. The Taoiseach or the Tánaiste, the Minister for rising prices, might like to answer.

**An Ceann Comhairle:** Of course it is but there are several important issues and I cannot go into that.

**Deputy Bernard J. Durkan:** There is total silence. Speaking of silence, the three monkeys on my right hand side——

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

**Deputy Jimmy Deenihan:** In view of the numerous reports yesterday in various national media about overweight children costing the State approximately €4 billion a year, when does the Taoiseach intend putting in place the recommendations of the national task force on obesity? The report was published three years ago in 2005. I understand the implementation of several of the recommendations was promised but nothing has happened.

**An Ceann Comhairle:** Is legislation promised in this area?

**Deputy Jimmy Deenihan:** At the time the Taoiseach gave a commitment that he would appoint a Minister of State to take charge of implementing the recommendations but nothing has happened. Industry was asked to do seven things and these have been done.

**An Ceann Comhairle:** Is legislation promised in that area?

**Deputy Jimmy Deenihan:** The Taoiseach's office has done absolutely nothing.

**An Ceann Comhairle:** I have to move on. Is legislation promised in that area?

**The Taoiseach:** Not that I am aware of.

**Deputy Jimmy Deenihan:** Would it be possible to have even a discussion on this document?

**An Ceann Comhairle:** Not unless a debate is promised. It is a matter for the Whips. I call Deputy Bannon.

**Deputy Michael Creed:** We cannot even get them when a debate is promised.

**Deputy James Bannon:** Industrial noise pollution has reached unacceptable levels for many citizens. When can we expect the noise Bill to come before the House? It is a long time promised.

**The Taoiseach:** I told the Deputy earlier that it would be introduced later this year.

**Deputy Bernard J. Durkan:** That is applicable to the lone remaining dissident, the Independent backbencher.

### **Offences Against the State Acts Repeal Bill 2008: First Stage.**

**Deputy Aengus Ó Snodaigh:** I move:

That leave be granted to introduce a Bill entitled an Act to repeal the Offences Against the State Acts.

**An Ceann Comhairle:** Is this Bill being opposed?

**Minister of State at the Department of the Taoiseach (Deputy Pat Carey):** No.

Question put and agreed to.

**An Ceann Comhairle:** Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

**Deputy Aengus Ó Snodaigh:** I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

### **Lisbon Treaty: Statements.**

**The Taoiseach:** Last Thursday the people gave their verdict on the proposal to change the Constitution so that this State could ratify the Lisbon treaty. The people have spoken and the Government accepts their verdict. It is for the Government to manage the political situation that develops as a result, both at home and internationally.

There will be no shortage of those who will rush to judgment about the reasons for such an outcome. However, beyond rejecting the proposal to change our Constitution to ratify the treaty, it is too early to understand fully the significance of last week's referendum as this will take time.

Today's debate is part of the national discussion we must now undertake. We must be honest with ourselves now that our country has taken its decision. Today is about contemplating not just the events of last week but what they might mean for our nation in the years and decades to come. It is many decades since Ireland took a decision to turn outwards to face the world in an effort to improve the welfare of her people. I have acknowledged previously the significance of that shift and the wisdom of those who had the courage to bring it about.

For some 35 years, much of our place in the international arena has been realised through our membership of the European Union. Throughout that time, the people have been largely comfortable with the overall direction of the Union, which has responded to international developments. Those developments have required responses which involve countries co-

operating with each other and sharing sovereignty in a way that might not have been envisaged decades earlier. This globalised world has worked for Ireland because we have become globalised ourselves. In the past, this was in part because our people were forced to emigrate but today's globalised Ireland is by choice. I believe it is the right choice, but it is not without consequences or responsibilities.

If we want to manage international crime we must do so by working with our neighbours; if we want our voice to be heard in international trade negotiations, we must do so by identifying and co-operating with allies; if we are to conceive of an effective and humane management of international migration flows, we are powerless to do so without willing collaborators; if we want to contribute to the peace and stability of those parts of the world, or indeed Europe, still divided by hate and distrust between communities, we can do so only in conjunction with our partners; if we want to secure a sustainable future for our planet, we must act on a global scale in concert with others.

The European Union has been the most effective and advanced response to globalisation which the world has seen. For 35 years, Ireland has been comfortable with its place in this evolving Union. Last Thursday, the public rejected what the Government, the main Opposition parties and others, recommended to them as the next step in that process. As a consequence, we now face uncertainty.

It is appropriate today for me to give this House my initial reaction and my assessment of the referendum outcome which has given rise to that uncertainty. I will begin by repeating that the will of the people is sovereign in our democracy and in Europe democracy is no less sacrosanct. The principles of democracy are the threads that weave the fabric of the European Union.

The debate that has taken place in Ireland in recent months saw many disparate views, and in some cases contradictory positions, put forward by those advocating a rejection of the treaty. That makes it particularly difficult to analyse the key messages underlying the outcome of the referendum. I recognise the considerable unease expressed about an apparent diminution in Ireland's representation and influence in the institutions of the Union. I note in particular that the fact that for five out of every 15 years, there would not be an Irish Commissioner was an issue which weighed with people. This is despite the fact that under the Nice treaty, which the Irish people accepted and which Ireland ratified, a reduction in the number of Commissioners will occur next year and not in 2014 as proposed in the Lisbon treaty which was rejected and without a settled basis for the equal rotation between the member states as provided for in the Lisbon treaty.

Arguments were repeatedly advanced about a threat to our right to maintain our tax system and tax rates, even though the Lisbon treaty provided for a continuation of the legal arrangements that currently apply under existing treaties. This was in part due to continued references to the Commission bringing forward a proposal on a common consolidated corporation tax base, despite the maintenance of the unanimity requirement in the Lisbon treaty.

Many people were reportedly uneasy about a perceived risk that Europe would develop a common defence, requiring Ireland to abandon its military neutrality. This was compounded by concern that, at some hypothetical future date, this could give rise to a European army and an attempt to project European interests by military force, to which Ireland would be obliged to contribute. The balancing of possible commitments in this area with assurances about the right of Ireland and other member states to maintain their defence traditions was not perceived to offer sufficient safeguards. Moreover, commitments to improve military capability, which in Ireland's case would be necessary in the context of our continued programme of humanitarian



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and peacekeeping activity, were perceived as implying a further erosion of our militarily neutral stance.

Many groups and individuals expressed fears that the jurisprudence of the European Court of Justice would develop in ways which would require Ireland to accept and provide services which are repugnant on grounds of public policy. In particular, concerns were expressed regarding abortion, despite the specific assurances in terms of Ireland's legal arrangements in this regard.

Similarly, concerns arose about the possibility of a legal regime that would require the commercialisation of public services and introduce requirements to convert what have been regarded as essential public services into market opportunities.

The charter of fundamental rights featured prominently. Some regarded it as giving rise to an undesirable degree of uncertainty because of the scope for judicial interpretation in the European Court of Justice. Others felt that they did not see sufficient assurance about the application of the rights covered by the charter within domestic law and practice. More generally, this was echoed by a debate about whether, on the one hand, the Union gives rise to too much regulation and unreasonable burdens on business and, on the other hand, that it involves too little protection of the rights of workers and trade unions in the face of globalisation.

Other factors, less directly connected with the treaty itself, impacted on the campaign. These included the deep unease within the farming community regarding the current strategy being adopted in negotiations at the World Trade Organisation. Other more generalised and less specific anxieties, as in all referendum campaigns, contributed to the disposition of people as they approached the act of voting in the referendum. These doubtless include also the current tightening of economic conditions internationally and the associated rising unemployment and inflation figures.

For those of us who supported the referendum, the core message of the need for the European Union to function more efficiently, democratically and effectively in the international arena did not register sufficiently with the public. In contrast, many were more comfortable citing examples where they felt the EU was not sufficiently in touch with the concerns and needs of people at local level.

The format of the treaty, too, became a frustration with the electorate. Despite the fact that an extensive range of explanatory material was made widely available, much was made of the apparent complexity of the treaty and the fact that, unlike the 2004 constitution text, it was a series of detailed amendments to existing treaties.

It is worth pointing out, as others have done, that any perusal of the range of claims being made by opponents of the Lisbon treaty highlights that some of them are contradictory. To take just one example, it has been suggested by some who argued forcefully against a centralised super state, that the lack of accountability perceived to apply in the European institutions should be remedied by providing for a directly elected president of the European Council. This is the ultimate federalist project and one which would not serve our national interest.

While I respect the outcome of the referendum — we are now dealing with its consequences — I do not share some of the wilder interpretations that have been aired in recent days. Nor do I accept that there is any clear or obvious set of conclusions that can immediately be drawn.

Tomorrow, I will travel to Brussels for a number of bilateral meetings. I will attend the European Council tomorrow and on Friday, accompanied by the Minister for Foreign Affairs, Deputy Micheál Martin, and the Minister of State, Deputy Dick Roche. It will be an honour for me to represent my country at the European Council for the first time as Taoiseach. That

honour is in no way affected by last week's outcome. My European colleagues will, naturally, wish to hear my assessment of the referendum and its implications and much of what I will have to say to them will mirror what I have just said to the House.

I should acknowledge though, openly and honestly, that my assessment of the rejection of the treaty in Ireland will have to be viewed alongside its approval in the majority of member states. This is the difficulty which faces Ireland and the Union. There is no doubt in my mind that our partners tomorrow will express their strong preference to find a shared solution, something very much in the tradition of the European Union. I believe, too, that they will accord us the time we need to play our part in understanding last week's vote. For my part, I will impress upon them the need to avoid prejudicing the process which we must now undertake in Ireland.

I will underline that we will also continue to engage very closely with them. I want to emphasise the need for the domestic and European Union processes to proceed in tandem; for any outcome to be viable, it would not only have to be agreeable to our people, but also to all member states.

Many of our partners have already expressed their disappointment at the outcome of our referendum and their difficulty in interpreting the signals that it may send. However, their disappointment is not entirely universal. On the contrary, there are some individuals and groups across Europe who now wish to claim the Irish people as their new friends. They are headed by the likes of Jean-Marie Le Pen and Nigel Farage. No proud Irish man or woman could but be uneasy that they rejoice in our decision.

**Deputy Martin Cullen:** Hear, hear.

**The Taoiseach:** Let us be under no illusions about why they are rejoicing. It is because they believe they can use the vote of our people to serve their misguided political goals, goals that Ireland does not and never will share, goals that are inimical to our interests.

I do not believe last Thursday's vote was a rejection of Europe or of the need to continue to improve its functioning. My view remains that Ireland's future is bound with Europe's. As I said, we now face uncertainty and we face a great challenge. It is incumbent upon this House to ensure that we respond carefully and thoughtfully. We must ensure that the interests of our country are well served. As Taoiseach, I have already committed myself to the task ahead.

**Deputy Enda Kenny:** I have already publicly expressed my disappointment at the result of the vote of the Irish people on the Lisbon treaty. I make no apology for having stood by our country in supporting the treaty; this is because of its importance in terms of our connection with the European Union and as part of the EU in facing the challenges we all face globally from China, India, South Africa and elsewhere. Having expressed that disappointment, the will of the people is absolutely sovereign. The votes were cast and counted, the decision was made and the Irish people have spoken.

I want to put on the record my thanks to the director of my party's campaign, Gay Mitchell MEP, as well as all those from parties supporting the "Yes" campaign. There are serious lessons to be learned from the result of the Lisbon treaty vote. One must consider that, with the exception of one party and a number of Independents, all parties in this House supported the treaty. In addition, the treaty was supported by various economic organisations, job-creating agencies, the farming community and business organisations. They all called for a "Yes" vote, but the people decided to do something entirely different.

Looking at Ireland's place in Europe, it is fair to say that we never had the shared history of our European colleagues, encompassing elements such as the Napoleonic era, two world

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wars and fascist movements, including Nazism. This time we were left in the position of being the only country to vote by referendum on the treaty and therefore decide the future outcome for, or change to, the European institutions. In essence, the poll showed that Ireland is not just divided on the question of Europe, but that the country itself is divided. The large “No” vote in what have been called poorer areas shows disaffection and a disconnection between citizens and the Government. This was exemplified in myriad views about the way in which European directives have been and are being interpreted. The only interpretation one can take from the result is one of which we are all aware, namely, that those who took the opportunity and time to vote demonstrated that the most important public office is that of the private individual and citizen and the right to cast one’s ballot in secrecy through the ballot box.

I make no apology for having strongly supported the “Yes” position on the Lisbon treaty because of the link my party has had with Europe since the early 1970s and through it being an integral part of the European People’s Party, the largest voting bloc in the European Parliament. The Fine Gael Party has been central to the EPP and is pleased to continue to contribute to it.

I propose to make a number of points about the referendum campaign. As I pointed out publicly on a number of occasions, complacency and confusion are always the enemy of a referendum. It is difficult for a Government in Ireland or any other country to sell an international treaty by way of referendum. The Prime Minister of the Netherlands pointed out to me that despite all the parties in the Dutch Parliament supporting the original constitutional document, it was voted down for a variety of national reasons. This also occurred in France for a range of similar reasons.

Bunreacht na hÉireann is normally amended on the basis of one or two amendments at a time and there is always a lead-in period to facilitate explanation and understanding of what is involved in the Oireachtas putting forward a Bill to ask the people for permission to change the Constitution. In the case of the referendum on the Lisbon treaty, for which a popular constitutional endorsement was required for the transfer of competency in certain areas, it became too much for some people and this resulted in great confusion. That confusion was increased by the fact that when I asked the Taoiseach’s predecessor on numerous occasions to name the date for the referendum in order that we could get on with it, he chose, for his own reasons, not to do so. As a result, we were left with a vacuum in which misinformation began to seep into people’s minds and negative attitudes about a range of issues emerged during the course of the campaign. Confusion about the treaty was a contributory factor.

Complacency is always the other enemy in that if people see all the political parties lined up in favour of a positive answer to a referendum question, some of them will inevitably conclude the referendum will pass while forgetting that it cannot pass unless people vote for it. Around the country, people told me that with Fianna Fáil, Fine Gael, the Labour Party, the Green Party and what is left of the Progressive Democrats Party supporting the Lisbon treaty, the referendum would fly through, but they did not follow through on this thought process and conclude that the referendum could not pass unless people voted in favour of the treaty.

It is very easy during the course of a referendum campaign to make negative arguments, for example, the treaty will cost us because we will lose a Commissioner, tax will be harmonised and so forth. It is difficult if one has to spend most of one’s time trying to respond to these arguments before one can speak of the positive aspects of the treaty. For example, the brilliant measure to have the Council of Ministers meet in public would allow citizens to hear what Ministers say at Council meetings and know how, if the Council chooses to vote, Ministers vote on particular issues. Increased responsibility for Members of the European Parliament elected directly by citizens is also a positive feature of the treaty. These two issues constituted real

progress in making Europe more connected with its citizens, an area in which there is undoubtedly a drift.

After 51 years, one and a half generations of Europeans may not appreciate the reasons for the establishment of the European Economic Community and its successor, the European Union. We need to reaffirm what the European project is and where the European process is headed, and deal with the legitimate concerns and fears some people have about super states, federal entities, European armies and so forth. A conclusion will not be reached until Irish interests have been recognised and respected and seen to have been addressed, and we, as a sovereign nation, can contribute to the betterment and progress of the European Union. That is the complex problem faced by the Taoiseach and the Government.

It is not for me to enter into a blame game about the reason the referendum was not passed. One cannot argue with the voice and decision of the people. One can perhaps argue about better co-ordination or a better emphasis in terms of the manner in which the “Yes” campaign made its case and so forth.

I spent two and a half months as party leader travelling around the country. Some of the material I received in the post was appalling — I have never seen the like of some of the documentation and correspondence I received. There are clearly people whose view of life is very different from mine and that of my party and of most people. It is sad that the negative campaigning in the course of the referendum campaign did nothing to help the cause of Ireland or Europe. I suppose one could argue that that is politics and the people have made their decision. While I respect the decision, claims being bandied about on doorsteps on issues such as tax harmonisation, European super armies, conscription, abortion, euthanasia and prostitution had nothing to do with the Lisbon treaty but stayed in people’s minds and were expressed as a fear and anxiety when they went to vote.

People understand the issue of the Commissioner because one either has a Commissioner or one does not have one, even if only for a specific period. The absolute equality which applies in this regard, whether a member state has a population of more than 80 million or fewer than 400,000, did not seem to register with the voter. This issue must be addressed before the end of the year in so far as the Nice treaty requires that the number of Commissioners be reduced below the number of countries unless the Heads of Government unanimously agree to do something else. This will become an issue at some point towards the end of the year. The Taoiseach and the Government will have to reflect on this issue.

It is necessary, in not reflecting on what was wrong in the campaign, to examine the possibility of having a stronger source of independent assessment of the facts. I refer not only to the Lisbon treaty but to all future referendums, whether on children’s rights, European treaties or any other matters. A stronger independent assessment is clearly needed. The purpose of the National Forum on Europe, which has been operating for a number of years, is to provide information on pros and cons to the ordinary citizens. While the forum drew in the different pillars and strands to make their case, it does not have the same relationships as political parties. I am not sure what assessment the Government has carried out on the forum or in respect of the Referendum Commission to which eminent legal people and personalities were appointed. The document the commission sent out was readable but some confusion arose about answering questions on a number of occasions.

While all Members of the House are elected under the same conditions — by virtue of votes at the ballot box — there were 160 Deputies on one side of the argument and six on the other. Due to the interpretation of the Supreme Court decision, the national broadcaster felt required to give equal coverage to both sides which meant that if one had a string of Ministers making

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a case for some element of the “Yes” campaign, coverage was given in equal measure to the other side. That is a factor obviously arising from that Supreme Court decision.

We must move on to what the Taoiseach and the Minister for Foreign Affairs face in the future here. The fact is that this country has rejected the Lisbon treaty and it cannot come into effect on 1 January 2009 being ratified by the 27 countries.

I respect also the right of other countries to do their business in their way the same as they respect ours. One can argue the point that governments elected directly by the people represent the people and that if, from their point of view, in their country they say they will do this by majority vote in the parliament, that is political democracy as well.

**An Ceann Comhairle:** Níl ach nóiméad amháin fágtha don Teachta.

**Deputy Enda Kenny:** The other countries presumably will go ahead with the ratification process. I do not know whether they all will agree on this. There may be problems in the Czech Republic or wherever. Britain is supposed to do the business today.

If they come back to the Taoiseach later in the year with a proposition that 26 countries have ratified the Lisbon treaty and Ireland has not, political discussion must have taken place in the interim period. I will support this, to get to a point where Ireland’s concerns can be met. We do not want a situation where 26 other countries decide to move off in a different direction or at a different speed, which would be the worst of all worlds for our citizens.

This was not a vote against the European project, the European process or the European concept. It was a demonstration of the right of people to put down a clear marker, which has had reverberations all over Europe and beyond. From that point of view, the challenge facing the Government is to see that Ireland’s concerns, anxieties and fears are reflected, dealt with and clarified and at the same time that we contribute to the solution of the progress of Europe given that we must meet the challenges from China, India, South Africa, Brazil and Russia, and the challenges of having a fair immigration policy, demographic movement, energy security, food security, economic shifts etc. We want to be part of that. We are feeling the pinch in terms of the economic challenge, impacted upon by external forces to an extent.

There is a big job to be done, principally by the Minister for Foreign Affairs and the Government. I would like to think that we, through our grouping in the European Parliament, can assist to some extent in that regard and we will do so, and that at the end of this process Ireland’s claims, concerns, anxieties and fears are reflected, clarified and dealt with while we contribute to the greater progress of the European Union, given what we must meet on a global scale.

**Deputy Eamon Gilmore:** I wish to share time with Deputy Joan Burton.

**An Ceann Comhairle:** Agreed.

**Deputy Eamon Gilmore:** Last Thursday a majority of Irish voters chose to reject the Lisbon treaty. That is the decision of the referendum. The Lisbon treaty has been rejected, and that decision must be respected.

The Labour Party campaigned vigorously for a “Yes” vote because we believed the treaty was an important step forward in creating a progressive and democratic Europe that would better address the needs of the people of Europe and because we believed it to be in Ireland’s national interest. I pay tribute in the House to the work of my colleague Deputy Joe Costello, who co-ordinated and led the Labour Party campaign.

**Deputy Michael D. Higgins:** Hear, hear.

**Deputy Eamon Gilmore:** I strongly supported the treaty and with my colleagues in the Labour Party, I stand over every statement we made about it. I believed there were substantial benefits for Ireland, and for Labour's vision of a social Europe, to be had from a "Yes" vote. We placed particular emphasis on the inclusion of the Charter of Fundamental Rights in the European treaties and if I might make one comment about the conduct of the campaign, it is a regret that perhaps similar emphasis was not placed on the Charter of Fundamental Rights by others who were campaigning on the "Yes" side. I was concerned too that a "No" vote would send our country into a period of added uncertainty at a time when, economically, we have enough uncertainty to contend with.

It must be said, however, that it was not an easy treaty to communicate. It was not based on one particular big idea, but rather contained a series of reforms intended to make the European Union more effective and democratic. The absence of a unified theme that could be related to the everyday lives of our people meant that from day one we were explaining, and in politics when one is explaining one is losing.

It must be admitted that the result last week also reflects an erosion of confidence in politics. The people did not accept the advice of the main political parties. That erosion of confidence which is not unrelated to a decade of revelations at tribunals, must be of real concern. As political leaders, we must acknowledge that and seek a way forward. We must also learn the lessons from the campaign and the manner in which it was conducted, and the Labour Party will accept its share of responsibility in that regard.

As a result of the vote last week, Ireland is facing its biggest diplomatic challenge since the Second World War. Fifty years of foreign policy centred on the objective of putting Ireland at the heart of Europe, and the many patent accomplishments won on the back of that policy, are now at stake. How we respond and the leadership we offer will determine, perhaps for a generation, what it means to be Irish in Europe, and how the Union deals with the democratic verdict of the Irish people will speak volumes about the value placed on democracy and the status of smaller member states in a community of nations dedicated to peace and democracy.

The process of closer co-operation on vital global issues, which Lisbon was intended to advance, will not succeed unless the Irish vote is fully respected. Nor can Europe prosper unless it is fully committed to the principle of equality among member states. That is why there can be no question of going back to the people for a simple re-run of the Lisbon treaty. We must, instead, listen to the concerns of the Irish people and understand them.

While there were many domestic factors that became significant in the campaign, it must also be accepted that there are other member states which would have difficulty in securing endorsement for the Lisbon treaty at a referendum. The Irish vote, therefore, must be seen as reflective, not just of an Irish problem but of a broader failure of the European Union to win the hearts, as well as the minds, of the people of Europe. The irony of course is that the Lisbon treaty was intended to address that same democratic deficit, but it must be treated with the utmost seriousness now.

For that reason, Ireland must be given an opportunity to reflect on the outcome of the referendum. We in Ireland must ultimately drive forward the process of finding a solution, but this is not just an Irish problem. It is a European problem, and will require a European solution.

At home, it is the task of political leaders to listen to the Irish people, and also to lead. I do not believe the Irish are the ungrateful children of the European project. We are an outward-looking progressive people who want to be at the heart of the European Union. Neither do I

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believe our relationship with Europe was based solely on the continuation of a flow of European funds into Ireland. That is not who we are and it is not what we aspire to be.

Much that we have achieved economically and socially over the past 35 years has been predicated on the underlying assumption that we seek to be full members and full participants in the European project dedicated to peace and prosperity in Europe. Membership of the European Union was fundamental to the economic renaissance of Ireland in the past two decades. Membership of the Union was also central to the important advances in social legislation and we must not lose sight of those advances.

Indeed, I say this to those on the left in Ireland, and to those who say they are on the left and who ask why the Labour Party is so firm in its support for Europe. Where did Irish women get the right to equal pay for equal work, from where did most of our recent employment legislation come and from where did we get most of our environmental protection legislation? Those measures came through the European process, largely because of gains made by the left, by the social democratic movement in Europe, from which we ultimately benefited. Europe enabled post-colonial Ireland to come out from under the shadow of Britain and to assert its independence as an equal and respected state in Europe.

Look, too, at who cheered most loudly last Friday. Across Europe, the people who rejoiced at the Irish result were the Eurosceptic wing of the Conservative Party, the UK Independence Party, the right-wing Freedom Party in Austria, the National Front in France, and the Civic Democratic Party in the Czech Republic — a party so Thatcherite that they regard Margaret Thatcher herself as doctrinally unsound. If the extreme right in Europe is cheering so loudly, one must ask was urging people to vote “No” really such a left-wing stance. We all have concerns about the direction the European project might take but that is precisely why we supported its democratisation and the insertion of vital social clauses, including the Charter of Fundamental Rights, in the Lisbon treaty.

The Labour Party is disappointed with last Thursday’s result but we can look anybody in the eye today and tell them that we told them the truth about the Lisbon treaty, that we gave our honest opinion on its merits and that we did so in the best interests of Ireland and of the Irish people who we represent. We fully respect the right of citizens to make up their own minds and to decide on the treaty. That, after all, is what a referendum is about. That is why we have referenda, namely, so that citizens can exercise their sovereignty.

We are now in uncertain times and it is difficult to draw an accurate road map at this stage. There are, however, a number of essentials which need to be settled. First, that the Irish decision stands and must be respected. Second, that we must avoid a two-speed Europe where we are left behind.

The extent to which that will be a problem will depend on how many other states ratify the treaty. They are entitled to decide for themselves on the basis of their own democratic procedures just as we were entitled to decide in our own manner. Considerable work will be needed at political and diplomatic level to ensure that the Irish decision is understood and respected and that Ireland remains engaged in Europe. This will require enormous political and diplomatic skill.

We also need a process by which the decision last Thursday and the reasons behind it can be fully analysed and understood. This goes beyond the arguments advanced by the “No” side. I do not believe the result last Thursday was simply a reflection back to us of the arguments advanced by the “No” side, particularly since some of those were directly contradictory. There were other concerns, some of them domestic, which influenced the way people voted and there

were uncertainties and concerns about the future which I believe underlay the decision made last Thursday.

There are three issues in particular at which we can begin to look. The first of these is neutrality where, despite the arguments advanced about what is actually in the Lisbon treaty, some lingering doubts remained about what might happen at some stage in the future. We need to address these concerns, including by emphasising that the whole motivation behind the establishment of the European Union was to maintain peace in Europe by deepening the commonalities of interest among the people's of Europe. Second, the issue of the loss of a Commissioner seemed to evoke a strong feeling that we risked weakening our hand. Again, I know all the arguments about why that is not so, particularly given that the future size of the Commission was agreed in the Nice treaty, but it still an issue that may have to be revisited.

Third, there is the issue of taxation. In the current economic climate, with deep unease about the future, this was a serious point of concern. Again, there was nothing in the treaty that affected our right to set our own tax rates. However, noises coming from some countries about the combined common corporate tax base were distinctly unhelpful.

It will take time to understand what the real concerns were and how they can be addressed. I do not pretend we have all the answers today. We need a period of reflection on the outcome. I welcome the support offered to Ireland at the meeting of Foreign Ministers on Monday and, in particular, the comments made by the British Foreign Secretary over the weekend. I look forward to the Taoiseach's report to the Dáil on his return from Brussels after which we can continue the work of finding a way forward.

**Deputy Joan Burton:** Many factors contributed to the defeat of this treaty. However, I wish to speak about the attitude of women voters to it because it is important in the context of how we, in Leinster House, do our business. Leinster House is a uniquely male place. Many other institutions in Ireland have changed but Leinster House has not changed very much. That is not to suggest that men, who comprise the overwhelming majority in Leinster House, are not sympathetic to the considerations of women but it is just that the place has not changed.

Large numbers of women profoundly distrusted this treaty and were concerned about the issues of foreign policy, war, militarism, spending on armaments and related issues. An absurd argument made was that a woman's children or grandchildren would end up being drafted into a European army. Mary Black sings a song entitled "All the lies that you told me" and sometimes it seemed that song was the anthem of the "No" side. A real and palpable fear among young mothers and grandmothers was that their male children and grandchildren would be in a European army. I do not believe any of the parties in this House which supported the treaty paused to reflect on why people accepted what was blatant scaremongering.

In many ways, the former Taoiseach, Deputy Bertie Ahern, was at his most clever and devious in the run up to the Iraq war when he managed adroitly in a diplomatic and elitist sense to be on both sides of the picture. Although American aeroplanes were landing in Shannon Airport, somehow or other he was with the hundreds of thousands of people who marched in Dublin. In the post-11 September world, security is important, whether one is a neutral nation or part of a military or regional alliance. However, one cannot confuse security with military adventures or a global war on terror about which people felt profoundly uncomfortable. We have not had that debate in this House and so many of the women who voted "No" said that was a cornerstone in their thinking. The 13% or so of women Members of this House need to reflect on why they did not communicate their detailed views and talk to people about these issues.



[Deputy Joan Burton.]

The other issue which was profoundly disturbing for both women and men was immigration. The Taoiseach may remember I was asked to speak unexpectedly one morning a week before he took office. I had spent the early morning at the railway station in Castleknock. I told the Taoiseach that I was astonished by the number of people who said to me that they would vote “No” and he sort of brushed it aside because he was going to run 50 Fianna Fáil meetings.

I represent a constituency in which one third of people are immigrants. It is, in large part, very successful. However, Irish people are very concerned about their jobs, paying their mortgages and about their children and families. There is some racism, which is ugly and horrible, and I assume that is to what Deputy Enda Kenny was referring. We must deal with it. However, that is different from saying that people are concerned about the economy, their families, houses and their jobs. We must have a period of reflection, and I hope this country emerges stronger from it because there are great people in this country.

This is not only an Irish problem but a shared European one. Tomorrow, when the leader of the Labour Party talks to the socialists in the European Parliament, we will put the Irish case but we will also say that this is not only our problem but a shared European one in terms of where we go next.

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I join other party leaders in expressing disappointment at the result of the Lisbon treaty referendum. However, as an Irish person, I am very proud that this was the only country in the European Union to hold a referendum on this issue and it is regrettable that other countries did not do so. It points to the disconnect about which some of the previous speakers spoke between the European project and the peoples of Europe, a point to which I will return. We must respect that vote and maintain the highest respect for those who chose, democratically, to vote “No” in this referendum. We cannot afford to be in any way patronising. I have heard it said in recent days that those who voted “No” did not know for what they were voting. That may be true in some cases, but the same could equally be said of those who voted “Yes”. There was not only a democratic deficit, but an information deficit as well. Perhaps those of us on the “Yes” side should hold our hands up and admit we could have done better in that regard.

As leader of the Green Party, I am proud that my party examined this issue in detail. We held a comprehensive internal party debate and party members were very well informed about it. We held a vote and 63% of the party membership voted in favour of the Lisbon treaty. That is not to say those who voted “Yes” were convinced by everything in the treaty, but on balance they believed it was a good deal for Ireland and Europe.

One of the reasons I put forward and repeated during the course of the campaign was support for the Charter of Fundamental Rights. Several years ago I had doubts about the Charter of Fundamental Rights because I felt that perhaps it was not fully judicable. However, when I heard such people as Mr. John Palmer, Mr. Gerard Hogan and Mr. Tony Coughlan — all of whom come from different perspectives — say that it was, then, as someone interested in the whole question of human rights and fundamental rights like many in the Green Party, I agreed this charter should be supported by all democrats.

**Deputy Michael D. Higgins:** Yes.

**Deputy John Gormley:** The beauty of the Charter of Fundamental Rights is that it can be read as a stand alone document. There has been criticism, perhaps valid, that much of the Lisbon treaty could not be read as a stand alone document. The reason for this is the proposed constitution, much of which could be read as a stand alone document, was thrown out. The

Lisbon treaty harked back to previous treaties, which was a difficulty exploited by the opponents of the treaty.

The second reason I put forward in support of this treaty was the democratisation of the European Union. One lesson we could learn is to recognise the need to distil the treaty into several facets and point out that there are three fundamental reasons for supporting this treaty.

*12 o'clock* It proposed giving more rights to national parliaments and the European Parliament, as well as enhancing the rights of European citizens through the citizens' initiative. This was an area in which I worked when I was a member of the Convention on the Future of Europe. I drew up the first draft of the convention and I was delighted to see it as part of the treaty. I also proposed the need for a Europe-wide referendum which was, unfortunately, rejected because many member states wished to decide in their own way. We have a sovereign right to decide on the treaty in our way. Countries such as Germany do not recognise referendums. However, I believe such a proposal could have been negotiated and we could have had a plebiscite, but that is all said in hindsight. Perhaps the option can be revisited because we need to examine ways of engaging with the citizen in future.

The other two reasons I put forward in support of the Lisbon treaty and which my colleague, the Minister, Deputy Eamon Ryan, and I have spoken about at length are the provisions regarding energy security and climate change. It should have been emphasised more that it was this Government which inserted those provisions in the treaty. I am very proud to be part of a Government that recognises the importance of tackling climate change. It was argued by the "No" side that this does not amount to a hill of beans, but it was wrong. I have no doubt that this aim, as put forward in the treaty, would have been interpreted by the European Court of Human Rights and that the court would have adopted a maximalist approach in this regard which would have made a fundamental difference. We have lead the way in the European Union in tackling climate change and we are now facing a situation where the provisions will not be realised, which is regrettable.

Energy security and climate change are two issues facing all countries and it is not possible to tackle them in an isolated way. We are on the periphery of Europe and if we think we can go it alone on these issues, then we are sadly mistaken. We need only look at the price of oil at \$135 per barrel and at people feeling the effects of this to know it is a major issue. Ironically, it is perhaps the case that this fed into a feeling of dissatisfaction among voters. Perhaps some voters decided in a fit of pique that, given increases in food prices and energy, they would vote "No". This is regrettable because this treaty addressed those issues.

We have rejected the treaty. During the campaign I said — it was not scare-mongering — that there would be extreme difficulties if we voted "No"; as it turns out, that is the case. It was described by the leader of the Labour Party as the biggest crisis that we have faced in half a century, which is saying a good deal. It is a crisis and there is no doubt about it. At the weekend I was in Austria and Germany and the headlines on every newspaper there stated that Ireland had plunged Europe into a crisis. There are people on the "No" side who may not want to know about this but it is the reality with which the Government, the Minister for Foreign Affairs and the Taoiseach must deal. I have no doubt they will bring all their diplomatic skills to bear on this matter.

We also said in the course of the campaign that if there was a "No" vote, this treaty would be very difficult to renegotiate. It is clear we have been proven correct. The reason I said that was because I was a member of the Convention on the Future of Europe. We came up with the constitution which was rejected by the French and the Dutch. The Lisbon treaty was, in effect, plan B. We said there was no plan B for this treaty over and over again. We need only listen to what the Taoiseach, the Minister for Foreign Affairs and other party leaders have said

[Deputy John Gormley.]

in recent days to know that we spoke the plain truth on this matter. How can we renegotiate this treaty? I have heard those on the “No” side suggest the need to do this, that and the other. Do such people think our representatives, who are very skilled negotiators, did not think of these things at the time? Of course they did and they wanted to negotiate to get the best possible deal. The real difficulty is to know how we now go beyond that.

We have heard issues raised about the position of the Commissioner. I vividly recall at the National Forum on Europe the former Taoiseach, Mr. John Bruton, saying that the provisions of the Nice treaty dealing with the position of Commissioners were not good and I agree with him. However, we are now faced with the Nice treaty as the Lisbon treaty is gone. The Nice treaty states that once we reach a total of 27 Commissioners there must be a reduction in the number and I ask people to reflect on this point. The part of the treaty dealing with the arrangements for Commissioners which we negotiated as part of the Lisbon treaty was a vast improvement on the Nice treaty. Unfortunately, that was a message we could not convey. When one goes around the country, as I and others have done, one sees effective posters, the contents of which got into people’s heads. Those who were informed that Ireland would lose a Commissioner did not appreciate that we will lose a Commissioner in any case under the Nice treaty.

I have always said, even when I was on the Opposition benches, that one cannot speak of Ireland as being neutral in the traditional sense. When we speak of military neutrality, we should more accurately speak of Ireland as being non-aligned. Ireland is in the same position as those Scandinavian countries which are known as former neutrals. There was never a question of the Lisbon treaty affecting Ireland’s non-aligned status in any way. Unanimity is required if that is to change. I suppose there was a failure to communicate those facts. As I went from door to door — I said this to reporters at the time — I was convinced that the people of my constituency would vote in favour of the treaty and that turned out to be the case, but I was not sure about other parts of the country.

I share the concerns of other Deputies about the level of misinformation that was evident throughout the referendum campaign. I do not accuse everyone associated with the “No” campaign of using such tactics. A great degree of misinformation was certainly out there. I received telephone calls and text messages two days before polling to inform me that people were starting to believe a strong rumour that a “Yes” vote would lead to the introduction of water charges and the installation of water meters. Issues like conscription and abortion were also raised.

It has to be recognised that the elephant in the room throughout the referendum campaign was the underlying suggestion that there are too many immigrants in this country, which is something we do not like to talk about in this Chamber. I do not doubt that many people have concerns of that nature. We have to look at that issue, with all other possible reasons people decided to vote “No”. I respect those who voted “No” for reasons which were absolutely valid and have to be respected, but I cannot deny that the campaign was marked by a level of misinformation that I have not experienced in the past.

As Deputy Gilmore said, those who campaigned for a “No” vote have to consider how those on the extreme right can be on the same side as those on the extreme left. Mr. Ganley and others have a right wing agenda we do not yet fully understand. I am sure we will get to the bottom of it. People need to examine the objectives of Mr. Ganley, who claims that he is pro-European, which is something about which I have doubts.

There is a need for a period of reflection. We need to analyse what the “No” vote tells us. If there were referendums in other countries, I do not doubt that there would have been some

other “No” votes. The people of Europe are telling us they do not trust the direction in which we are heading. The Irish Government and its counterparts in all other member states need to study such matters. The Laeken declaration made it clear that we have to bring Europe closer to the people and the Lisbon treaty would go part of the way towards doing that. We need to determine how we can do better, and if we can do better, it will be in the interests of the people of Ireland and the rest of Europe.

**Deputy Caoimhghín Ó Caoláin:** Those who share my outlook on the Lisbon treaty believe that last Thursday, 12 June 2008, deserves to be remembered as a great day for democracy in Ireland and in Europe. It was a positive assertion by the Irish electorate of its power to decide on vital national issues. The people reached their verdict despite the hectoring of many people in the political and media establishment. This was not a vote about whether we should remain in the European Union — that question was not on the agenda — it was a vote about the type of EU we want to help to develop. Will it be an EU of political elites and bureaucrats or will it be a democratic Europe of the people?

The votes were barely counted when the President of the European Commission, Mr. Barroso, when speaking out of both sides of his mouth, said that while he respected the Irish decision, the remaining member states should continue with the ratification process. As soon as he said that, it was clear that our vote had served a vital democratic purpose. It exposed the real choice that faces all the people of Europe. Is the EU to be a partnership of equal states with a voice at the top table for all member states, regardless of size? If it is to continue as such, the ratification of the Lisbon treaty cannot proceed. It requires the unanimous agreement of all states, which cannot be achieved because the people of this State have said “No”.

If the democratic decision of the Irish people is not to be respected, we will have a federal EU in the form of a centralised super state. Many people on the “Yes” side carelessly trotted out the line that our small population should not presume to hold up hundreds of millions of people across Europe. Such a comment ignores the fact that hundreds of millions of people have been denied referendums in their own countries. It can lead to just one conclusion, which is that national democracies do not count. Such people believe that the only valid unit for decision-making is the elite who are at the helm of the European Union as we know it. We should make no mistake about it — they want a federal EU. It would be much simpler if those who want such a super state were to make that clear. However, that is not what the Irish people want and I believe it is not what the majority of people across Europe want either.

While some advocates of the treaty have attempted to castigate the electorate for rejecting it, more reasonable voices have rightly pointed out that there is no crisis. Ireland will not be thrown out of the European Union. When the French and Dutch people rejected the proposed EU constitution in 2005, the ratification process was brought to an end. The same thing should happen in the case of the Lisbon treaty. The French and Dutch Governments told their EU counterparts that the game was up in the case of the constitutional treaty and that the ratification process should cease. The Irish Government needs to send a clear message to the European Commission at this week’s leaders’ summit that, notwithstanding its own support for the treaty, it is insisting on an end to the ratification process in countries which have not yet completed their respective processes. The Irish electorate, which overwhelmingly voted “No” last Thursday, deserves and expects no less.

As a citizen who voted “No” to the Lisbon treaty, I respectfully ask the Taoiseach to declare his respect for and acceptance of the decision of the Irish people and to act accordingly. During this week’s leaders’ summit, he should call for an end to the ratification process throughout the European Union. I hope I can make this request on behalf of all my fellow citizens who voted “No”, for whatever reason. Similarly, I speak on behalf, I am certain, of the many thou-

[Deputy Caoimhghín Ó Caoláin.]

sands of people who voted “Yes” and strongly believe that the Irish decision should be fully respected and acted upon. The ball is at the Taoiseach’s feet. He must exercise his right and duty to ensure that the decision of the Irish people last Thursday is accepted and complied with. When he faces his counterparts over the coming days, the Taoiseach must insist that the Lisbon treaty is over and done with — nothing less will suffice.

I reject the Taoiseach’s attempts this morning to sully the Irish people’s rejection of this treaty by trying to link it with the contemptuous views of Mr. Le Pen and others. Progressive people across Europe have welcomed the rejection of this much contested text. We are not alone in our opinion of the Lisbon treaty. This document has been put before the people of five countries and was overwhelmingly rejected in three instances.

Sinn Féin will host an event in Brussels tomorrow with senior political representatives from France and the Netherlands. We will be joined by Jean-Luc Mélenchon, French Socialist Senator and President of *Pour la République Sociale*, PRS, Francis Wurtz, President of GUE/NGL and Dutch parliamentarian, Harry Von Bommel of the Social Party. These are respected, sensible, grounded parliamentarians who, like Sinn Féin, won the support of their people through calm, measured and informed debate. We should stick to the facts not alone in regard to the text of the Lisbon treaty but in respect of the clear welcome of the Irish people’s decision last Thursday as echoed right across the European Union.

Throughout the campaign, Sinn Féin argued that the Lisbon treaty was a bad deal and that a better deal for Ireland and Europe was possible. We focused on three specific concerns. We argued that the Lisbon treaty would deepen the democratic deficit. It would do so by removing this State’s permanent Commissioner; would reduce our voting strength at Council, removing or weakening a number of key strategic vetoes on taxation and international trade and by giving the European Council the power to amend the fundamental laws of the Union. That the treaty was written and presented in an unintelligible form that added an information deficit to the democratic deficit is clearly indisputable.

We argued that in addition to taking the EU further down the road of developing common foreign and defence policies, these policies would promote militarisation and, in turn, undermine this State’s neutrality. We were deeply worried the Lisbon treaty was designed to further open up vital public services such as health and education to competition and, in turn, privatisation. This liberalising drive would have been complemented by the removal of key vetoes on the inclusion of health, education and social services in international trade agreements.

Sinn Féin also expressed deep disappointment with the failure of the drafters of the Lisbon treaty to address issues of workers’ rights and the continuing trend towards social dumping aided and abetted by the European Court of Justice.

In addition to these key areas we also highlighted issues such as the negative impact of the treaty on the developing world and Ireland’s continued involvement in the European Atomic Energy Community.

The campaign is over and the verdict is clear. I welcome Fine Gael and Labour’s commitment not to seek a second referendum on Lisbon and I call on the Government to do likewise in clear and unequivocal terms. However, the most important task now is to ensure the better deal, for which the people voted, is secured. While the primary responsibility in this effort lies with the Government, there is a responsibility on those of us who argued against the treaty to outline in detail of what we believe such a deal should consist. We must also support the Government in achieving the best possible outcome of any future negotiations. I say that sincerely, as I did yesterday on the floor of this House.

Also, I encourage all sectors, whatever their position on the treaty, to grasp this opportunity and to work with the rest of us in this cause. Today Sinn Féin will submit to the Irish Government a detailed position paper outlining proposed changes to the Lisbon treaty. Among the changes we are arguing for are the retention of a permanent commissioner for all member states; the retention of the Nice treaty formulae for qualified majority voting; the removal of all eight self-amending articles, including the simplified revision procedure in Article 48; the removal of Article 46a giving the EU a single legal personality; a strengthened protocol on the role of member state parliaments; a significantly expanded protocol on the principles of subsidiarity and proportionality, including the aims and values of the EU; substantial amendments to aspects of the Common Foreign and Security Policy; substantial amendments to the section of Common Defence and Security Policy; a new protocol on neutrality; a strengthened social clause; a substantially revised protocol on vital public services; amendments to articles dealing with public services and state aid; the inclusion of the European Trade Union Confederation Social Progress Clause to protect workers' rights; a protocol on Irish tax sovereignty; substantial amendments to Article 188 dealing with international trade agreements, including a cast iron veto on mixed World Trade Organisation agreements; a new protocol ending Ireland's participation in the European Atomic Energy Community; and a series of amendments to Articles 10 and 188 promoting the needs of the developing world in the context of international trade.

Sinn Féin's agenda for the future of the EU is much broader and deeper than this list of demands which are, in our opinion, modest and achievable. They represent the detail of the better deal we argued for during the referendum campaign and what we believe to be the minimum changes required for any new treaty to be acceptable to the electorate. Of course, the Government will say this list is too ambitious, too detailed and undeliverable. However, already we are hearing from a range of voices across the EU, in governments, opposition parties and social movements, supporting some or all of the above. Smaller member states are interested in our proposals on the Commission and Council. Trade unions and social movements are supportive of our position on workers' rights and public services. Peace organisations and anti-war movements are ready to mobilise on those issues that resonate with them.

The question is whether the Irish Government has the political will and courage to give voice to the concerns of the electorate as expressed in last week's referendum. Politics is the art of the possible. When entering negotiation one must be ambitious and realistic. Crucially, one must gather as much support as one can, both domestically and in other member states, to secure the most advantageous outcome.

As I stated yesterday, Sinn Féin is ready to play its part in a constructive manner. We believe that many others are willing to do likewise. All eyes are on the Government and, specifically, on the Taoiseach as he faces his first European Council meeting as Taoiseach. The question that arises is whether he will listen to the will of the people and work to secure a better deal for Ireland and the European Union or — I hope this will not prove to be the case — collude with those political forces across the European Union who seem unwilling to respect the outcome of referenda in Ireland, France and the Netherlands and who, like Mr. Barroso, encourage a continuation of the ratification process in other member states in order to create a situation through which Europe can apply even greater pressures in Ireland not alone on Government but on the entire political representation of this State and try to force the Irish people through this process once again. This is absolutely unacceptable. The opportunity presents for the Taoiseach to translate the words "respect" and "acceptance" — words used by him time and again since last Friday's count result was announced — in a manner which will assure the Irish people he intends to act in accordance with their decision and those of the French and Dutch electorates. The Taoiseach must demand a cessation of this process given the Lisbon treaty quite clearly cannot proceed or be adopted without the unanimous support

[Deputy Caoimhghín Ó Caoláin.]

of all 27 member states. The Irish people have said “No”; it is their final answer and it should be accepted and acted upon.

The first option I mentioned will strengthen Ireland, our place in the EU and will strengthen the Union. People will see that the democratic voice of not alone the Irish people but of people across the European Union is sacrosanct and that it will be respected not alone within their respective democracies but right across the European Union. This is an important test.

The second option will deal yet another blow to the democratic credibility of an already faltering European Union and the disconnect that is deepening by the day between the peoples of the member states and those at the helm and the heart of its administration. Go raibh maith agat.

**Minister of State at the Department of Foreign Affairs (Deputy Dick Roche):** It goes without saying that all of us who supported the Lisbon treaty and who believe passionately in Europe as the way forward for peace and progress are disappointed with the outcome of the referendum. The people have made their decision, however, and that decision must be respected. It must also be understood and it should certainly not be distorted. The Taoiseach made clear last Friday and again today his respect for the views of the people as expressed in the ballot box.

The Government strongly supported the Lisbon treaty on the basis that the member states had reached an agreement which would allow the European Union to work more effectively in the interests of member states and, of course, in the interests of Ireland. On the basis that the aim of the treaty was to equip the countries of Europe to deal with the global challenges that face us collectively and individually, big and small, this was a good treaty. On the basis that Ireland’s national interests were best served by a place at the centre of Europe, playing a constructive, realistic and engaging role, this was a good treaty.

When we analyse and examine such evidence as has become available, particularly today and yesterday, it is interesting to see the views of people who voted “No”. They too shared the belief that Ireland’s place is at the heart of the European Union. In our support for the treaty, we were joined by all but one of the political parties in this House, by representative groups, the Irish Congress of Trade Unions, IBEC, chambers of commerce, the farming organisations and others who played a committed part at national and local level. This should not easily be dismissed. I am very grateful for the support, in particular of the main Opposition parties, and I have put that on record several times.

The Taoiseach has stated that we will need time to analyse the result properly and to look for an acceptable and practical way forward. It is clear that the result of the referendum brings about considerable uncertainty and tremendous difficulty for this country. It will not be resolved easily and the Government understandably will need time to reflect. I certainly do not share the interpretations made by the previous speaker, Deputy Ó Caoláin, as to how we should deal with the problems which we face. We must reflect on the way forward for Ireland and for Europe, and that will take time. There is a need to avoid snap judgments and there is certainly a need to avoid hasty decisions. We must avoid setting the bar too high and we must see that this is an important point in the history of Ireland’s hugely successful engagement with the European Union. That engagement has been at the centre of our progress since 1973. Our social, economic and political progress has been dependent on and greatly assisted by our membership of the European Union. The peace process on this island has been significantly assisted by our membership of the European Union. It is a very strange person who would suggest that we should easily dismiss all that.

With the Minister for Foreign Affairs, Deputy Micheál Martin, I attended Monday's meeting of the General Affairs and External Relations Council where our counterparts were briefed on the referendum. While there was understandable disappointment, there was also understanding of our position and our need to consider matters in light of the referendum result. There was also a wide degree of support and solidarity because Europe is not built on bullying by the large of the small. Europe was built by the members states operating in unison and solidarity, not in the perverted view that somehow it is an undemocratic process. That is precisely the opposite of the truth, but many of the arguments and allegations made in this campaign have been the opposite of the truth.

One good and positive factor at the meeting in Luxembourg is that there was no attempt to isolate us. As Members of the House will be aware from media reports, there is a general strong desire that ratification should continue in other members states. That is their right. We have had our say and it is right to measure the views of other member states and to let them, within their democratic processes, have their view. It is a strange and distorted view of democracy to suggest that we should have our say and then prevent others from having theirs.

In my contacts with my counterparts I stressed the need for us to take sufficient time to analyse what has happened and to consult both domestically and with our European partners in order to find an agreed way forward. Dialogue is the way forward. I recalled that the European Union's record of success in overcoming past setbacks of this kind and expressed the hope that working together we can do so again on this occasion. The European Council meeting tomorrow provides an early opportunity for the Taoiseach to give his initial assessment of the referendum result and its implications. I have no doubt that he will be heard with the same quiet and supportive attitudes in which we were heard in Luxembourg the other day.

An important point that the Government will stress in the period ahead is that the Irish are committed to the European Union. It is interesting to note, looking at the flash Eurobarometer poll published in the *The Irish Times* today of those who voted "No" last Thursday and surveyed in this report, that 80% support Ireland's European membership. If one presumes that 100% of those who voted "Yes" also support that membership it suggests that politicians, rather than posturing and adopting attitudes, should now find a way forward to ensure that Ireland's European membership continues to be strong and central to this issue.

It is also interesting to examine in the same survey the issues and concerns. We know the type of campaign through which we have just come. We know there was a blizzard of misleading statements and distortions of facts, that the truth was simply chucked aside and that there was a mendacious effort to mislead the people. The interesting point, however, is that the positive attitude which has been reflected towards Europe in all other opinion polls is again visible in this poll. I believe it is important that Europe plays a positive and important role in our future.

Another interesting point reported in the press today was that approximately three quarters of those who voted against the treaty believe that the Government can renegotiate exceptions within the text. They did not suggest that the process is completed and should be rejected. I point out that 18 member states have effectively ratified the treaty and it will not be long before 25 or 26 members states do so. The Government must work hard, therefore, to reflect the people's concerns as we move forward. At the same time we must respect that there are 26 other parties to this agreement.

The previous speaker is right, we should stick with the facts, but that, of course, is not what happened in the recent campaign. One undeniable fact, however, is that those in Europe who celebrated last Thursday give everybody pause for thought. I speak of Mr. Le Pen, or the extraordinary sight of an Irish pub in Brussels converted into a den for the United Kingdom Independence Party, UKIP, group which showed its respect for this nation and what we stand



[Deputy Dick Roche.]

for by using our tricolour as the tablecloth for their drinks. That speaks volumes about those in Europe who welcomed this decision.

The reality is that we have a difficult situation and it will not be made any easier by posturing. It is a matter of some irony that newspapers from across the water which have attacked the European Union for decades presented themselves as pro-EU, even pro-agriculture, after assaulting the Common Agricultural Policy from the outset. All that, however, is about yesterday. What we should be concerned about is tomorrow and the next day, where we go from here and how we build on the position in which we are now. I agree with the Taoiseach's earlier comments that today's debate should be part of a national discussion that we must undertake. Today's debate is about being honest with ourselves in light of the decision we have taken. It is about reflecting not only on the events of last week but also on what they might mean for our nation in the decades ahead. Ireland and the rest of the Union must learn from the campaign.

It came across in Luxembourg that there is an understanding that Europe needs to reconnect with its citizens. We need to simplify the message and try to centre debates on the European Union on facts rather than myths. We need to examine why people voted against the treaty and establish how to address their fears.

As a country, we face just about the greatest diplomatic and international challenge in our modern history. We must convince ourselves and others that we want to find a solution that places Ireland at the heart of Europe. I agree with Deputy Gilmore's comments that we should not lose sight of the advances we made through our EU partnership and membership, particularly in terms of social Europe.

Last Thursday's vote was not a rejection of Europe or of the need to continue to improve the European Union's functions and effectiveness. Ireland's future is bound to Europe's future and this is the view of the vast majority of Irish people. We face uncertainty and a great challenge and we must do so with great care. It is incumbent on us all to ensure we respond carefully and with the interests of Ireland at heart.

**Deputy Billy Timmins:** I, too, am disappointed by the result of the referendum on the Lisbon treaty. Fine Gael strongly supported a "Yes" vote because it believed it was in the interest of Ireland's citizens and those of the Union. However, 800,000 voted against the treaty and it is important we recognise, by word and deed, that it was defeated. The people voted "No" and their decision must be respected.

I cannot recall the date of the announcement of the referendum. This may seem like a small issue but it is not. I remember the former Taoiseach, Deputy Bertie Ahern, going to the Phoenix Park prior to the last general election and I remember his resignation speech. Can anyone tell me when the referendum date was announced officially? That I cannot remember speaks volumes about the campaign. I am not into the blame game but believe there was complacency on the "Yes" side.

I remember Deputy Kenny asking the former Taoiseach in the House to confirm whether 12 June 2008 was to be the date of the referendum. As the former Taoiseach sat down into his seat, he confirmed it. Will the Government state when the official announcement was made to this effect?

George Bernard Shaw once observed that the problem with communication is the illusion that it has been accomplished. That was certainly a problem for the "Yes" side. The National Forum on Europe does a worthwhile job in many respects but, whether it is due to a lack of interest or its actual format, it does not really get its message out to the public. I am a member

of the forum. The Referendum Commission came under the spotlight for the first time due to errors in its information. I do not state this with a view to criticising those involved but we must consider such organisations' contributions to informing the public on what Europe is about. There is very little knowledge in circulation.

We should never allow a treaty so linguistically complex to be put to the people again. If any political party produced a general election manifesto similar to the referendum wording, it would be laughed out of existence. Let me quote the part of the referendum text put to the people:

It is proposed to delete the current subsections 9° and 11° (in italics above)

Subsection 9° is re-cast as subsection 15° with the additional reference to the Treaty of Lisbon; Subsection 11° is effectively redundant as the Luxembourg Patents Convention never came into force

I read the treaty but found many parts of it very difficult to digest. This extract is an example.

In recent days Mr. Ulick McAvaddy asked why people would vote for something they did not understand. He implied that someone would not sign a contract for a house unless they understood it. I fundamentally disagree because my experience suggests that over 95% of people do not understand what is in the contract they sign for a house or insurance policy. They rely on expert advice, which they take from their solicitor or legal advisor. I have no doubt the public was as unfamiliar with the detail of previous treaties, including the Maastricht, Nice and Amsterdam treaties, as it was with that of the Lisbon treaty, but when it was voting on them they trusted their politicians. At present, they does not. This is certainly food for thought.

I reiterate that I am not into the blame game because what has occurred is a plague on all our houses. A news headline during the referendum campaign stated, "The Taoiseach calls for a Yes Vote". The next headline claimed the former Taoiseach said he won money betting on horses. The current Taoiseach received much publicity after saying to Deputy Kenny during Leaders' Questions that he was neither qualified nor able to deal with the issue. He made a more telling comment thereafter to the effect that he believed the former Taoiseach was giving his evidence at the tribunal in a truthful manner. The Taoiseach talks about loyalty but one must be loyal to the truth. I believe the Taoiseach to be an honourable man and ask him to move away from his denial of the facts.

How can the public act on trust or on the advice of a Government if that Government does not acknowledge that it has stood over lies and misinformation over the past year? Its having done so was a contributory factor, albeit not the main factor, to the public's failure to understand the complexity of the treaty. It simply did not believe what it was being told. In a nutshell, those who sign contracts for houses do not know the content of the contract but rely on expert legal advice. However, in the case of the referendum, the public did not believe the advice of the political establishment. We must address this.

Most of the "No" campaigners are not pro-Europe while many of the "No" voters are. I therefore distinguish between campaigners on the "No" side and those who voted "No". It gives me some consolation when I hear Sinn Féin because, strangely enough, I believe it contributed to the "Yes" vote. This is because many people did not believe it. If everyone had voted "No" who told me he or she was going to do so, the result would have been 20% in favour and 80% against. Many voters changed their minds in the last week. Some of the programmes run by the national broadcaster were very helpful and people gleaned a lot of information from them. When they were told the truth about the content of the treaty, it assisted people in making up their minds.

[Deputy Billy Timmins.]

One constant mantra of Sinn Féin during the referendum campaign was, “Ireland can do better. Let us renegotiate.” I do not know if Ireland can do better. The mantra came from a decade of saying “No” in Northern Ireland, during which the Government facilitated it at every hand’s turn to the detriment of the SDLP. Saying “No” worked in the past for Sinn Féin but it is very difficult to envisage how doing so will work in the future.

I do not wish to re-run the campaign but have a few points to make, the first of which concerns the constant claim that the voting strength at the Council would be halved if the treaty were accepted. This is not true. I am surprised so many people on the “Yes” side and so many independent commentators let this belief go unchallenged. Many media commentators advocated it as a reason to vote “No”. If anyone has the time and wherewithal to go to the press ombudsman on these issues, he or she will certainly have a field-day. In real terms, it can be argued quite legitimately that our voting strength at the Council would double. There are two legs — the population leg, on which the “No” side concentrated, and the member state leg. The latter leg would have resulted in an approximate doubling of our voting strength at the Council. Our voice would therefore have been strengthened at the Council but, regrettably, this message was not circulated due to a lack of knowledge on the part of some “Yes” campaigners and some commentators and also due to some commentators being disingenuous.

Let me hone in on the solidarity clause. Many constituents asked me what obligation there would be on Ireland to assist another member state subjected to a terrorist attack. On this point, most commentators responded that the exact form of the response was not decided but that it would be subject to our own special constitutional arrangements. If we had the equivalent of the former Twin Towers and an aircraft were flying towards them, we could do nothing about it.

We should not have been overly worried about how we were going to assist other countries as we are unable to assist ourselves. Had the Lisbon treaty been ratified and had Ireland signed up to it, we would have been able to call on our neighbours, be it France, Britain, Germany or whoever, to assist us. At present, we are unable to call on anyone. I considered the solidarity clause to be a positive development for Ireland that was depicted in a negative light.

As for some of the other issues, I refer to the constant references to unelected bureaucrats. How can one reconcile the claim about unelected bureaucrats with seeking to have a permanent Commissioner? What is a Commissioner other than an unelected bureaucrat? As for all the claims the “No” camp made about more democracy and the difficulties that Europe was causing, this treaty was going to reconcile and solve many of them. It would have dealt with issues such as the lack of democracy or accountability. As for the loss of the veto in 40, 50, 60 or whatever number of areas, it is important to retain a veto in respect of vital national interests, such as the Common Foreign and Security Policy or taxation. However, how does one reconcile a veto with democracy? It is its antithesis. Ireland must deal with such issues.

I do not believe that 27 countries conspired to bring upon their citizens something that would not assist them. A few other issues were highly important. Issues such as creeping bureaucracy regarding — to frame it in plain terms — the size of tomatoes, the killing of meat or the selling of eggs and of brown bread resonated. While such issues were not articulated by the “No” side, they had an impact on “No” voters. Europe’s creeping bureaucracy is a matter that must be addressed and is a reality about which something can be done. People believe their voices are not being heard and this is partly due to the Irish Government. An incident has arisen in County Wicklow regarding the proposed disposal of substances at Kilbride ranges. Politicians have no power because they voted it away from themselves, which is their own problem.

Members must ascertain how to make people accountable and give power back to politicians. Deputy Burton mentioned foreign workers.

**Acting Chairman (Deputy Joe Costello):** The Deputy's time has expired.

**Deputy Billy Timmins:** We have been left in a certain stage of paralysis. The Government must acknowledge and represent the views of the people who voted "No" and must protect Ireland's interests in the months ahead, as we try to ascertain how this will affect us.

**Deputy Timmy Dooley:** I welcome the opportunity to discuss this highly important issue.

**Acting Chairman:** Does the Deputy wish to share time?

**Deputy Timmy Dooley:** I wish to share time with Deputy Michael McGrath. I seek five minutes each, if possible.

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

**Deputy Timmy Dooley:** I respect the decision of the Irish people as Deputies are the guardians of the Constitution and must respect the principles of democracy. Notwithstanding this, a real challenge has been posed to those who are elected to represent the Irish people. These challenges existed before this vote and the Lisbon treaty sought to resolve them. I refer to matters such as energy security, environmental considerations, the challenges posed to our economic future with particular reference to the emergence of the economies of China and India, international trade and immigration and migration. We also must deal with potential conflict zones around the world and how they may affect the safety of our future, as well as with international crime.

While it had been hoped these issues would be addressed by the passage of the treaty, that has not happened and the challenges remain. Members were elected to deal with these complex matters and, as I predicted, those who campaigned for a "No" vote have disappeared like summer swallows. They have departed to leave the rest of us deal with such issues. As an elected parliamentarian, I take on this challenge with a degree of vigour and excitement because it drives all Members on behalf of those who they represent.

This matter requires a period of reflection, analysis and dialogue with the people. Fundamental to this debate will be a discussion about the evolution of the European project. Clearly, some who campaigned for a "No" vote have a particular view on Europe. It is a view that seems to be echoed by people such as Jean-Marie Le Pen and others for whom I do not believe any Member would have a great regard. Those of us who campaigned for a "Yes" vote also have views on Europe.

However, a public debate on the EU project is needed and a question as to what is the European project is fundamental in this regard. I canvassed extensively, as I am sure did other Members, and found a great lack of knowledge, interest and care on what is the European project. Unfortunately, it has been characterised to an extent as an ATM machine. For many years, the citizens of Ireland have seen Europe as nothing more than the provision of cash to build our economy and infrastructure and to support various initiatives. This lack of knowledge certainly played a considerable part because the "Yes" side was left trying to convince people of the necessity to reform something about which many of them lacked clear knowledge in the first place.

This debate also must involve a question on Europe's direction and what are our views and expectations as a people in this regard. It will be difficult but not impossible to disentangle the views as expressed in the referendum and that is the target Members must set for themselves.

[Deputy Timmy Dooley.]

The campaign was set against a backdrop of changed and straitened economic circumstances. Our economic circumstances are part of a global phenomenon that is working its way through at present. Those difficult circumstances provided fertile soil in which to sow the seeds of doubt, which the “No” campaign certainly did.

Having canvassed, I have a fair idea of the reasons people voted “No”, although they came from different backgrounds and disparate groups and made the decision for many different reasons. First, the treaty sought to carry out administrative changes that did not seem to provide obvious tangible benefits as did many treaties in the past. I refer to matters such as the expansion of the free trade area, the single currency or, in respect of the Nice treaty, allowing other people to enjoy the same benefits as had previously been enjoyed by people in western Europe. All previous treaties contained a hook to encourage people to vote positively. On this occasion, people failed to discern the benefits associated with reforming something about which they lacked a clear picture in the first place.

It certainly allowed the “No” side to play on the fears of those who were going through difficulties regarding the economy and who were concerned about their mortgages, jobs and the welfare of their children. The “No” campaign was highly disingenuous. I believe they clearly told lies. I do not know whether it is appropriate to use that word in the Chamber, but I consider them to have told lies. I saw documentation and literature proposing that abortion, the death penalty, conscription, child tagging and tax matters all were issues. While they had been dealt with, unfortunately we were unable to convince the people of the lack of merit in that debate.

**Deputy Michael McGrath:** I thank Deputy Dooley for agreeing to share time on this debate. I am pleased to have the opportunity to contribute to a debate on the Lisbon treaty referendum result last week. Like the majority of my Oireachtas colleagues, I am acutely disappointed by the result of the referendum last week. However, the people have spoken in a democratic fashion and, as the Taoiseach noted, one must accept and respect that decision. It is important to point out that people voted “No” for a disparate set of reasons in this referendum. The issues have been well-debated and well-rehearsed and include the issue of corporation tax, which was dealt with comprehensively by both the Taoiseach and the Referendum Commission. As for the issue of neutrality, despite Ireland’s constitutional prohibition from participating in a common defence, the “No” side continued to trot out the line that in some way, we would be compelled to participate in common defence, even though the country’s position in this regard has long been clear. The issue of abortion, which was drawn into the debate, was completely irrelevant. When the “No” side continued to put forward arguments that clearly were disingenuous, when they misled people on issues of fact, when they put forward notions and sowed the seeds of doubt in many people’s minds on sensitive issues, they did the Irish people some disservice. This will become clear over time. They often spoke during the debate about unelected and unaccountable people, but the vast majority of the proponents on the “No” side were themselves unelected and unaccountable. It was open and free to them to put up whatever they wished on posters and polls and nobody could ever hold them accountable for what they were saying. The majority of them never campaigned or fought for Ireland in any sense of the word. The research by the European Commission following the vote highlights some of the points that I am making. Some 70% of the “No” voters thought a second treaty could be renegotiated easily. The majority of people who did not understand the treaty voted against it. There is a lesson for us to learn in any future votes that we hold in this country.

*1 o'clock*

There were two subtle undercurrents in the campaign and it would be remiss of us not to mention them. The first is the issue of immigration, which was lurking in the background and which influenced voters who have a negative perspective on the impact of immigration in Ireland. We would be unwise to ignore that. It is an issue that must be addressed apart from this referendum. The second undercurrent was the emergence of voting trends along class lines, probably for the first time. We must recognise that there is a suspicion among some working class communities of Europe and the impact it is having on their lives. That is something which we must ensure is fed into our domestic policies. These two issues are intertwined.

The requirement for equal coverage in the broadcast media is a crude instrument and it contributed to widespread confusion about the treaty among many people. Many news clips featured comments from the “Yes” side or the Referendum Commission which were completely contradicted, falsely in most cases, by the “No” side. This left the electorate utterly confused, which appears to have been the legacy of that particular provision.

The way forward today is unclear, but over time a consensus will emerge. During the period of reflection, we must consider where we want to take Europe and Ireland’s role within Europe. If the remaining 26 countries proceed to complete the ratification process and if they want to move ahead with the reform of the Union, Ireland will indeed be in a very difficult predicament and will face a fundamental political choice. In that scenario, it will be our right, based on the democratic vote last week, to be the sole country on the lower tier of Europe. The question facing our people at that stage may well be whether we are on board the train that is leaving the station.

**Deputy Lucinda Creighton:** I am pleased that the Taoiseach has allowed this debate to take place. It should have taken place yesterday, given the crisis in which we find ourselves.

I believe last Friday was an extremely black day for Europe, but a particularly black day for Ireland. While I acknowledge and respect the decision of the people, I cannot but express my disappointment at that decision. It was taken for a great variety of reasons, many of which unfortunately have nothing to do with the European Union or with Ireland’s place in the Union. The reality is that we are now in a grave political situation. Without ratification of the Lisbon treaty, Europe faces what can only be described as stagnation and paralysis. That is simply disastrous. We are facing huge global economic competition. In 20 years, the population of the EU is likely to represent about 6 to 7% of the world’s population, and we have taken a decision that will undoubtedly impact on Ireland’s and Europe’s competitiveness on the world stage.

Energy security is one example of this, where we have said “No” to the opportunity to participate in a combined EU effort to give ourselves energy security in the future and to negotiate as part of a very strong and powerful economic bloc. We have retreated and have decided that as a tiny island nation, we can do it ourselves. I am sorry, but we cannot do so. We will not be able to provide the same opportunities to tackle this issue on the world stage in the years to come. That is frightening, especially given that we have seen the sharpest rise in the price of oil in history in the past couple of weeks, with predictions of it hitting \$200 per barrel. Our response is to bury our heads in the sand. This is a disastrous position for us to be in.

We need to look at how we arrived at this stage. I did not engage in a blame game on the outcome of the Lisbon treaty, even when the writing was on the wall. However, we must acknowledge a few things. All of us on the “Yes” side must accept a certain portion of the blame, but the Opposition cannot and should not be expected to carry a referendum of this nature. The Government must show leadership and must be expected to deliver. Unfortunately,

[Deputy Lucinda Creighton.]

we have seen an abject failure by the Government to lead from the front. There was very little leadership from Ministers. The campaign got off the ground far too late, as though we could have a crash course on EU institutions and how we should vote to democratise them and improve them. That is not how things work. There was a job to do in laying the foundations and in giving people the time to understand the positive arguments. Instead, there was a vacuum into which the “No” campaigners jumped, with their distortions, untruths, myths and propaganda. The Government must accept responsibility for allowing that to happen.

There was also a great degree of arrogance. The Taoiseach and the Commissioner in Brussels said that they did not read the treaty. It is preposterous to expect the Irish people to trust politicians and especially their Ministers and leaders who tell them to trust us, yet also admit to not reading the treaty. Coupled with an absolute lack of knowledge and understanding of the EU institutions, as evidenced by the Tánaiste’s behaviour, this was absolutely disastrous for the campaign. I am not making this up. I heard it on many doorsteps, shopping centres and church gates. People could not vest their trust in senior Ministers and the Taoiseach. That makes last Friday a really sad day for the people of Ireland and it contributed to the disastrous outcome.

It is crucial that we learn lessons from another issue raised today. I was at the count at the RDS on Friday morning and I looked at the tallies in my constituency. I was pleased that it was carried there, but looking at the divide from area to area, I have no doubt that there is an issue with social exclusion and with the socio-economic breakdown of the people who voted for and against the treaty. When we are in difficult economic times, it should be an instinctive reaction of the Irish people that we look to Europe for hope, inspiration, opportunity and security. This has not happened because we have allowed a mindset to develop, particularly in working class areas, that believes when we face difficult economic times there is a major threat from foreign workers in this country. It is a reaction to immigration, and there has been nothing in our society in the past six or seven years to prepare our society for immigration, to enable it to adapt and ensure we have a successful immigration policy. We do not have such a policy and this is an abject failure on the Government’s part. This resonated throughout the country during the referendum and absolutely played a part in last Friday’s result. I have no doubt about this from knocking on doors and from all the campaigning I did. We need to face up to that now and make people realise that our economic growth and the development of this country would not have happened without the able-bodied men and women who came here from all over Europe and elsewhere, contributing to our growth and our wealth and doing jobs many Irish people would not do. We need to instil that into the minds of people. That is what leadership is about and I am appealing to the Government to show some.

**Deputy Michael D. Higgins:** To undo the politics of fear.

**Deputy Lucinda Creighton:** Absolutely. The response from Government over the past few days has been pathetic. I have seen no enthusiasm on the Taoiseach’s part to solve this problem, no motivation or evidence of a sense of urgency about the crisis we find ourselves in. I appeal to the Government to show some energy to try to find solutions to this problem. Speaking for Fine Gael, we on the Opposition benches are willing to help in that regard. We want to solve the impasse, the stagnation we are facing in Europe. We want to see solutions and respond to the concerns of the people which are varied and multifaceted on taxation, neutrality and so on. We need to react, come up with solutions and deal with the concerns expressed by the Irish people in voting “No”. We need to put new solutions on the table.

I want to see some leadership from the Taoiseach, Deputy Brian Cowen, and the Government. I want to see them working day and night to solve this problem. It is not going away and we need to find a solution. There are two options, in my view. One is to allow the Lisbon treaty to be ratified as Ireland stands back and becomes part of a eurosceptic fringe. The other option is to get our act together, to instil some hope, confidence and belief to show the Irish people that we have solutions to their concerns and can move forward with integration so that Ireland can be at the heart of it. I am fearful about Ireland's chances of getting a good deal, with the CAP health check coming around the corner and all the negotiations on environmental issues, carbon reductions etc., at EU level. How will the Minister for Foreign Affairs be able to represent us with any credibility, or, indeed, the Taoiseach? We need solutions. We on the Opposition side are prepared to work with the Ministers and Taoiseach, but we need to see some determination and commitment. I have not seen it in this Chamber over the past 24 hours.

**Deputy Michael Mulcahy:** I want to share time with Deputy Cyprian Brady, if the House agrees.

Last Thursday, 12 June 2008, the Irish people rejected the Lisbon reform treaty by a margin of 54.4% to 46.6%. Nobody can say that there was not a full debate, or query the level of turnout — 53.13% as opposed to 34.9% in the first Nice treaty referendum and 49.47% in the second Nice treaty referendum. Many different politicians and commentators have tried to explain and rationalise the “Yes” and “No” votes and various reasons have been put forward. However, all of this is mere speculation. Furthermore, everyone says we should respect the outcome. I agree, but respecting the outcome should not consist of advancing one's own hypothesis as regards why people voted one way or the other.

The only thing that may be said with certainty is that the Irish people rejected a proposed treaty which would have deepened our engagement in Europe and pooled an even larger part of our sovereignty. To fully accept this point is, I believe, to truly respect the people's choice. In this context the attempt by the Opposition to link the “No” vote with alleged failures of the Government is extremely disrespectful to both “No” and “Yes” voters. I believe most Irish people are supportive of the European Union as a scheme of co-operation between sovereign member states in areas of mutual concern and interest. I do not believe the people want a united states of Europe within which their sovereignty gets so diluted as to be negated. After centuries of struggle, Ireland is but a young nation. Hibernia has but started drinking from the cup of freedom. It is too early to dash it from her lips.

Our party leader, the Taoiseach, Deputy Brian Cowen, together with our former leader, Deputy Bertie Ahern, did a magnificent job in securing agreement on the constitutional treaty where several other European Presidencies had failed. Unfortunately, a crucial influence in that treaty was a small clique of europhiles whose vision is that of a united or federal Europe that is greater than any one of its member states — people such as Valéry Giscard d'Estaing, Jean-Luc Dehaene and, indeed, our own John Bruton. Their vision was first rejected by the people of France and the Netherlands. A slightly different vision has just been rejected by the Irish people and would, I believe, be rejected by virtually every other country in Europe were it put to a vote. The net conclusion is inescapable. The Brussels political elite is out of touch with the people of Europe.

Ireland is lucky to have a leader of the calibre of the Taoiseach, Deputy Brian Cowen, at this most crucial time. His task is monumentally difficult. He must faithfully represent the views of the nation, as voiced last Thursday, while ensuring that Ireland can stay engaged in the heart of Europe at a level that is consistent with maintaining the sovereignty it so greatly cherishes.



[Deputy Michael Mulcahy.]

Members of the political elite in Brussels and elsewhere should, instead of seeking solutions to the so-called “Irish problem”, spend a period of time engaging with their own citizens and try to build a Europe that has their genuine support and confidence. Hibernia has spoken and anybody who tries to drown out her voice will pay a terrible price.

**Deputy Cyprian Brady:** I welcome the opportunity to speak on this particular issue because over the past number of weeks, the people have spoken, made their decision and we are where we are now. As a local representative in Dublin Central, I had the privilege of working with committed members of the community who gave their time and energy to canvass for a “Yes” vote in the Lisbon treaty referendum over the best part of the last six or eight weeks — despite the fact that they had to spend most of their time correcting misinformation spread by the “No” team. On examination, one finds the “No” team comprised two international “Del boys” and, in our area, two failed candidates in the last general election. Our local canvassers were committed to ensuring that we in Dublin Central should continue to have access to the best EU knowledge and incentives available to generate employment, skills and infrastructure.

One canvasser said to me the problem was that, thankfully, our young people never had to live in times when mortgage rates were 12% or 14%, unemployment was at a peak and we had no roads in the country. When we reminded people of the support Ireland has got from the EU, in terms of training, jobs, roads, schools and telecommunications as well as assistance in other areas such as the help we got in our area to rid the constituency of drugs and drug barons, this was viewed by some, particularly the young, as old news. As was said earlier, the soundbites from the “No” campaign were sexier and remained unexplained in the Referendum Commission’s booklet, which was distributed to every house in the country.

However, the people have spoken and I respect their views and the manner in which they have come to that conclusion. Our job is not to look back at the old news, but to move forward and find a way for Ireland to remain an active partner within the EU. In achieving this, we must ensure that we bring the people in every house, street, community and constituency with us. We have to ensure that every citizen is fully aware of the contribution the EU makes in our daily lives. We did not get that message across. This has now to be done, every week and every month, not just three weeks before a referendum.

In my opinion, we cannot rely on a Referendum Commission booklet, or indeed the European Commission office in Dublin, to communicate this important message. It is up to us as public representatives to inform our constituents of the workings of the EU and the important role it plays in people’s lives. This can be achieved through cross-party co-operation and with the assistance of the European Union. I urge all parties to agree an EU public awareness strategy that will be implemented on a regular basis every year. This would ensure that voters will not have to rely on soundbites and jargon to make informed decisions about their future.

Confusion existed about the treaty which we experienced on the doorsteps, at churches and shopping centres. The message we were endeavouring to put out was that Europe has played a central role in this country’s progress in the past 30 years. In order for Ireland to continue this progress and play a part in Europe, it must be at the table. Ireland cannot be sidelined, as suggested by some. That is not the future for Ireland.

The Taoiseach and the team the Government has in Europe are very capable of ensuring Ireland continues to play a central role in the future of Europe. I have no doubt that every effort will be made by the Government and all Members on this side of the House to ensure the message gets out to the people that Ireland is part of Europe and has always endeavoured

to play a prominent role in it and punched above its weight. Ireland has had appointments to senior structures in the European Union. The experience the Taoiseach has gained over the past several years in Europe will serve him well in the months to come.

Fianna Fáil has no problem accepting the decision of the people. The role Europe plays in their lives is a message we failed to get across because of the misinformation and spurious ideas that were put out by the “No” side. This misinformation was difficult to counteract because the “Yes” side was on the back foot, seen to be trying to fix something that was not broken. EU structures and systems have worked well until now. The Lisbon treaty was about making the Union more efficient and suitable for an expanded number of member states. This is the message we will continue to put out. The Taoiseach and his team will continue to fight to maintain our position in the EU.

**Deputy Joe Costello:** I wish to share time with Deputy Higgins.

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

**Deputy Joe Costello:** Friday the 13th lived up to its reputation this June. It was an unlucky day for the Irish establishment. Church and State, the business and farming communities were all found wanting in their support for a “Yes” vote on the Lisbon treaty. It was a memorable victory for the “No” side. A high turnout by the electorate and a substantial margin of victory means that the Lisbon treaty is dead.

The reasons for its demise are myriad and will be hotly debated for months to come. The poll of 2,000 voters by the European Commission immediately after Thursday’s referendum is revealing in the categories of people who were solidly “No”. Young people, women and first-time voters were solidly against the treaty. People who did not understand the treaty and believed it could be renegotiated plumped for a “No” vote too. Up to 40% of those who voted “No” said they did so because they did not understand the treaty. Clearly, a frustrated and disenchanted people, wanting to vote against the treaty and the Government, were only looking for a hook on which to hang their “No” vote.

The travails of the then Taoiseach, Deputy Bertie Ahern, at the Mahon tribunal were the backdrop to the entire campaign. Even after his resignation on 6 May, the tribunal fall-out continued to poison the campaign.

The coalition Government which should have planned and directed the campaign was dysfunctional from the beginning. The Progressive Democrats was non-existent in the campaign while the Green Party was unable to decide a position with Fianna Fáil paralysed through its leadership crisis. Only the Minister of State, Deputy Roche, was the honourable exception.

Three months of the six-month campaign were wasted through inertia. No copy of the treaty or an abbreviated version of it was published. The White Paper promised for January, while excellent, did not appear until April, on the same day the Dáil began to debate the Twenty-eighth Amendment of the Constitution Bill 2008. The Referendum Commission was established late, took too much time to get going and was then sadly inadequate to the task and demands of such a complex treaty. The initiative was ceded to the “No” side from the beginning which it never relinquished.

The failure to provide an original text for every citizen while expecting a positive response in a matter as fundamental as changing the Constitution was too much for fair-minded and conscientious citizens. Many potential “Yes” voters went over to the “No” side.

Our national broadcaster scarcely covered itself in glory either.

**Deputy Michael D. Higgins:** That is true.

**Deputy Joe Costello:** The requirements of the McKenna judgment for fair and impartial coverage of the treaty debates only provided set pieces on radio and television which degenerated into ding-dong and unintelligible debates. It gave coverage to a “Yes” commentator who was then negated by a “No” commentator in the same programme. It was a simplistic and crude approach to put across the complexities of the Lisbon treaty. The national broadcaster failed miserably.

**Deputy Michael D. Higgins:** One could buy one’s way into coverage too.

**Deputy Joe Costello:** Yes and the Labour Party did not get its fair share of the coverage.

The Labour Party, however, played an honourable role from the beginning. Its campaign started as early as 18 November 2007 when an overwhelming vote was given to support the “Yes” campaign at our national conference in Wexford.

As early as 12 December, the day before the Heads of State signed the treaty in Lisbon, the Labour Party had its first press conference to launch the seminal Charter of Fundamental Rights. For the next three months, the party screamed at the Government to get its act together, to publish and distribute information that people were crying out for and to put the ratification process in place.

A paralysed Government was also deaf. What should have been won was lost. The ball is firmly back in the Government’s court. Our shell-shocked colleagues in Brussels and the other 26 member states are not jumping to conclusions, thankfully, but are waiting for the Taoiseach to explain the results and make proposals for the future of the treaty.

Past experience suggests two options — either a rerun of the same treaty as in the second Nice referendum or a period of reflection, as when France and the Netherlands rejected the EU constitutional treaty, with another fresh treaty presented for ratification by all 27 member states. Since nobody knows definitively why the Lisbon treaty was rejected, the remedy might prove worse than the ailment.

The third option is to leave well enough alone, accept the will of the people explicitly and perform the last rites as David Miliband, the British Foreign Secretary adverted to. In this scenario there still remains a substantial residue of administrative and operational matters from the treaty that contains no constitutional impediment.

In this respect also, the original advice of the Attorney General on the constitutional implications of the Lisbon treaty would be valuable and I believe the Taoiseach should make it available. The Attorney General should also be asked to advise in detail on the specific innovations in the treaty to determine which and to what degree they may impact on the Constitution. This would be helpful towards planning the way forward. We cannot rerun Lisbon but we can reflect on it and move on.

**Deputy Michael D. Higgins:** I share the sentiment of other Members that without reservation I accept the will of the people. The Lisbon treaty, as put to the people, has been decided upon and is over. We have a set of consequences which require reflection and an approach which should be original in moving Europe on. The approach must contain the fundamental component of examining Europe’s role in the world. The debate must centre on Ireland’s role in Europe and Europe’s role in the world. This is a time of unipolar power in a world changed by events such as those on 11 September 2001.

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

## Ceisteanna — Questions.

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### Priority Questions.

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#### Lisbon Treaty.

62. **Deputy Billy Timmins** asked the Minister for Foreign Affairs the role the Government played in the Lisbon treaty campaign; and if he will make a statement on the matter. [23886/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The Government strongly supported the Lisbon treaty as an agreement that would allow the European Union to work more effectively in the interests of the member states, including Ireland. In this we were joined by a number of political parties and representative groups, and we are very grateful for their support. We are deeply disappointed with the outcome of the referendum. The campaign was hard-fought and the people have made their decision, which must be respected.

The Government set out last December to provide the electorate with information on the treaty. An explanatory pamphlet was published in December and a detailed 22-page guide to the treaty was published in February. This guide was distributed to all households in the country in April. These two documents were also distributed to all public libraries, citizens advice centres and Departments. A comprehensive White Paper on the treaty was published in April containing a detailed analysis of the treaty's provisions. This too was distributed to public libraries and copies were made available to the public on request. A dedicated website, *www.reformtreaty.ie*, was established which contained comprehensive information about the treaty and copies of all the above publications.

The Government established the independent Referendum Commission. Under the Referendum Act 2001, the Referendum Commission is expected to prepare statements containing a general explanation of the subject matter of the referendum and to publish and distribute these statements. The Referendum Commission was provided with a budget of €5 million. This represented an increase of more than 20% over the amount provided to the commission for its work on the second Nice referendum.

My party held up to 60 meetings across the country to heighten awareness and understanding of the treaty. In addition, we participated in the meetings of the national forum on Europe, with other political parties and in the series of public meetings organised by the Oireachtas Joint Committee on European Affairs. The Deputy's question relates to the Government's role, but many political parties distributed leaflets. In the weeks before the vote, there was intensive canvassing to maximise support for the treaty at the referendum.

We now need to reflect on the way forward for Ireland and for the European Union, but this will take time. There is a need to avoid snap judgments and hasty decisions at what is a very important point in the history of Ireland's hugely successful engagement with the European Union, which has been a central pillar of our national development since 1973.

**Deputy Billy Timmins:** I tabled this question before the result of the referendum became known. I would have much preferred if the result was otherwise but it is important to recognise the result. I hope my supplementary questions are taken in the context in which they are asked.

Is it difficult for the Minister to operate within the parameters of the McKenna judgment when dealing with a referendum? From the point of view of the Opposition, it is difficult. Will

[Deputy Billy Timmins.]

he agree there is something inherently wrong when in the region of 96% of elected representatives are given the same air time as 4% of elected representatives? I will give an abstract example. If a referendum were to be held on the question that the sun should shine every day, would it be necessary for the national broadcast media to provide 50% of air time to an opponent of such a concept? There is a mechanism whereby there can be abuse of the system if someone has access to that time. Has the Government any plans to look at the impact of the McKenna judgment on democratic representation? Has the Minister plans to look at how the role of the Referendum Commission might be changed, evolved or otherwise?

**Deputy Micheál Martin:** One must be careful in the immediate aftermath of a referendum which produced a disappointing decision to make comments on the rules of the game, so to speak. People may be of the opinion that one was complaining on the basis that one lost and therefore wished to change the rules. On the other hand, I accept the validity of much of what the Deputy has said. If there were to be a referendum on whether the sun should shine every day there would be an obligation for an opposition to come forward and to create 50% air time for that opposing view. This may be a facetious argument but there have been other examples and the Good Friday Agreement is a good example of a referendum where the same situation applied.

The Government has no plans to change the rules and neither do I. However, a referendum is the voice of the people. The view has been expressed that certain groups may use that facility to take a particular stance on the basis of achieving a profile for subsequent election battles. There is then a danger that the *modus operandi* that now exists could actually incentivise people to take a particular stance or position in order to ensure they can have the 50% air time and profile which is very significant. That said, there are lessons to be learned on the substance of the debate more than the rules of the game.

Given the complexity of the proposition put to the people, we need to reflect on how it was presented to them. The media soundbite means that one will hear five minutes of one person saying something is black which is counter-argued by five minutes of another person saying it is white, with the punters trying to arbitrate between the two. A far more considered treatment in public sector broadcasting terms of such a complex treaty could have been better handled by us. I do not mean this to be a criticism but it is something which we should consider.

**An Leas-Cheann Comhairle:** A brief supplementary question from Deputy Timmins.

**Deputy Billy Timmins:** The Forum on Europe presented a very good information booklet which I acknowledge. Does the Minister envisage a change in the legislation dealing with the Referendum Commission? Will the commission continue and should it begin its work earlier in a campaign? In fairness to the commission, the subject was complex and there are time constraints. We need to consider changing the legislation, which ultimately would facilitate the public in the receipt of information.

**Deputy Micheál Martin:** The independent Referendum Commission did a good job but the expectations are too high within the timeframe constraints. I thought the booklet, which was issued to every household, was straightforward and simple. People may have different views on the advertisements but everyone has views on every type of advertisement. People argue about sports and everything else, and such analysis is subjective.

I made a comment on my canvassing experience which might have been misinterpreted. I was busily talking about the Council of Ministers and the European Commission and I could see the glazed expression of the person. As Deputy Jackie Healy-Rae might say, I put the tin

hat on it by saying that the independent Referendum Commission said such and such. I could see the person did not recognise any of the institutions I had referred to. This is the challenge we face. To expect the commission to establish itself and, within the space of two months, become known to everyone is unrealistic.

### **Overseas Aid.**

63. **Deputy Michael D. Higgins** asked the Minister for Foreign Affairs if Ireland will host a conference to discuss the different options available for responding to the food crisis in the developing world in general, and Africa in particular, in order to ensure there is an adequate consideration of the different models available for the achievement of food security and appropriate commercial usage as part of a development strategy best suited to such regions. [23532/08]

**Minister of State at the Department of Foreign Affairs (Deputy Peter Power):** There can be no question but that the sharp escalation in the price of staple food commodities such as corn, wheat and rice is a matter for the deepest concern. These price rises are undermining the food security of many millions of individuals and communities throughout the developing world. We already had a situation where over 800 million people were food insecure. With the current price increases, this already unacceptable situation can only worsen.

We are responding with both short-term and long-term measures. In the short term, we have responded by providing a special grant of €3 million to the market mitigation account of the World Food Programme, the specialised agency of the UN system which is tasked with providing food aid to those most in need.

We are also responding in our programme countries in trying to promote food security for those communities most vulnerable to price shocks. Ethiopia is probably the programme country most deeply affected by food insecurity. There we have increased our support to the social safety nets programme by 25% to €11 million this year. This programme is seeking to prevent over 7 million people from tipping over the edge into destitution and starvation.

In the longer term, the crisis triggered by escalating food prices has underscored the importance of the work of our hunger task force. The task force is chaired by our colleague, the former Minister for Agriculture and Food, Joe Walsh, and has high-profile national and international experts among its membership. I look forward to receiving its recommendations in due course. I expect they will be a guide to our longer-term response to this crisis and to the issue of livelihoods more generally.

As regards convening a conference in Ireland to discuss the issue of food insecurity, the Deputy will be aware the United Nations' Food and Agriculture Organisation has already convened a special high level conference on world food security, entitled "The Challenges of Climate Change and Bioenergy". This conference was held in Rome between 3 and 5 June and our delegation was led by my colleague, the Minister for Agriculture, Fisheries and Food, Deputy Brendan Smith.

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

The Rome high level conference adopted by consensus a declaration where the member states pledged themselves to embrace food security as a matter of permanent national policy and renewed their commitment to achieving the millennium development goals. The full text of that declaration is available in the Dáil Library. There is a further high level discussion to be hosted by the French EU Presidency, the Commission and the Parliament, scheduled to be held in Brussels on 3 July, on the issue of sustainable agriculture as a driver of development. In the circumstances, I do not think that any further conference convened by Ireland would provide added value.

[Deputy Peter Power.]

We will continue to play our part in addressing the food issue through working with the international community to strengthen efforts to address the root causes of hunger as well as alleviating the immediate consequences of the current shortages. As I mentioned, I also await the report of our own hunger task force.

**Deputy Michael D. Higgins:** I wish the Minister of State every success with his new responsibilities and I appreciate his reply. The question I tabled contains two basic elements. First, I entirely support what the Minister of State said about increasing technical and practical assistance under the UN World Food Programme, particularly to Ethiopia where millions of people are threatened. The second element concerns a food security strategy based on appropriate agricultural production models. In its 2007 report, the World Bank acknowledged that its approach to agriculture has been unsuccessful. In fact, the word “failed” is used in the text. It neglected agriculture in the context of competing economic models in Africa in particular. One model, which has failed, involves supplying increasing agricultural output based on markets created by migration to cities. A different model exists in West Africa where 80% of the increase in agricultural production has been brought about by people working on small plots with a hoe.

There are three reasons for such a conference to discuss options to respond to the food crisis. One is that the European Union supplies 48% of all the aid in the world. Second, Ireland is a lead country in the debate, not just on emergency food aid but also food security. Third, intellectual and practical NGO and State involvement is needed in a debate on the various models of food security, particularly in Africa.

**Deputy Peter Power:** I thank the Deputy for his supplementary question. I share his deep concern on this issue, not least because the problem of rising food prices has the capacity to undermine the whole international aid effort. In the first instance, we must examine the causes of the current situation, some of which are man-made and others natural. The man-made aspects of this situation are interesting. They include the increased consumption of higher value foods in places such as China and India, which is beginning to take from traditional markets and production areas. In itself, that is a man-made aspect. In addition there are natural disasters and climate change. Sometimes, those who are least to blame for climate change are regrettably the first to suffer from its effects.

As regards the strategies to be adopted, our policy programme recognises the importance of agriculture which is enshrined in a White Paper on aid. I referred to the FAO conference in Rome and I understand the incoming French EU Presidency intends to hold a conference of this nature at its earliest convenience, although I do not have the full details to hand. Because this is essentially a global issue, it requires a global response. We must work together and the fora through which we can progress this matter include the EU Development and Foreign Ministers’ Councils and the United Nations.

**Deputy Michael D. Higgins:** Flexibility must be afforded to African countries in terms of the WTO. The Minister and the Minister of State both appreciate the importance of integrated thinking between trade and development. It is important, however, that African countries should be allowed to apply tariffs and subsidies to create food security. For example, Asian rice is being dumped in Africa where production of upland rice is forbidden by trade restrictions. In addition, African farmers are not allowed to produce chickens, while Germany exports large quantities of chicken portions to Africa. This makes no sense in food-insecure countries. Does the Government favour an integrated approach to allow adjustments in trade regulations in the multilateral institutions, thus saving the development intention?

**Deputy Peter Power:** I accept the Deputy's thesis that there is a connection between food shortages, agriculture and trade. The WTO talks provide the opportunity to progress this issue. As part of our input into the negotiations at European level, one of our primary concerns has been, and will continue to be, to ensure that the food security and supply of developing countries, but particularly African ones, will be recognised and enshrined in any comprehensive future agreement.

### **Foreign Conflicts.**

64. **Deputy Billy Timmins** asked the Minister for Foreign Affairs when he last had contact with the South African ambassador to Ireland; the recent contacts the Irish Ambassador to South Africa has had with the authorities there; and if he will make a statement on the matter. [23887/08]

**Deputy Micheál Martin:** I met the South African ambassador this morning in Dublin at the unveiling of a plaque in Henry Street commemorating the stand taken by Dunnes Stores workers against apartheid more than 20 years ago. In the near future, I also intend to have a more formal meeting with all seven African ambassadors resident in Ireland. This will provide us with an opportunity to discuss key current African political issues. The agenda is under discussion but I am sure that Irish priorities, such as the situations in Sudan, Chad and Zimbabwe, will be among the topics to be discussed. The situation in Zimbabwe was among the topics discussed during the meeting which the former Taoiseach had with the Deputy President of South Africa here in Dublin on 9 April.

The Irish ambassador to South Africa is in regular contact with Ministers and senior officials in the South African Government across the full range of issues that concern the Irish Government. He has had a number of recent meetings with the South African authorities, particularly regarding the situation in Zimbabwe.

On 29 April 2008, on the basis of an instruction from my Department, the ambassador formally called on a senior official in the South African Department for Foreign Affairs to present a démarche on the situation in Zimbabwe. On 6 May, the ambassador again had a meeting at the South African Department of Foreign Affairs to discuss the situation in Zimbabwe. Most recently, on 2 June, the ambassador formally called on the Deputy Minister for Foreign Affairs, Sue Van der Merwe, to discuss a number of issues, including the domestic situation in South Africa, and events in Zimbabwe, about which he raised the Government's continuing serious concern.

**Deputy Billy Timmins:** The Minister has fallen on his feet since he went into his new job, notwithstanding the result of the Lisbon treaty referendum. Did the Minister say in his reply that he will be meeting with the seven resident African ambassadors shortly?

**Deputy Micheál Martin:** I did.

**Deputy Billy Timmins:** On what date will that meeting take place? I do not know if the Minister got the chance to have much of a discussion with the South African ambassador this morning. It is imperative that he contact her as soon as possible because the events unfolding in Zimbabwe are a disgrace.

Is the Minister aware that Mr. Morgan Tsvangirai of the Movement for Democratic Change wrote to South African President Thabo Mbeki outlining his concern, condemning President Mbeki's chairmanship of the regional mediation attempts between the two sides in respect of the running of the election campaign and accusing him of being biased towards Mr. Mugabe? The position is unacceptable.



[Deputy Billy Timmins.]

While I do not want to encroach on the next question in the name of Deputy Michael D. Higgins, the Dáil's long-standing condemnation of Mr. Mugabe is falling on deaf ears. The regional powers have a responsibility in this regard. In light of Ireland's close ties with South Africa, it is imperative that the Minister inform the South African ambassador of the strong views of Irish people, as represented in the House.

**Deputy Micheál Martin:** I assure the Deputy that the South African Government and authorities are under no illusion about the strong views in Ireland, as recently articulated in special statements in the House. After that debate, in which the Deputy participated, we again contacted the Irish ambassador in South Africa to convey directly to the South African authorities our strong views on this matter. The countries with the greatest influence on Zimbabwe are regional states, notably South Africa. They bear the greatest responsibility to influence events in Zimbabwe to the good.

While the Government accepts that much more remains to be done, some progress has been evidenced, not least in respect of having observers present for the recent election and the posting of results outside election polling booths. These improvements helped to deter some elements of intimidation, although matters have since deteriorated and the position is unacceptable. I accept the prospect of free and fair elections is seriously undermined by developments in Zimbabwe.

The key point is that the collapse of the Zimbabwean economy has, to a certain extent, reduced the leverage that western European countries can exact on the Zimbabwean leader and authorities. We must work, through our partners in SADC and the African Union, to pursue the genuine issues the Deputy has raised and the Government's genuine concern that we move on.

**An Leas-Cheann Comhairle:** The question relates to contacts with the South African ambassador. While the issues being discussed are relevant, I do not want to pre-empt the next question.

**Deputy Billy Timmins:** I am conscious of that. Will the Minister outline the contents of his most recent communication with the South African ambassador?

**Deputy Micheál Martin:** I had a brief discussion with the ambassador this morning.

**Deputy Billy Timmins:** I refer to Ireland's ambassador to South Africa.

**Deputy Micheál Martin:** The import of the communication to which I referred was to press the South African authorities to influence the Zimbabwean Government to facilitate fair and free elections and to have a stronger influence on the events unfolding in that country. I am conscious this is the subject matter of the following question.

65. **Deputy Michael D. Higgins** asked the Minister for Foreign Affairs the action he has taken to implement the wishes of Dáil Éireann as expressed in the all-party motion on Zimbabwe on 15 May 2008; if he has sought assurances regarding the issues relating to voting conditions in the second round of presidential elections set for 27 June 2008; if election results will again be posted outside polling stations; if licences have been granted to domestic election observers; if there will be sufficient numbers of domestic and international election observers in all constituencies; and if the police and the army will be banned from entering polling stations. [23503/08]

**Deputy Micheál Martin:** The situation in Zimbabwe continues to be shocking and deeply disturbing. At least 50 people have been killed since March and targeted violence has resulted in thousands being displaced, rendering it impossible for them to vote. Opposition Movement for Democratic Change activists, including MDC leader Morgan Tsvangirai, have repeatedly been arrested and detained. Political meetings have been banned and the opposition has no access to state controlled media. Suspected MDC supporters are losing their jobs and in many cases have been beaten and tortured. Most recently and very worryingly, the decision to suspend NGO activities, including the delivery of humanitarian aid and provision of health services, will threaten lives.

I welcome the wide consensus on Zimbabwe in the Dáil when we debated the issue on 15 May. The House agreed on the urgent need to end violence and create an environment conducive to a fair election. We agreed on the importance of election monitoring and on continued Irish Aid support for the Zimbabwean people. We also agreed on the pivotal role which Zimbabwe's neighbours have to play in resolving this crisis.

In keeping with the wish expressed by many Deputies that Ireland's views be conveyed at European Union level, at the meeting of the General Affairs and External Relations meeting in Brussels on 26 May Ireland urged that strong political pressure on the Mugabe regime be maintained until the crisis is resolved. Following that discussion, EU Foreign Ministers again called on the Government of Zimbabwe to ensure a level playing field and secure environment. They specifically underlined the importance of the publication of results outside polling stations, as stipulated by Zimbabwean law. EU Foreign Ministers again discussed the situation in Zimbabwe on Monday, 16 June.

The Government would have strongly supported election monitoring by Irish observers through the European Union or the United Nations. However, Zimbabwean Government representatives have explicitly made clear their refusal to accept monitors from the EU or any EU member state. The consent of the host country is a practical necessity as without permission to visit polling stations and count centres, it is not possible to make a credible assessment of the election.

The European Union, including Ireland, has strongly supported monitoring of the Zimbabwean election by the Southern African Development Community and the African Union. I welcome the fact that there will be an increased number of monitors from both organisations on the ground for the second round, many of whom are already in place. Local observers, however, have been told their invitations are no longer valid for the second round. The Ambassador of Ireland to Zimbabwe, who is resident in South Africa, travelled to Zimbabwe to witness the election on 29 March and will do so again for the 27 June round. Due to a change in the law in March, police will be allowed to enter polling stations, as they were for the first round.

Many Deputies have made helpful proposals about how Ireland should react to positive change in Zimbabwe. I assure them the Government will respond, including by examining how Irish Aid can make a strong and significant contribution to the new democratic dispensation that hopefully will be in place.

**Deputy Michael D. Higgins:** I am grateful for the Minister's reply. We will shortly arrive at the point at which we must discuss a response from the United Nations. The decision at the UN summit meeting of 2005 to regard human rights protection as a core principle was a defining moment in the history of the organisation. With the election in Zimbabwe having taken place in imperfect conditions which cannot be scrutinised, one is left with a discussion about human rights violations and human rights protection. The question of the role of South Africa also arises in this context.

[Deputy Michael D. Higgins.]

The UN Secretary General and his predecessor spoke of the delegation of competences to regional authorities, including the African Union. I agree with this proposition and it may well be the case that Ireland will, perhaps through the European Union, raise at the United Nations the question of whether the African Union proposes to exercise a competence which may be given to it under the 2005 United Nations declaration on the protection of human rights. This issue is underlined by the blockage placed in the way of non-governmental organisations which could have been partially allowed to return and the incarceration of members of the opposition in Zimbabwe.

In the all-party motion the House discussed on 15 May Members were *ad idem* on the conditions which would have a positive effect, including the posting of results and the presence of observers as well as the right of the police or the army to enter polling stations. We need a description of events as they unfold. The African Union cannot resile from its obligations as a regional authority, possibly with delegated functions under a universal declaration made on human rights protection made at a UN summit in 2005.

**Deputy Micheál Martin:** I am in broad agreement with the Deputy. The Government would welcome further initiatives to address this issue in the United Nations framework. I was taken by an article written by former UN Secretary General, Kofi Annan, which appeared in today's edition of the *Financial Times*. In it, Mr. Annan stated that the victor of an unfair vote must be under no illusions and will not have the legitimacy to govern or receive the support of the international community. The UN Secretary General, Mr. Ban Ki-moon, recently publicly expressed his concerns. Ultimately, we will have to move beyond the election result in the sense that reconciliation is what is really required. It is not just about mere victory in an election. There needs to be a national reconciliation and——

**Deputy Michael D. Higgins:** The Minister may find himself facing a Chapter 7 resolution.

**Deputy Micheál Martin:** ——that is where we must head.

**Deputy Michael D. Higgins:** I would probably be among the most reluctant in this House to invoke a Chapter 7 resolution of the United Nations, but I cannot see how the 2005 declaration at the summit on human rights protection can mean anything unless it can also accommodate a motion which may ask the regional authority with the delegated function to intervene to ensure human rights protection. I know what I am saying carefully here, that sovereignty cannot be tolerated after 2005 as a shield for the abuse of human rights.

**Deputy Micheál Martin:** I understand the Deputy's point. It is a fundamental issue——

**Deputy Michael D. Higgins:** It is.

**Deputy Micheál Martin:** ——that demands careful consideration. Our strategy to date has been to work with our southern African region partners as the people who ultimately have the strongest influence and access. We believe that has yielded some results. We would accept that it has not done enough and that the progress has not been of a degree or nature that we would find acceptable here.

Our judgment call at this stage is to continue to continue — both directly with the South African authorities and in the context of the EU — putting pressure on and liaising with the African Union and SADC to have that necessary influence to move matters in the right direc-

tion. It is something that will be kept under constant and active review. We are very conscious of the strong views in this House and in the country on this issue.

### **Overseas Development Aid.**

66. **Deputy Billy Timmins** asked the Minister for Foreign Affairs if he has plans to re-evaluate the allocation of Irish Aid; and if he will make a statement on the matter. [23889/08]

**Deputy Peter Power:** As Deputy Timmins will be aware, I was appointed Minister of State with responsibility for overseas development last month. I am proud, as I believe the large majority of Irish people are, of our overseas development aid programme and the work of Irish Aid. At the same time, it is my intention to look at all aspects of the programme having due regard to the White Paper on Irish Aid. The White Paper sets out in clear terms the road map for the future development of Irish Aid, provides a framework for expenditure into the future and sets a benchmark against which our partners in Ireland and internationally can measure our performance.

In the past month I attended the General Affairs and External Relations Council in Brussels where I met Development Ministers from the member states. I received a number of delegations from Irish NGOs and other implementing partners. I plan to meet the advisory board of Irish Aid in the very near future. In addition, I will travel this week to Malawi, Irish Aid's most recent programme country, which will give me first-hand knowledge and a greater insight into the complexities and challenges facing Irish Aid in one of the poorest countries in the developing world.

**Deputy Billy Timmins:** I thank the Minister of State, Deputy Peter Power, for his reply. I wish him well in his appointment. I also wish the Minister, Deputy Martin, well — I did not mention that at the outset.

Irish Aid is granted a great deal of money amounting to €814 million this year from his Department, or €914 million across all Departments. Irish Aid will come under the microscope increasingly to ensure we are getting value for money.

One of the areas where Irish Aid has been spent well is in the World Food Programme. With the increase in world food prices, what implications are there for the aid granted to that programme and is the Minister of State giving consideration to moving aid from the current programmes to the World Food Programme?

As I did not get an opportunity to stay on at the committee yesterday, I want to ask him about the smaller groups looking for funding for small projects. I refer to individuals or small NGOs, as opposed to the likes of Trócaire or Concern. My understanding from a few people who have approached the Department is that they have found the rules of engagement too cumbersome to make a submission worthwhile.

**Deputy Peter Power:** First, I share the views of the Deputy on the World Food Programme. This follows on from our discussion on the previous question, that world food prices is a major concern to the Deputy. That concern is very much shared on the Government side for the reasons I have explained.

We are already major contributors to the World Food Programme but I also see avenues available to us in terms of diverting additional moneys within our existing programme to the agricultural area. We already have a relatively high proportion of our aid going directly into agriculture through direct aid but also through our NGOs. Food security and supply will in the coming years become the key issue in international aid. We can explore that further.

[Deputy Peter Power.]

Second, I take fully Deputy Timmins's points about the smaller NGOs. The reason I say so is that I believe such micro projects have an enormous capacity to inculcate and engender, particularly in young people, a sense of philanthropy and international development aid which in the long term may pay rich dividends for the country.

I am conscious of their interaction with Irish Aid. I met with representatives of one of those smaller projects earlier today and I can see the sort of road blocks of which the Deputy spoke. That is one of the matters I will examine over the coming months.

**Deputy Billy Timmins:** There are two issues that I want the Minister of State to look at — these are only small in monetary terms. The first is the issue of the cost incurred by persons going to assist in aid projects in getting visas from the embassies. For example, the Indian embassy, the one with which I am familiar, charges for a visa. It is not much, but the sum might provide much benefit in the country of destination in relative terms. Where an Irish individual must get a visa to travel abroad for aid work, the embassies might look at giving multiple visa to cover a period of time rather than a visa for one visit.

The second is account transaction fees. I am aware of an individual who is building a school in India on their own and each account transaction to withdraw money costs €25 which could provide many benefits to an individual in the country concerned. The Minister of State could make contact with the financial institutions to see whether they might look at waiving the bank fee for a transaction where the person is carrying out aid work.

**Deputy Peter Power:** I can see the Deputy's point about visas. Certainly, smaller NGOs do not have the capacity, the experience or the logistics of the bigger NGOs and I can see how they would face such problems. The issuing of visas is outside the ambit of the Department as it relates to embassies of other countries and we do not have the power to influence those, but I take Deputy Timmins's point.

The issue of fees charged for account transactions is also very much outside the ambit of the Department, although I can see how it would cause difficulties to smaller NGOs. The Department can write to the financial institutions to see whether something can be done in that area.

On the general point, it would be our intention to streamline the process and make matters easier for the smaller NGOs, which could become much bigger NGOs in the future. I am excited about some of the projects in which they are involved and I want to encourage them in every way.

**An Leas-Cheann Comhairle:** That concludes Priority Questions. We will now move on to Other Questions.

### Other Questions.

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### Foreign Conflicts.

67. **Deputy Jack Wall** asked the Minister for Foreign Affairs his views on whether the cutting off of diplomatic relations with Chad by Sudan is a matter of concern for the UN mission to Chad; and if he will make a statement on the matter. [20152/08]

**Deputy Micheál Martin:** The breaking of diplomatic relations with Chad by Sudan followed an attack on 11 May by rebels from the Justice and Equality Movement, JEM, on the outskirts

of the Sudanese capital, Khartoum. The Sudanese government accused Chad of backing the JEM rebels.

The UN Mission in Chad, MINURCAT, was established under UN Security Council Resolution 1778 and its mandate is to help create the security conditions conducive to a voluntary, secure and sustainable return of refugees and displaced persons, *inter alia*, by contributing to the protection of refugees, displaced persons and civilians in danger, by facilitating the provision of humanitarian assistance in eastern Chad and the north-eastern Central African Republic and by creating favourable conditions for the reconstruction and economic and social development of those areas. MINURCAT provides security and protection for an estimated 400,000 refugees and internally displaced persons.

The EU military mission in Chad, EUFOR Tchad/RCA, was established under the same UN resolution and its mandate includes contributing to the protection of UN personnel, refugees and internally displaced persons.

As there is no cross-border dimension with Sudan to the MINURCAT mandate it is not expected that the breaking of diplomatic relations with Chad by Sudan will have an immediate significant adverse effect on the implementation of its mandate. However, the increase in tensions between Sudan and Chad is a matter of serious concern. Further rebel attacks in Chad in recent days have added to the already high tension. As Deputies will be aware, fighting took place over the weekend at Goz Beida near the Sudan-Chad border and Irish troops returned fire after being attacked, although there have been no reports of any Irish casualties.

The European Union has urged both Chad and Sudan to refrain from violent acts and providing support to each others' rebel groups. Diplomatic contact between the EU and both countries is continuing, including through the EU Special Representative for Sudan.

The UN Security Council on Monday last condemned in the strongest terms the attack conducted by Chadian armed groups since 11 June 2008.

In the longer term, the need to find a political settlement is the only hope for lasting peace between Chad and Sudan. Ireland will fully support any new African Union-United Nations mediation efforts to restore diplomatic ties and we will continue to monitor developments very closely.

**Deputy Michael D. Higgins:** Before I ask my question, I wish to say I am entirely supportive of what the Irish troops are seeking to do in protecting refugees, displaced persons and those involved in humanitarian relief. However, a serious situation has emerged and there is a problem with the interpretation of UN Resolution 1778 and the nature of the mandate under which the Irish troops and EUFOR are operating in Chad.

The director of the Office of the United Nations High Commissioner for Refugees in Chad stated that she would have expected Irish troops to prevent looting, the stealing of food and water, the displacement of staff and the closure of its office in Chad. The Office of the United Nations High Commission for Refugees stated that it was unhappy that the Irish forces were able to offer accommodation to the displaced people from the UNHCR office after the event. This raises a fundamental issue as to what is involved in the mandate that arises under UN Resolution 1778. Is it preventative? The Minister referred to creating a secure environment for the delivery of relief, sustenance and so forth which, according to most international interpretations, would include the protection of those involved in humanitarian relief. I say this to be positive but I believe that the proportionate presence of the Irish troops in relation to the overall French presence presents a further difficulty.

**Deputy Micheál Martin:** I am glad the Deputy asked this question because it might be opportunity to clarify the situation. The Irish contingent with UNFOR is performing an outstanding humanitarian role. I met Javier Solana on Tuesday at the meeting of EU Foreign Ministers. He has been to Chad and he came over to me to thank me and to pay warm tribute to the professionalism of Irish soldiers and the role they are playing impartially and objectively. He could not say enough about the quality of the contribution which the Irish contingent is making in difficult and challenging conditions and which is in accordance with its UN mandate.

I am aware of this morning's *The Irish Times* report and the reported comments of a UNHCR spokeswoman in Chad which were critical of alleged inaction by our troops during clashes last Saturday between Chadian Government troops and rebels. I understand my colleague, the Minister for Defence, Deputy Willie O'Dea, fully responded to these claims in an interview on RTE radio this morning before his journey home from a visit to Chad. As the Minister for Defence said, the senior UNHCR official in the area of operations of the Irish contingent specifically thanked him for the performance of the Irish troops during the incidents over the weekend. The UNHCR official praised the exemplary and professional way in which the Irish troops did everything they were asked to do by his organisation.

The Minister for Defence also referred during his interview to an apology that was made by the UNHCR for the remarks reported in *The Irish Times*. I hope the position will be clarified further in time to come. While it is important not to exaggerate the extent of the clashes over the weekend, I am advised the Irish contingent responded appropriately and within its mandate to the circumstances it faced, including firing warning shots. Subsequently, a significant number of humanitarian workers, including UNHCR staff, were given refuge at the Irish camp Ciara.

It is important to be clear about the role of our troops in Chad. The Irish contingent and EUFOR as a whole operate under a clear UN mandate to protect refugees and internally displaced persons, to facilitate the delivery of humanitarian aid and to protect UN personnel, particularly the UN mission, MINUCRAT, which is deploying to support policing in Chad. It is not part of its mandate to intervene in any way in the conflict between the Chadian Government and rebels or to patrol the border with Sudan.

On the latter point, we are particularly conscious of the sensitivities of the situation and the neutral and impartial nature of EUFOR's mandate is crucial and has rightly been emphasised by the operation commander, Lieutenant General Pat Nash, who has reported on the positive impact the mission is already having in protecting civilians in danger and building positive relationships with the various actors in what is undoubtedly a volatile and difficult environment.

**Deputy Michael D. Higgins:** The Irish troops remain the most neutral and impartial component in EUFOR. The proportion is important. It is official French policy to support the President of Chad. We are not required to do so nor am I am alleging that is Irish policy. However, I suggest that, practically, it is a complication.

My fundamental question is about the relationship between Sudan and Chad. I refer to the amassing of troops on the border. There has been allegation and counter-allegation. If the insurrectionary or rebel force reached a particular point in Chad, one would then be dealing with an international conflict and, effectively, a civil war. There would be no peace to be kept so the mandate would be different.

Does the Minister agree UN Resolution 1778 and the EUFOR mandate include the protection of humanitarian workers working for the multilateral agencies, such as the UNHCR? I am entirely sympathetic to, and in admiration of, the sophistication of the Irish component but we cannot afford confusion about the interpretation of the mandate. It must be clarified to demonstrate that it includes the protection of international humanitarian workers.

**Deputy Micheál Martin:** As I said, it is not only to facilitate the delivery of humanitarian aid but also to protect UN personnel. I await the return of the Minister for Defence who will have first-hand knowledge, having been to Chad, and who will be able to give us the most up-to-date position. The Deputy hypothesised about a potential deterioration of the situation and a heightening of tensions which could lead to an international conflict. We hope that will not be the case and the UN is making every effort to try to prevent that from happening. However, the situation is very tense. There is a clear mandate in terms of how the troops are operating at present. If the situation changes, that will call for a review.

### **Nuclear Technology.**

68. **Deputy Ruairí Quinn** asked the Minister for Foreign Affairs the position of reports of the International Atomic Energy Association on the development of nuclear technology in Iran. [23530/08]

81. **Deputy Ruairí Quinn** asked the Minister for Foreign Affairs the details of the EU-US talks on the issue of Iranian nuclear technology and such reports as have been presented to the General Affairs and External Relations Council. [23531/08]

**Deputy Micheál Martin:** I propose to take Questions Nos. 68 and 81 together.

The Government strongly shares the widespread international concern about the nature of Iran's nuclear programme. We fully support the continuing efforts of the EU and its international partners to achieve a diplomatic solution.

The International Atomic Energy Agency's latest report on Iran's nuclear programme was issued on 26 May, as requested under Security Council Resolution 1803 of 3 March 2008. Although Iran had announced in February that it had completed a work programme with the IAEA to answer all remaining questions about its activities, the agency reported that a number of significant questions remained to be answered. These related to Iran's known uranium enrichment activities, to other actual or possibly undeclared activities and to specific evidence of activities relating to weaponisation. The IAEA also confirmed that Iran continued to ignore the demand of the Security Council in Resolution 1803 and three earlier resolutions to suspend its enrichment activity to allow negotiations to take place.

The European Union and the United States along with Russia and China have acted in a close partnership for a long period to try to achieve a peaceful diplomatic solution to this issue and to persuade Iran to negotiate meaningfully. This regular contact included discussions at the EU-US summit hosted by the Slovenian Presidency on 10 June and attended by President Bush. The summit declaration endorsed the dual approach of supporting the IAEA and Security Council action while at the same time proposing positive measures to encourage Iran to negotiate.

As the latest step in this continuing positive engagement the EU High Representative, Mr. Javier Solana, visited Teheran on 14 June accompanied by the political directors of the UK, France, Germany, Russia and China. He delivered a letter signed by the foreign ministers of these countries and US Secretary of State Rice. It restated their willingness and that of the European Union to engage positively with Iran and to recognise Iran's right to a civil nuclear power programme. The letter was accompanied by an expansion of the wide-ranging package of incentives presented to Iran in the summer of 2006. Iran rejected the proposals at the time without serious discussion.

Mr. Solana reported to the EU external relations council on Monday that his discussions in Teheran had gone well and that the Iranian side had promised to study this communication and respond to it. I hope Iran will give serious consideration to this generous and open offer,



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which has been delivered with such authoritative backing. It provides a real opportunity to resolve the nuclear issue and to develop a new and more constructive relationship between Iran and the rest of the international community.

**Deputy Michael D. Higgins:** Several issues arise from the Minister's reply. I have concerns, which I hope the Minister shares, about the bellicose statements being made by those of us examining the position of Iran. For example, there was a statement by one of the candidates for the US Presidency suggesting that if Iran proceeded to acquire nuclear capacity it would be obliterated. There are continual statements from Israel suggesting, more or less, the capacity of Iran to maintain nuclear military stock is imminent and none of this is helpful. I accept the Minister's comments regarding Mr. Javier Solana and his most recent report. In the case of the IAEA statement on 22 February 2008 the director general reported to the board of governors and, in summary, Iran is co-operating but has not implemented all elements.

The Minister will be pleased to know that I will not have to pursue him as I had to pursue his predecessor about the US-India agreement which is now as dead as a doornail, but was in clear breach of the nuclear non-proliferation treaty. In the case of Mr. Javier Solana's approach and the report to the general affairs and external relations council in the European Union there has been no demonstrable proof that Iran has contravened any aspect of the non-proliferation treaty. I support the suggestion that Iran should be encouraged in the direction of civilian usage of nuclear power and that it should not develop capability in a military direction. I share the view that it would be destabilising for the region. Does the Minister, Deputy Martin, share my view that the deliberate exaggeration of the Iranian threat is quite dangerous? Does the Minister have confidence, as his predecessor in Government did, in the impartiality of the group that acts for the European Union in the negotiations, all of whom are nuclear powers?

**Deputy Micheál Martin:** The IAEA, to which Deputy Higgins referred, is not satisfied that Iran has answered all remaining questions about its activities and it reported that several significant questions remain. These include questions relating to Iran's known uranium enrichment activities, other actual or possible undeclared activities and to specific evidence of activities relating to weaponisation. The agency also confirmed that Iran continued to ignore the demand of Security Council resolution 1803 and three earlier resolutions to suspend its enrichment activity to allow negotiations take place. My sense of the briefing we received from Mr. Solana is that there is a genuine effort to effect a diplomatic resolution of this issue. The package offered to Iran, which included technical assistance and co-operation to build a modern civil nuclear power programme which would be superior to that planned by the Iranian authorities, along with the other set of proposals signed by all six groups is indicative of a genuine attempt to take the diplomatic approach, notwithstanding some of the public comments to which the Deputy has referred in the context of the US presidential election. The ball is very much in the Iranian court and it is for it to respond meaningfully to the package presented. Next week I will meet the Iranian deputy foreign minister Mr. Mehdi Safari who will visit Ireland. We will discuss the issue and emphasise the need for a positive engagement on the issue. This has been a very lengthy diplomatic engagement and people are learning as they go and are anxious to advance it. I do not get a sense from the EU side of the negotiations of anything but a genuine attempt to broker an acceptable deal that would dovetail with, or be in accordance with, our long-held desire for a nuclear-free Middle East and the non-proliferation treaty objectives.

**Deputy Michael D. Higgins:** Would the Minister agree there is considerable merit in keeping the European Union approach European? This is precisely the issue and there is more traction to the European Union approach than there is from the mediated approach of the United States, through Israeli comments. If the balance or the composition of the team that negotiates

with Iran drifted towards the north-American version, it would be quite dangerous. I have difficulty with the Security Council resolution 1803, which is at a significant distance from the European negotiating position. The resolution has heavy United States and Chinese influences, whereas the European Union position is more pragmatic. This is revealed in the remarks on Mr. Solana's talks and report contained in the Minister's answer.

**Deputy Micheál Martin:** The engagement must be credible. The three plus three approach, notwithstanding Deputy Higgins's reservations, offers potential. The fact that all six groups signed the communication to Iran is significant and is probably more significant than the general rhetoric on this issue.

### **World Trade Negotiations.**

69. **Deputy Jim O'Keeffe** asked the Minister for Foreign Affairs the way he will deal with the World Trade Organisation talks in the aftermath of the Lisbon Treaty Referendum. [23155/08]

**Deputy Micheál Martin:** The Government's approach to the WTO negotiations remains unchanged following the Lisbon treaty ratification.

**Deputy Jim O'Keeffe:** A Freudian slip.

**Deputy Micheál Martin:** A Freudian slip, it is a word that is all over.

**Deputy Billy Timmins:** The Minister should change his script writer.

**Deputy Jim O'Keeffe:** He should do this before Friday.

**Deputy Micheál Martin:** We will continue to focus our efforts on securing a balanced outcome which takes account of the particular circumstances and challenges facing the agriculture sector, the opportunities presented for exports of our goods and services, and our commitment to promoting the interests of the world's poorest countries.

We want to see a successful outcome to the negotiations that is fair to all sides. However, we remain concerned at the clear lack of balance in the negotiations at this critical stage in the process. Our view is that a disproportionate burden is being placed on European agriculture.

Intensive activity continues at ministerial and official levels aimed at ensuring Ireland's concerns are brought to the attention of key figures in the negotiations. The Tánaiste and Minister for Enterprise, Trade and Employment, together with the Minister of State with responsibility for trade and commerce, have overall responsibility for co-ordinating Ireland's policy with regard to the WTO talks and are very engaged in promoting our interests. The Minister for Agriculture, Fisheries and Food, for his part, is active in putting forward Irish views on the negotiations related to agriculture. The Taoiseach and I also make strong interventions in support of Irish interests in contacts with European counterparts and with the Commission. This level of intense engagement will continue in the future. The Government will emphasise Ireland's concerns and insist that the negotiations provide an agreement that is fair and balanced to all sides. We will spare no effort in our defence of Ireland's interests.

**Deputy Jim O'Keeffe:** As I represent many farmers in my constituency, I want to see a balanced outcome that treats farmers and other interests fairly. I am more interested in this issue as it pertains to Lisbon. Can the Minister confirm that Ireland has used its veto just once, in 1983, since it joined the European Union? Does he agree that the way to do business in Europe is to establish alliances and build relationships? That support can be used when one is in a tight corner. It seems to me that people were deliberately confusing the World Trade

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Organisation talks and the Lisbon treaty. I understand that the Lisbon treaty strengthens the Irish position in that it does not affect our veto in any way but does provide for an additional measure whereby any agreement will require the oversight and approval of the European Parliament. Why was that not clarified at an early stage? Is it not important, in the context of the future developments which we all want to be brought to a sensible conclusion, for us to get that issue clarified fully? We need to make the facts of the matter clear, regardless of whether a new agreement is reached. It may be called Lisbon 1, Lisbon 2 or something else. Our position will remain the same as long as we do not lose every friend we have in Europe as we try to get the best deal we can.

**Deputy Micheál Martin:** I broadly agree with the Deputy. He is right that Ireland’s engagement with, and performance in, the European Union has been based on brain power. I do not mean to sound arrogant when I say that. We have built alliances with key countries on specific issues. We have been involved in all issues and taken a genuine interest in them. We have shared the concerns of other member states when they may not have been our concerns. Dr. Garret FitzGerald put it well in an article about the definition of goodwill in *The Irish Times* over a fortnight ago. He said that a “No” vote would put at risk 35 years of accumulated goodwill. Ultimately, that accumulation of goodwill and mutual respect should strengthen Ireland’s ability to negotiate well and effectively. Ireland has had a strong alliance with France in the area of agriculture for quite a long time. We have had good relationships with various Commissioners, including Commissioners from Germany. Personal friendships and relationships of some quality have been developed over the years between Irish Ministers and Commissioners from other countries in various areas, particularly agriculture.

We had a similar argument about qualified majority voting. It was suggested that the new modality under the Lisbon treaty would be less advantageous to Ireland. That ignored the fact that, under the proposed new system, it would take 55% of member states to approve a proposal. Under the old regime, we constituted 2% of the Union. We were not depending on our size to be of influence when proposals were being considered and changed. We were getting in much earlier to make our views known. Deputy O’Keeffe is right in this respect. While I agree with him that clarification was required, I remind him that clarification was provided by the European Commission and the independent Referendum Commission. We thought we had clarified these matters. As I said in response to questions asked by Deputy Timmins about the referendum, the nature of referendum debates is that a person on one side of the argument speaks for five minutes, saying that something is black, before a person on the other side of the argument speaks for five minutes, saying that the same thing is white. It is difficult for punters — voters — to arbitrate between the two points of view.

**Deputy Joe McHugh:** The farming and fisheries lobbies are two of the most significant lobbies in Ireland. The votes of farmers and fishermen were instrumental in deciding the outcome of the Lisbon treaty referendum. Fishermen were worried about issues like decriminalisation, quotas and the dumping of fish at sea. I am pleased that the Minister, Deputy Smith, and the Minister of State, Deputy Killeen, have met representatives of the fishing federation. We need to admit that we have been misrepresenting an entire industry at local level — not just at EU level. I respect the groups in question. Although the farming lobby secured a last-minute deal, I believe most farmers did not vote “Yes” in the Lisbon treaty referendum. Many farmers will say that. Should we not try to spread out the workload of the Ministers and Ministers of State who are working on behalf of the farming and fisheries lobbies? It is not right that a single Minister — the Minister for Agriculture, Fisheries and Food, Deputy Smith — is trying to fight the case for fishermen and farmers at two separate tables.

**An Leas-Cheann Comhairle:** The Deputy is going beyond the question before the House.

**Deputy Joe McHugh:** Do we have an opportunity to offer the Minister some extra assistance?

**An Leas-Cheann Comhairle:** I am not sure that is a matter for the Minister for Foreign Affairs.

**Deputy Joe McHugh:** Fine Gael, before last year's general election, called for the establishment of a single Department of the marine. I would like to hear the Minister's opinion on that proposal.

**Deputy Micheál Martin:** There is a Minister of State with responsibility for fisheries. The existing model is potentially an effective way of representing this country's fishing and farming interests. Ultimately, we need to continue our collective dialogue with the two domestic interest groups mentioned by Deputy McHugh on the issues they have raised. Continuing dialogue and engagement is equally important in the context of the European Union. As Deputy O'Keeffe said, we need to build friendships and alliances if we are to encourage others to understand our case. That is one of the significant challenges this country faces in the context of its membership of the European Union. Notwithstanding recent events, we need to try to maintain those alliances and preserve the goodwill that exists, in the interests of the farming and fisheries industries. The result of last week's referendum does not alter this country's requirement to engage with the EU's institutions and personnel, including Commissioners, on these specific issues and policies.

**Deputy Lucinda Creighton:** I would like some clarification. We have to face the fact that we are entering difficult times in terms of Ireland's place at the heart of Europe. A great deal could have been done to inform people. In particular, we should have ensured that farmers understood the implications of a "No" vote. I do not believe that was done. I wonder why we did not hear from the Minister for Agriculture, Fisheries and Food during the debate on the Lisbon treaty. If I understand it correctly, the mandate given by the EU to Commissioner Mandelson for the WTO talks is based on the 2003 CAP reforms. We are due to have a CAP health check later this year. That will ultimately form the basis of the final deal that is done at WTO level, which will affect the farming industry in this country. My most significant fear is that the interests of Irish farmers have been exposed, as a result of the rejection of the treaty in last Friday's referendum. How do the Minister and his Government colleagues plan to deal with the exposure of the Irish farming industry, in the context of the WTO talks?

**Deputy Jim O'Keeffe:** If we are to go back to the people, I want the farmers to be on board. They have always been strongly pro-Europe. I get the feeling that the WTO talks are running into the sands.

**Deputy Michael D. Higgins:** They are dead.

**Deputy Jim O'Keeffe:** Is that the case? I do not expect the Doha round to be concluded in the foreseeable future.

**Deputy Micheál Martin:** Deputy Creighton referred to the CAP health check as a precursor to what will emerge from the WTO talks. She is right to suggest that we face a significant challenge in this regard. As I said earlier in response to Deputy O'Keeffe, we can negotiate from a position of strength if we build alliances and ensure that we are at the heart of things. We face significant challenges in terms of negotiating well. We are committed to that. It is

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important that we secure the best deal we can for Irish agriculture. We will work on that basis with our European Union colleagues.

I assure Deputy O’Keeffe that some momentum is coming from the WTO itself. Pascal Lamy is trying to arrange a ministerial conference. It was meant to happen in June but as far as I am aware that is now unlikely. Commissioner Mandelson appeared clear in his mind during the last meeting held in May that the conditions were ripe for a ministerial conference.

**Deputy Jim O’Keeffe:** I hope the Minister told him to dream on.

**Deputy Micheál Martin:** I offered the strong opinion, as did other countries, that we did not believe the conditions were ripe for a ministerial conference and that the package presented was not acceptable under any heading be it NAMA, emerging economies and so on. Several countries stated there that was no point in agreeing a deal simply to meet a particular timetable such as the conclusion of the presidential elections. In other words, that we had better move now before the new president is elected as he or she may have a different perspective on protectionism or free trade issues.

There is no point in rushing into an unacceptable deal knowing a new president may take a different approach to this. It would make far better sense for us to stand back and re-evaluate where we are. The world is changing fast in terms of food security and what are now termed as emerging economies. The next decade will bring much more than emerging economies from what I can see. We need to be careful in terms of how we proceed. From our perspective very little progress has been on the NAMA issues. Also, the agricultural deal is unacceptable to us.

**An Leas-Cheann Comhairle:** As there is not enough time to move on to the next question, I invite Deputy Timmins to ask a supplementary question in regard to the WTO round and its consequences for Lisbon.

**Deputy Billy Timmins:** I have no further questions for the Minister.

### **Overseas Development Aid.**

70. **Deputy Fergus O’Dowd** asked the Minister for Foreign Affairs the aid he has given to assist in the aftermath of Cyclone Nargis in Burma; and if he will make a statement on the matter. [23645/08]

113. **Deputy Joan Burton** asked the Minister for Foreign Affairs the degree of access and freedom of movement that is available to humanitarian aid organisations seeking to come to the aid of the Burmese people following the recent cyclone in the area. [23506/08]

**Deputy Peter Power:** I propose to take Questions Nos. 70 and 113 together.

Even now, the full extent of the devastation caused by Cyclone Nargis is not known. Estimates suggest that more than two million people were affected. Official figures put the death toll at 78,000 people, while a further 56,000 are reported missing. Unofficial estimates suggest that the death toll may be higher.

The initial reaction of the ruling military regime was to refuse access to UN and NGO international humanitarian experts. Ireland was to the fore in calling for full and free access to the affected areas of relief supplies and workers. Irish embassies in neighbouring countries made representations seeking their assistance in gaining access for the international relief effort.

The EU Presidency convened a special emergency meeting of the General Affairs and External Relations Council, at which the Council expressed its deep concern at the situation; its full support for the work of the UN Secretary General and his special representative and appealed for free and unfettered access for international humanitarian experts. The Council also expressed support for the visit to the region by the EU Commissioner for Development and Humanitarian Aid, Louis Michel.

The intervention of the UN Secretary General, which had the full support of the EU, coupled with pressure from neighbouring countries, which form part of the Association of South East Asian Nations, ASEAN, resulted in some softening in the attitude of the regime. At a Donor Conference in Yangon on 25 May, where Ireland was represented by our Ambassador to Malaysia, a tripartite core group, composed of representatives of the Government of Burma, ASEAN and the UN, was established to oversee the co-ordination of relief assistance.

Subsequent to that agreement, access for UN officials appears to have improved although access for international NGOs continues to be restricted, particularly in the case of those NGOs which had not previously operated in Burma. It is now estimated that some 1.3 million people have been reached by the UN, Red Cross and NGOs. Ireland pledged an initial €1 million for the emergency relief effort. We also provided two airlifts of essential humanitarian supplies from our pre-positioned emergency stockpiles in Brindisi, Italy and, most recently, from our stockpile in the Curragh. The funding has been disbursed among established NGO partners of Irish Aid each of which had operations in Burma-Myanmar prior to the cyclone. In addition, we are providing a small grant for the transmission in local languages of essential health messages.

**Deputy Billy Timmins:** Have personnel from the rapid response unit been deployed to Burma? If the Minister of State does not have the information with him now he can forward it to me later. Did the supplies we dispatched from Brindisi and the Curragh go to the Burmese authorities or to NGOs?

**Deputy Peter Power:** I will communicate with the Deputy on the question regarding the rapid response unit. The supplies were given to our NGOs and we are confident they went deep into the townships in the delta region. We have been tracking the supplies as we are conscious of the difficulties on the ground.

*Written Answers follow Adjournment Debate.*

### **Adjournment Debate Matters.**

**An Leas-Cheann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Joe McHugh — the need for the Minister for Education and Science to indicate what criteria was used in drawing up the terms of reference for the post of special education needs organiser, SENO and, if he will explain what criteria was used to draw up the assessment criteria used by the SENO; (2) Deputy Thomas McEllistrim — the need for the Minister for Justice, Equality and Law Reform to establish a special squad in the Garda Síochána to deal with anti-social behaviour and public disorder and to introduce this squad on a pilot basis in Tralee town. (3) Deputy Ulick Burke — the urgent need for the Minister for Education and Science to indicate his plans for the provision of a new school at Cahergal in view of the long history of delay in the provision of this much needed school where there is serious overcrowding and health and safety issues following the announcement made early in 2007 on this matter; (4) Deputies Ciarán Lynch and Deirdre Clune — the transfer of the breast unit from the South Infirmary Victoria University Hospital to the Cork University Hospital; (5) Deputy Martin Ferris — the need to renegotiate the Common Fisheries Policy; (6) Deputy

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Seymour Crawford — the need for the Minister for Education and Science to consider a top up grant towards the extension and alterations at Lisdoonan national school, Carrickmacross, County Monaghan where serious unforeseen additional costs have occurred; (7) Deputy Joe Costello — the need for the Taoiseach to outline Government plans to commemorate the centenary of the 1916 Rising; (8) Deputy Pat Breen — the need for the Minister for Finance to review his decision on the closure of the Civil Service Creche in Ennis, County Clare, the manner in which the closure was communicated to the parents and staff and to permit the temporary operator to remain in place until October when a permanent operator can be put in place; (9) Deputy Michael Ring — to reverse the proposed cutbacks in Mayo Health Services; (10) Deputy Richard Bruton — the situation with the five year plan for the development of services for persons with a disability; (11) Deputy Jimmy Deenihan — the threatened closure of the child care centre in Ballybunion, County Kerry; and (12) Deputy Caoimhghín Ó Caoláin — the need for the Minister for Education and Science to ensure that full and complete information about the fate of the late Michael Flanagan who suffered abuse in Artane Industrial School is given to his family by the Commission to Inquire into Child Abuse.

The matters raised by Deputies Ciarán Lynch and Deirdre Clune, Michael Ring, Richard Bruton and Jimmy Deenihan have been selected for discussion.

### **Lisbon Treaty: Statements (Resumed).**

**Deputy Michael D. Higgins:** I accept and respect the decision of the Irish people. However, I am not required to pay tribute to those who abused the politics of fear. This should be condemned. It was right that public representatives, Deputies and Senators, spoke out in regard to where they stood on the treaty. Unfortunately, not all did so.

There were presentational difficulties with the treaty. The idea of amending two fundamental treaties in a long document which was in fact a series of amendments had certain presentational difficulties. Enough has been said already in regard to the late start of the campaign. As my colleague, Deputy Joe Costello stated, the White Paper came too late. As regards anticipating the future, following the defeat of the constitutional treaty in France and Ireland, the European trade union congress suggested seven key social issues be covered in the Lisbon treaty. It succeeded in having included in the Lisbon treaty the position in regard to full employment, references to a social market economy, recognition of the social partners, full legal force for the charter on fundamental rights, the citizens' initiative, the legal base for services of general interest and the social clause. All of this was secured.

It is important in terms of the future that we do not lose what we already have. The Labour Party is part of the Party of European Socialists and subscribes to the values articulated by Poul Nyrup Rasmussen and others. The PES has emphasised the importance of having a region in world politics where there is a social floor. That is the distinction. This is not only about Europe being able to compete with every other region; it is about there being one region in the macro-political space of world politics after the unipolar moment which accepts a social floor and fundamental rights, sustainable development and takes as its aim the reduction of world poverty, makes a specific commitment in regard to climate change and so forth. These are important principles.

All I am saying, with no sense of recrimination, is that it is very important that that which was there is not lost in respect of the future shape of Europe. I said earlier that this is a European issue and not just an Irish issue. That is the exciting version of Europe. It would not be appropriate if across Europe were to be amplified the politics of fear, distortion and downright untruths that was depicted here on posters. No one should be able to blast their way into the decision moment of a referendum. If all the little right-wing groups from Austria to the

United Kingdom Independence Party received a voice we would have a fearful Europe that is indistinguishable from the very thing they opposed, namely, a country always accepting international policy and the logic of a war on terrorism. It should have been understood, and I hope it will be, that foreign policy and defence — not going to war in the interests of peace — these things alone make up the definition of a peaceful region in world politics. That is totally different from a bloc that has declared a war on terrorism, that identifies enemies and axes of evil around the world. That was the choice, nothing else.

I am not required to say that we are finding fault here, there and everywhere. I believe it was a great opportunity missed. I repeat that and I reject not only the politics of fear, but also my colleagues in public life who are afraid to defend what was more than defensible and was highly recommendable.

**Deputy Mary Alexandra White:** I wish to share time with Deputy Chris Andrews.

Like the other speakers, I believe this is a very important debate. As a committed European, I am pleased to participate in it and express my solidarity with the European project which has served this country very well.

**Deputy James Bannon:** What about the rest of the Greens?

**An Leas-Cheann Comhairle:** Deputy White without interruption.

**Deputy Mary Alexandra White:** I express my respect for the verdict of the people. We live in a democracy and 53% of the electorate told us how they wished to vote. They did so and it is up to us as elected representatives to listen to those who voted.

The founding of the European Coal and Steel Community in 1951, followed in 1957 by the formation of the European Economic Community after the Treaty of Rome, was intended to promote an economic reality emerging from the embers of two world wars. Those industries perceived as the greatest facilitators of further bloodshed were indeed coal and steel. Some 55 or so years on we find the issue of energy supply still high on our radar but in a different guise, with rising energy prices affecting citizens throughout the Union and calls by European leaders to tackle the challenges of supply, demand and price.

The threat of global war has long been stifled by concerted European effort but if the forefathers of European integration had known of the global challenges of climate change now facing us, they would repeat their view that European integration is the way to address these most serious challenges. However, the bright shining ideas of Schumann, Jean Monnet, René Mayer and others got a little bit stuck on the way. I have said before that sometimes there is more fudge in Europe than there ever was in Bewley's cafés. It is certainly not all paté and sprouts in Brussels. Some politicians in Europe have a great taste for political confectionery but many people in Ireland know more about Manchester United than they do about the European Union. I was in a public place recently where a man mentioned a politician named Charlie Haughey. A young boy replied: "And who does he play for?" Is there any hope that the same boy will ever know who José Manuel Barroso is? Perhaps the Lisbon vote may change that.

Today is not a day of reaction to the vote, nor will tomorrow's meeting of the European Council or the days and weeks that follow. The first step is to acknowledge the division that exists between what we want people to support and what they actually support. We must analyse the cold hard facts of poll findings and the evidence of such polling. These findings are reliable and are compiled by institutions that adhere to strict methodological guidelines. We can see where we are after that. If we are to respect and serve the people, we must first listen to the echoes from the ballot box.



[Deputy Mary Alexandra White.]

Perhaps it is worth noting today that when the European Coal and Steel Community was being formed, a committed integrationist, Charles de Gaulle, opposed the pact because the common assembly of the Community was not ratified by European referendum. My colleague and party leader, the Minister for Environment, Heritage and Local Government, Deputy John Gormley, alluded to the concept of a European Union-wide democratic mandate for further integration. While it might not be feasible, the lessons of history should be food for thought at this time.

My vision for Europe is one in which we recognise that the climate in the Union as founded has greatly changed. Our challenges are not those of the post-war world. Our Europe must be based not on fear, but on hope, on trust not doubt, people not bureaucrats, fair trade rather than free trade, peace not war. This is the Europe I want and in this period of reflection this is the argument on which moving forward as 27 countries should be based. I believe the people would listen to that message.

**Deputy Chris Andrews:** I am delighted to have the opportunity to speak on this issue. In many ways, I am very disappointed with the result. When a person puts a big effort into an event, he or she hopes that it will go in the desired way but, unfortunately, on this occasion that did not happen. My constituency colleagues, Deputies Ruairí Quinn and Lucinda Creighton, also put a huge effort into the campaign. I met them regularly on the ground, in and out of shopping centres and canvassing door to door. The last time I met Deputy Quinn was at canal bridges.

There was a multiplicity of reasons and issues which resulted in people voting “No”. There is no simple answer and we can look at it in many ways till the cows come home. I picked up on a couple of main issues. One is that the treaty is a complex legal document made between 27 nations and it was extremely difficult to simplify it. There were other issues completely unrelated to the European Union. In the country, people were concerned about not being able to cut their turf. Fishermen had difficulties too and farmers did serious injury to the “Yes” vote although they came out to support it in the last——

**Deputy James Bannon:** Rubbish. The Government did not act in time.

**An Leas-Cheann Comhairle:** The Deputy must be allowed speak.

**Deputy Chris Andrews:** The IFA certainly built up a great deal of animosity towards Lisbon as the bogeyman of Europe. They came in on the last day but at that stage the sense among farming families appeared to be one of opposition and, unfortunately, the IFA could not turn back the tide as quickly as they had wished or had imagined they could.

One of the most significant issues I picked up on was immigration. It is a serious issue that comes up repeatedly. Somebody made the point earlier that immigration was “lurking”. I do not believe it is lurking, rather that it is very much on its hind legs and about to cause severe problems unless we deal with it. Clearly, there is a disconnect between the European Union, the European project and the vast swathe of the inner city working class community. I noticed that most of the press releases for the “Yes” side were made out for *The Irish Times*. In many ways we were talking to ourselves and were not targeting the tabloids or trying to get our message to working class areas. We failed as a political group. All parties and all the European institutions failed and will continue to fail unless we recognise the challenges of immigration.

I imagine that most readers of *The Irish Times* supported the treaty but that paper connects with only a certain number of people. Such was the paper’s enthusiasm and then its frustration when the campaign was not going in the way desired that I would not have been surprised to

see the headline: “The People Have Spoken — The Bastards” , after the catch line of a former American politician. *The Irish Times* is talking to itself and, in a way, we, the Members of this House, are talking to ourselves. We must address that point.

There is an attitude of intolerance towards people who voted “No”. We cannot dismiss them and we must address their fears. I do not believe for one moment that the Irish are racist. In Ringsend, a deacon will shortly be ordained who is welcomed with open arms in that area and is much loved by residents there. I do not believe for one minute that the Irish are racist, but we must speed up the appeals process. When people have no further recourse to the law, we must deport them quickly. Multiculturalism is not the way forward and strict integration is the best option. When one considers the examples of France and England, one will realise diversity has brought considerable problems. Ireland must address this matter. The European Union has received a wake-up call and if it does not heed it, we will be in serious trouble.

4 o'clock

**Deputy Pádraic McCormack:** I wish to share time with Deputy Bannon.

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

**Deputy Pádraic McCormack:** Fine Gael, along with all the mainstream political parties, the IFA and other farming organisations, most of the trade unions and the bishops all advocated a “Yes” vote in the referendum, yet 53.4% of voters voted “No”. I fully accept this is the democratic decision of the people, but we must ask why.

I know why the people voted against the treaty in parts of west Galway. It is a typical constituency and had the same turnout and result as were evident nationally. The constituency comprises Galway city, a farming area to the east of the city and all of Connemara to the west. While all parties with the exception of one supported the treaty, there was a certain arrogance in the way they, including Fine Gael, some MEPs and others associated with Europe, presented the case for it. No longer can we say to the people that they should vote “Yes” just because we say so. The people have lost their trust in politicians and will not take them at face value. It is sometimes no wonder that they have lost their trust; it is a fact of life that they have.

It would be best if, before a treaty referendum, there was a completely independent assessment of the facts, after which voters could be urged to vote on those facts as they saw fit, bearing in mind that they would be voting in a referendum and not on a political issue. I can prove why this would be more effective. Two supporters of mine entered my office on the Monday before the referendum and asked if it would be any harm if they voted “No”. I stated it would not but asked them to read an independently produced leaflet before making up their minds. I met them before voting on Thursday and both intended to vote “Yes”. I did not ask them to do so; they made up their own minds as a result of me having presented to them a neutral view of the treaty. Not having presented such information was the mistake political parties made in the referendum.

Another reason the referendum result is a wake-up call is evident in Connemara. The people of Connemara, rightly or wrongly, reacted against EU directives. They reacted against one stipulating that they could not cut turf on designated bogs from 1 February this year and against another that is putting small fishermen out of business due to restrictions placed on their catch. Small inshore fishermen are being put out of business completely. The voters reacted in several other ways also.

About five weeks before the referendum, I was at a meeting in Maam Cross called by the hill sheep farmers over a directive stipulating that they must have their sheep off the mountains for five months of the year. Over 450 farmers were present. They invited the Minister for the

[Deputy Pádraic McCormack.]

Environment, Heritage and Local Government to the meeting — I am sorry Deputy White is no longer in the Chamber — but his officials wrote to say he regretted that he must decline the invitation as there were alternative established procedures. They also stated: “It has also been our experience that convening mass meetings of farmers, particularly in the evenings, is not constructive to a good debate.” I do not know when one can call mass meetings of farmers if not in the evening.

Let me outline two examples of vote results in Connemara. In Ardmore, Kilkieran, 37 voted “Yes” and 155, or approximately 81%, voted “No”. In Ballyconneely, 56 voted “Yes” and 181 voted “No”, despite the fact that a Minister and five Fianna Fáil councillors from the area were all promoting a vote in favour of the treaty. In Ballyconneely, for example, the local councillor, a very popular man and supporter of the Government, had his photograph on posters on all the poles advocating a “Yes” vote, yet the treaty was rejected by 76% of the voters in his area.

It is worth hearing the reason for this rejection. For 200 years there had been pony racing on Aillebrack beach at Ballyconneely but it was banned three years ago by the Office of Public Works because there was a danger of a rare plant being eliminated. The people reacted against this decision. The races had facilitated an annual family outing for 200 years in this isolated area of Connemara and they never affected the rare plant because it would not be there today if they did. The pony races only took up a 20-foot wide strip of the wide 600 acre beach or commonage. No wonder the people voted “No” against the wishes of the Minister, the local councillor and me — I have some say in the area because I get a good vote there.

The Minister for the Environment, Heritage and Local Government must take the Connemara and Mayo farmers seriously. There were many farmers from Mayo, including Westport, at the meeting in Maam Cross. Deputy Beverley Flynn, who is present, should note this. If the Minister and EU do not address the real concerns that exist, we will have no hope of ratifying a treaty such as that presented in the referendum.

**Deputy James Bannon:** I compliment Deputies Kenny and Gilmore on forcing this debate today. “Democracy” and “the undisputed right of our citizens to engage in the democratic process” are terms that are tossed about in everyday conversation and are taken as givens in society. However, an important part of any democratic process is empowerment through knowledge. Asking people to vote on something that not only they, but also their political leaders in Fianna Fáil do not understand is flying in the face of democracy as we understand it. To put in mildly, for the leader of a country and its EU Commissioner to claim not to have read or understood a treaty on which the electorate was being asked to vote was bizarre.

To compound their other mistakes, the Taoiseach and Commissioner Charlie McCreevy made the strange decision to admit that they had not even read the treaty. The Tánaiste did not even know the details of the Commissioners issue. At no stage was the Fianna Fáil alignment — should I say weak alignment? — with Europe highlighted on its posters. This omission points to its dissociation from the European Union. To base our economic future and wider involvement as a member of the Union on such shaky ground cannot be taken lightly. The bottom line is that we now have a Government that is effectively paralysed by the voice of a public that declined to be led by the nose into unknown and uncharted territory.

The information deficit that resulted from the Government’s inactivity opened the door to the misinformation campaign of groups such as Cóir, which played on the fears of a public adrift in a sea of incomprehensible professional language. Rumour and counter-rumour abounded about the treaty and abortion, playing on the religious and moral feelings of communities. The Government handed the reins of power to groups running deliberately orchestrated misinformation campaigns. The Fianna Fáil Government failed us and failed to protect

our citizens from abuse. There was no Government, there is no Government and we have been detached from Europe.

In the midst of the stirring of emotions, where were the Ministers? Where were their words of reason and reassurance? Where was the leadership we have a right to expect from the Government? This is a tired Government and we are suffering the consequences of its inability to lead and inspire. Government in this country is now just an illusion as we stand on the edge of economic fallout, rapidly increasing unemployment rates, rising crime rates and anti-social behaviour without viable or strong leadership.

I foresaw the result of the Lisbon treaty vote as far back as April and at that time slammed the Government for its lack of communication with the electorate and its failure to inform the public properly regarding the issues. On 29 April, shocked by the lack of input by the Government parties, I requested the adjournment of the House under Standing Order 32 in the hope of generating some Government activity that would lead to the proper and very necessary removal of the information deficit.

I highlighted the failure of the Government to ensure that Irish citizens were given the means to make an informed decision on the Lisbon treaty as the level of public understanding of the treaty was very poor and I pointed out that two thirds of the population did not understand the treaty text, which they were obliged to access themselves as the Government did not give them a copy. Considering the fiasco regarding the Nice treaty, this again constituted gross mismanagement by the Government.

**Acting Chairman (Deputy Jack Wall):** The Deputy should conclude.

**Deputy James Bannon:** The Government's shocking lack of input continued to the inevitable conclusion that we have seen, despite the early start by Fine Gael and the Opposition, which got under way after Christmas, in which Fine Gael held almost 60 public meetings and distributed 700,000 pieces of literature. Far from rushing into action, the Government waited, with its head in the sand——

**Acting Chairman:** The Deputy should conclude.

**Deputy James Bannon:** ——while “No” campaigners, including three persuasive monkeys, swung into action. Embroiled in the controversy surrounding Deputy Bertie Ahern, Fianna Fáil and the Government started their campaign extremely late, three weeks before the referendum, to be precise.

**Acting Chairman:** Deputy Bannon should conclude.

**Deputy James Bannon:** To add insult to injury, the Taoiseach, Deputy Brian Cowen, gave no personal backing to the treaty campaign as “Cowen” posters or billboards were noticeably absent. No one has told me that he or she has seen such posters at any location in Ireland.

**Acting Chairman:** The Deputy should conclude, please.

**Deputy James Bannon:** That was shameful. He mismanaged the entire campaign——

**Acting Chairman:** Please conclude. You have exceeded your time by a minute.

**Deputy James Bannon:** ——and he should be ashamed of himself as he goes to Europe tomorrow.

**Deputy Niall Collins:** With the permission of the Chair, I wish to share time with Deputy Beverley Flynn.

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

**Deputy Niall Collins:** At the outset, I agree with the comments of the previous speaker and Deputy Chris Andrews on the disconnect experienced by the Irish public in respect of Ireland and the operation of the European Union. I felt it was palpable and it came through to me quite forcefully during the campaign. As for the referendum on the Lisbon treaty, members of the public demonstrated to me many times that the concept of the referendum was intangible and there was nothing in it for them. All of us who were on the “Yes” side fell down collectively in demonstrating the positive aspects of the treaty. While everyone is aware of how much we have benefited from Europe, people also know of and have experienced downsides to our membership of the European Union. While the positive aspects obviously outweighed the negative aspects, the latter tend to stay in people’s minds for longer. From that perspective, we should have sold it better, but we must try to move forward.

**Deputy James Bannon:** I am glad the Deputy has admitted that.

**Deputy Niall Collins:** I greatly regret the result of the referendum on the Lisbon treaty. It now is being perceived as a major disaster in respect of Ireland’s position in Europe and as a severe setback to the European Union as a whole, particularly when one recalls the seven years of great effort made by many to secure agreement on the contents of the treaty by the member states.

I accept the decision of the people, even though in many cases the “No” campaign was based on gross and dishonest misrepresentation of some of the issues at stake. The result certainly has shocked severely all sections of our community, as well as the peoples of other EU member states. On Friday last, even before the counting of votes concluded, the European Commission President, Mr. Barroso, called on the Taoiseach, Deputy Brian Cowen, to offer a way forward on Ireland’s position to his colleagues at the Heads of State and Government summit in Brussels on Thursday, 19 June.

The position to be clarified now is whether Ireland stays at the centre of EU decision-making or moves to the sidelines as a marginal player with declining influence. The first question for us is how to protect Ireland’s place in Europe. The second question for the EU and Ireland concerns the future of the draft Lisbon treaty. I believe that all the other member states will approve the Lisbon treaty in their own democratic fashion in the coming months. Consequently, Ireland will be on its own, with 26 states for and one against. In a joint statement, President Sarkozy of France and Chancellor Merkel of Germany have offered a conciliatory response to Ireland and this is most welcome, as far as it goes. However, one must question whether the 26 EU member states will be prepared to reopen or renegotiate the Lisbon proposals. The answer in this regard certainly must be “No”.

The Taoiseach, Deputy Brian Cowen, is being challenged to put forward those difficulties that must be considered. However, as of now, no one from the disparate “No” groups has identified one or two legitimate concerns that come within the ambit of the provisions and which might be considered by the EU member states to help Ireland out of the position in which it finds itself. It is the responsibility of all those parties and individuals who rejected the treaty to clarify their demands immediately, bearing in mind the need for an Irish consensus on the issue, as well as a European consensus. The choice for Ireland might be to seek clarifications and guarantees that might go to another referendum but which might not get through with the support of the people. Then we could consider the consequences of opting out of the

Lisbon treaty provisions voluntarily or, for that matter, we would be obliged to consider the option of being excluded from the treaty provisions, were the other 26 states to decide to pursue them in some other fashion.

Worryingly, there is an emerging scenario against which we must guard at all costs, namely, some form of two-speed or two-tier system developing, irrespective of whichever option is decided on ultimately. It would be an unmitigated disaster were Ireland to end up with second-class membership of Europe in a slower lane. Undoubtedly, it would be with reduced influence and goodwill and without the political firepower to defend our vital national interests. All those on the “No” side should note there is no conflict between being a good Irishman and a good European. I am sure the best wishes of a great majority of Members and the people in general will be with the Taoiseach tomorrow and on Friday in Brussels.

**Deputy Beverley Flynn:** I also welcome the opportunity to speak on this debate. While Members in various constituencies will be able to put forward different reasons people voted “No”, the single clear result of this campaign is that more than 50% of the Irish people took the time, via the ballot box, to indicate they would not accept the Lisbon treaty. This is the single matter on which one can be absolutely certain. One is uncertain, nationally and in respect of all the constituencies, as to the reason the Irish people decided to do so. However, for those who took the trouble to do so, it is important that Members should respect the wishes of the Irish people and should consider everything seriously before moving forward. I welcome the opportunity afforded to Members to state in this House that they absolutely respect the wishes of the Irish people. Members have heard their voice and will take the time to analyse the reason they made this decision before any move is made to try to bring about a resolution to the position in which we find ourselves.

Throughout the campaign, a number of issues arose, particularly in my constituency, to which Members on the other side of the House have alluded. I come from a coastal community in which there are many fishermen, farmers and turf cutters. Moreover, many local issues that had nothing to do with the Lisbon treaty certainly crept into the debate in recent months. Undoubtedly, the downturn in Ireland’s economic circumstances also had an impact on people’s sentiments at this time.

In addition, the major positive aspect of the Lisbon treaty, which was reform of the institutions within Europe, simply did not seem to excite or grip the minds of the Irish people. It seemed to be much easier for the “No” side to pick off different aspects of the treaty on which to make outlandish comments. The more such comments were repeated in the media, the more people seemed to take such issues on board and it was extremely difficult to break down the negative feelings that were brought into play with regard to the referendum. This was highly unfortunate because for something of such significance for the country, it was important to fight the campaign with accurate facts.

One of the great disappointments in respect of the Lisbon treaty’s failure is that many of its provisions were far better for Ireland than the position in which we now find ourselves, particularly as we now will fall back on the Nice treaty. One issue that arose about which posters were put up in my constituency concerned the loss of a Commissioner. This issue gripped people, who were concerned that losing a Commissioner for five out of every 15 years would constitute a major loss. Undoubtedly, losing a Commissioner for five out of 15 years is not a positive development. It was already accepted following the Nice treaty that there would be a reduction in the number of Commissioners. However, that treaty did not clearly identify how that rota between the different countries would operate. One of the positives of the Lisbon treaty was that this issue was set out clearly and gave equality to smaller states like Ireland. Unfortunately, points like this were lost throughout the campaign.

[Deputy Beverley Flynn.]

It may be the case that the “Yes” side was not as vigorous as early as it should have been and that the “No” campaigners got their negative points out there very early on. “Yes” campaigners were fighting the negative comments throughout. We seemed to be on the back foot the whole time. We were contradicting and correcting negative opinions put out by those seeking a “No” vote. As a result, the benefits of this treaty did not seem to get into the minds of the Irish people, which is regrettable.

One positive aspect is that the vast majority of people on the “No” side have been at pains to point out that they are pro-Europe. We must look at this carefully because the way forward for Ireland must occupy our efforts. It is important that Ireland stays at the centre of Europe, which even seems to be the view of those on the “No” side. It is critical that the Taoiseach, when he is in Brussels this week, tries to bring the other countries in Europe on side to allow us the time and space to analyse the outcome and to maintain Ireland’s position at the centre of Europe, and to find a positive resolution that can satisfy the needs of the Irish people, but also satisfy our 26 colleagues in the European Union.

It was said in this campaign that there was no plan B and it is clear that many people did not believe that at the time. However, there is no plan B and we must find a resolution to this issue. All sides of the House must do so. There is no point blaming different sides at this stage. We could all argue that in our own constituencies. The most important thing is that the vast majority of elected representatives wanted a “Yes” vote. Let us work to protect our interests and to protect the interests of the Irish people in Europe.

**Deputy Pat Breen:** I am delighted to have an opportunity to speak on the outcome of the referendum that was held last Thursday. As a Deputy from Clare, I pay tribute to the Clare electorate as one of the few constituencies that voted in favour of the treaty. This was due to a united approach by the four Dáil Deputies from the county, and we had a very effective campaign. Clare people are very pro-European anyway. We have an international airport that is very dependent on Europe and other areas for flights.

There was a big turnout in Clare and 52% of those who voted did so in favour of the treaty. I was disappointed with the outcome of the national vote, but the people have voted and we must respect their views. I do not believe people want out of Europe. They want to continue to be part of the EU because it has been very important to us since we joined in 1973. We have done well out of it. We received enormous sums of money and built much infrastructure over the years, including 500 km of motorway.

Political parties will be doing their own post mortems on why the referendum was defeated. Personally, I believe that if a referendum was held in any of the other 26 countries, it would more than likely be defeated as well. I spoke to some of our colleagues at the Council of Europe last week and they echoed the same sentiments. Referendums are difficult because people often use them as a protest against the Government of the day. This referendum was quite different to previous polls as there was something in them for people. There was no new institution created by this referendum because it was really a house-keeping exercise. One of the founder members of the European project, Jean Monnet, stated that if he were to begin again, he would do so with education. That is the lesson for politicians here. We did not explain the treaty to the people sufficiently.

There was much information and many meetings were held by the political parties and the Forum on Europe. However, the information was quite complex. Even the booklet presented by the Department of Foreign Affairs was quite complex; it was not very readable for the ordinary person. There was also a late start to the “Yes” campaign. The major Government party had its own domestic problems and we are getting to a stage where people do not believe

what politicians say anymore. All the major political parties and most of the media were backing this campaign, yet we could not get it through.

It is important to point out that this treaty was not imposed on us. It was negotiated by the 27 member states and each government had to compromise. However, I believe that we got a good deal from the treaty. While it was not perfect, it took seven years to negotiate and it was not imposed on us. The “No” campaigners were saying that the eurocrats were telling us what to do, but who are the eurocrats? They must be blaming the Commission because the Council of Ministers represent the different governments and the European Parliament is elected by the people. They are blaming the Commission, but say that we will be losing a Commissioner.

There are many questions to be answered. Let us take some time to reflect on what has happened. The Minister for Foreign Affairs, Deputy Martin, did well with his counterparts last Monday in Luxembourg. Let us hope the Taoiseach gets a good reception on Thursday with his counterparts in Europe. We may get one more chance, but that will be it. Let us wait and see what happens on Thursday, but I was disappointed by the result last week.

**Deputy Brian Hayes:** Deputy Breen began his contribution by saying how proud he was that the people of County Clare voted “Yes”, and I am delighted for him that they did. My own constituency had the highest “No” vote in the country, with a 66% “No” vote, even though we also had a very united campaign among the politicians favouring a “Yes” vote. However, the more we united, the bigger the “No” vote grew. That in itself says something to us all.

It is very important that the House has this debate today and that people speak freely. They should not engage in the kind of tit-for-tat politics that some see as the repercussion of this. The country is facing a very serious issue and we need to reflect upon it and find a way forward. We need to be united in the way we handle it. There is a very important line in the Constitution which states that the people are sovereign and we should always be reminded of it. The people have spoken on this subject. They have clearly said that they reject the Lisbon treaty and not only must we respect their wish, we must now implement it. That is a very difficult task for the Government and for this House because even if the Government attempted renegotiation, where does it start? What does it look for to be included and excluded?

I hope that people in this House follow the excellent contribution made by Hans-Gert Pöttering in the European Parliament yesterday, when he sensibly stated that people should be given time to work it out and not get into the blame game. Where do we go from here? I want to know the views of the 26 member states about whether their parliaments want to ratify this treaty. It is crucial that the ratification process reaches a conclusion. I do not think Ireland should act as some sort of colonial power in deciding that one country should stop that ratification process simply because we voted it down. It is crucial that we come to the end of ratification to see how many countries have decided, in their own way, to ratify the process. It would be ludicrous to put the majority of this treaty, or an amended treaty, to the Irish public again, as happened in the case of Nice, on the basis that the people have voted in a substantial way. The next choice we face is inextricably linked with the European Parliament elections next year. That is the next mandate the Irish people will give when they send 13 men and women to the European Parliament on their behalf. I am sorry, it is 12 men and women. I was adding in another seat for Dublin.

That is the next direct mandate that Irish people will give to the European Parliament. One of the most important aspects of the treaty will be the new powers given to the Parliament. I do not see parliamentarians elected to the European Parliament next year wishing to throw away the new opportunities and powers they have. If the 12 men and women elected to serve the Irish people in the next European Parliament are minded to go forward with some aspects of this treaty, particularly when it comes to parliamentary accountability in the European Par-



[Deputy Brian Hayes.]

liament, we would need to look at it again. If it comes to a stark choice at that stage between establishing a two-speed Europe, where Ireland will be on its neo-nationalist edge or going back fully into the new Europe as envisaged, I believe the Irish people will vote resoundingly for the latter position because they will see it to be in their interests to be at the heart of the European project and part of this new structure. I believe the Irish people will reject a two-speed Europe whenever and if ever that test comes. However, the next test, the European elections, will be crucial as to who we elect. Will we elect the likes of Mr. Ganley and his ragbag coalition or people who know exactly where we want to take this country in terms of the challenges it faces?

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael P. Kitt):** I wish to share time with Deputy Mattie McGrath, with the permission of the House.

I welcome this debate and regret the result of the referendum. As regards the campaign in County Galway, it was very united, with all the major political parties trying to secure a “Yes” result. When people say that Europe is irrelevant or a long way away, I always think of the issues of the day. One of the major issues that surfaced during the last number of weeks — and it is still very relevant — was the question of energy and energy supplies. The idea was strongly promoted as regards countries working together for security of energy supplies. This was very relevant and particularly apposite as regards trying to get foreign direct investment into Ireland, to create more jobs.

I was reminded by many people during the campaign that there were over 2 million people working in Ireland, 1 million more than at the time we joined the EEC. That shows the good relationship that has persisted between Ireland and Europe and the quality of investment we have enjoyed since we joined. Our tax policies are very relevant to the whole job creation effort. There was an attempt to undermine the tax situation, which we have always maintained must be a matter for ourselves, and that should be made very clear.

One issue that is very relevant as regards Europe is the whole question of cross-border crime and the fact that Lisbon had proposals in this regard. In this regard, the question of illegal immigration and the trafficking of people, arms and drugs, affect all member states. Deputy Michael D. Higgins, in particular, made a very strong case throughout the campaign as regards the European Union’s Charter of Fundamental Rights. This sets out the fundamental rights of citizens of Europe, including non-discrimination and equality, the right to life, prohibition of torture and respect for private and family life. This was an issue which was very important to put before the people. It was emphasised that the strengthening of national parliaments was important, as was the strengthening of the European Parliament. It is not just a question of the major players supporting the treaty. The Small Firms Association was very clear as regards Ireland’s future in terms of Europe.

I was intrigued by the manner in which the issue of the veto was dealt with in the campaign. Libertas was saying there was no veto, while the IFA wanted it used immediately. Obviously, both organisations could not be right. To the credit of the major political parties, when they went out lobbying for a “Yes” vote they told the truth about the Lisbon treaty. There is no doubt that fears were raised as regards conscription. I heard it in Galway and on “Morning Ireland”. People were asked what their worries were as they left polling stations and this issue came up. What was being said was totally untrue. Earlier today I heard someone quoting Frances Black’s song, “All the lies you told me”. Perhaps Leonard Cohen put it somewhat more subtly, when he said at the weekend in Dublin, “There is a crack in everything, that’s

how the light gets in". I certainly hope we shall find a way to let the light get in and find a way forward, but it is not going to be easy.

One of the issues people criticised was the fact that the treaty contained a few lines on climate change and overseas development assistance. As a Deputy who has worked in that area, I welcome the fact that there is a legal basis for including it in the Lisbon treaty, since climate change in particular is an enormous challenge facing humanity. It will impact and threaten the lives and safety of hundreds of millions, possibly billions, of people globally, through famine, flood and disease — and I am very glad that it is included. It was there at Ireland's behest and great credit is due to the people who negotiated the treaty and included that particular issue. I want to congratulate the Minister for Foreign Affairs, Deputy Micheál Martin, on his meeting last Monday. I hope that it is the start of some progress to be made by the Taoiseach and himself in the future.

**Deputy Mattie McGrath:** I want to thank the Irish people for engaging in the debate and for the high voter turnout on this treaty. We must reflect on the results. I thank Deputy Micheál Martin for his meeting last Monday and wish the Taoiseach and his Ministers well in the quest for a solution.

People appear to have voted "No" for a wide variety of reasons and one cannot point to one issue. There was much scaremongering on the "No" side on issues such as abortion, euthanasia, taxation and neutrality. There was a suggestion from the "No" side that we could get a better deal by voting "No". The fact is that Ireland was party to this treaty. We have been given assurances on issues such as abortion, neutrality and taxation, and there is no panacea. Lisbon, in effect, was plan B.

The "Yes" side's argument was much more difficult because the Lisbon treaty did not seek to do anything radical. Rather, it was a document which sought to accommodate a 27-member EU that could be run efficiently and effectively. It was a document that was necessary for an expanded EU and made the Union more democratic. While I welcome the engagement of all the political parties — the majority of which were in favour of a "Yes" vote — Fine Gael is playing the blame game here today. Deputy Bannon, for instance, has said in this House exactly the opposite to what really happened in County Longford. I have been asked to say this by my colleague. A good campaign was run in Longford and the Taoiseach visited the county and canvassed with Fianna Fáil supporters. Unlike Fianna Fáil, Deputy Bannon never even put up a poster, but I am not going to get into the blame game. I believe we should not do so but instead go forward united because the whole world is watching us. We need to focus on what we can do from here. There is no single message because of the enormous range of issues raised on the "No" side and the major differences between the campaigning groups. We need time to reflect on what the result of the referendum means for Ireland and its future direction. A majority of member states have already fully ratified the treaty. They have a right to say where they want this to go and we cannot dictate to them.

There is a lack of knowledge about the institutions of Europe and people need to be better informed. This is a fundamental reason that many people voted "No". There is a disconnect between the institutions and the Irish public. Business people feel particularly disconnected with the amount of bureaucracy and legislation that comes down the line from Europe. I believe that Ireland is too zealous in implementing EU regulations unlike some other member states. In many cases people said they voted "No" because they were not sure what the treaty contained.

Yesterday the Taoiseach stated that for 35 years much of Ireland's place in the international arena has been realised through membership of the European Union. Throughout that time, the people have been largely comfortable with the overall direction of the Union. While I respect the decision of the Irish people last Thursday, I believe the EU has been the most

[Deputy Mattie McGrath.]

effective and advanced response to globalisation. If the train is leaving, we cannot afford to miss it.

The rejection of the Lisbon treaty means that Ireland must examine where it is going and consult and engage with those who voted “No”. Most commentators agree Ireland has benefited from its engagement with Europe, but I am not sure the Irish electorate or those who campaigned for a “No” vote were aware of how much so.

The Ireland of 2008 is unrecognisable to the small inward looking country that first joined the EEC in 1973. The European Coal and Steel Community, established in 1952, was to help economic growth and cement peace between France and Germany, historic enemies. It worked well, with iron production increasing fourfold during the 1950s. When coal production declined, the ECSC made provision to retrain hundreds of thousands of affected miners. It was the systems of social management such as early retirement, mobility grants and training that greatly helped in times of economic crises. At the same time in Ireland, thousands were forced to leave their families, wives and children to seek work across the water. Ireland’s only way forward is in the European Union.

**Deputy Ruairí Quinn:** I wish to share time with Deputy Sherlock.

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

**Deputy Ruairí Quinn:** We are faced with two questions, why “No” and how “Yes”? I am speaking in my capacity as a Labour Party Member and as chairperson of the Alliance for Europe, a civil society representing all “Yes” parties, business groups, trade unions, farmers’ representatives and other activist groups. The alliance had the help of prominent personalities from all sides of the political divide such as Pat Cox, Garret FitzGerald, Brigid Laffan, Blair Horan and Brendan Butler. It was an active campaigning organisation and will publish a report on this shortly. For ease of reference, the alliance put up the yellow posters across the country.

There are many reasons people voted “No” in the referendum. The problem, as Deputy Brian Hayes stated, is that there is no coherent argument or reason to link them into a positive or constructive position. This is the dilemma we face. The first Nice referendum had a less than 37% turnout and there was a misconception as to what was contained in the safeguards regarding neutrality — Members will remember the “No Conscription” posters. After its rejection, we were able to deal with that because the second Nice referendum was an intelligible and comprehensive response. It allowed us to discount the perennial anti-European voters. We were able to fix the Nice treaty with the help of our European partners. A higher turnout in the second referendum also helped as complacency was manifest on the “Yes” side during the first referendum.

Last Thursday, there was no complacency, particularly with the 53% turnout. There was raw anger over many issues which I do not have the time to analyse — that is for another day. I want to concentrate on what will happen next.

The European Union has been examining its own institutional reform for the past seven years. I do not detect any appetite to stop this train to begin the process again. I agree with Deputies Collins and Brian Hayes that the remaining eight member states will proceed with ratifying the treaty. As we speak, the UK parliament is in the process of doing so.

In several months, 26 member states will have said “Yes” to the Lisbon treaty while Ireland has said “No”. Where does that leave Ireland? What would Ireland do if it was part of the 26 while, say, Malta or Luxembourg had said “No” to the treaty? What would be the response

from the House? Whatever politeness our European partners show us, the train of European institutional reform is far too important to be derailed by a vote that we cannot even explain.

I hope the Taoiseach will derive some comfort from the contributions on this side of the House when he meets Heads of Government tomorrow at the European Council meeting. I hope his departmental staff will equip him with the necessary array of quotes from across the spectrum of the House. I entreat the Ministers present that this request is conveyed because the Taoiseach will need every bit of help he can get.

There will be another time and place to examine what went wrong with the referendum and engage, if one wants, in the blame game. It would be a pointless exercise but it might massage people's consciences. Should we have a new referendum or a new relationship with the 26 member states? A new vote on the same issue, it seems more likely, would be a non-runner. The other 26 member states would not wait too long for that either.

We must live with the consequences of our negative vote. As my party's leader, Deputy Gilmore, stated, Ireland is now facing its biggest diplomatic challenge since the end of the Second World War. Both sides must recognise the extent and the scale of that challenge. We must find ways of working together. The alternative is that Ireland will become a semi-detached member of the European Union and I believe that even the most ardent "No" campaigners did not want such an outcome.

**Deputy Seán Sherlock:** The language used by the institutions of the European Union is not understood by the general populace or politicians. A practical example of this would be to ask any Member what does the co-decision procedure mean. I am sure the majority would find it hard to explain. If one cannot explain the co-decision procedure, how can one explain what the Lisbon treaty means for enhancing the powers of the European Parliament? How can one explain that the treaty would give more powers to the Houses of the Oireachtas? If that language deficit exists, it is difficult for the general populace to latch on to an idea of what the treaty means.

I supported the treaty because it aims to enhance the powers of the European Parliament, make the European Council more transparent in its dealings and give, by extension, more powers to the people. It would address the issues that turf cutters, fishermen, farmers and others have because the European Parliament, and by extension the people, would have extended powers. However, we voted "No" to that. Therefore, we need to ask ourselves how we should start to educate ourselves as to how the European Union works and what is the inter-relationship between the Council of Ministers, the European Commission and the European Parliament and how this inter-relationship and pooling of sovereignty affects us as citizens of the European Union.

The argument of sovereignty was used against the treaty. When we joined in 1973, we joined on the basis not that we were giving up our sovereignty but that we were pooling our sovereignty and becoming part of a decision-making process of which we were also members and stakeholders. This treaty was going to enhance that very provision but, as other speakers have said, we found ourselves on the back foot, rebutting arguments that were spurious in the main. I respect people's decision to vote "No". I have to respect that decision because if there is a fundamental lack of understanding as to how the institutions work, how can a person buy into and believe in the process? The question is how we are going to address this attitude and make people believe in the process. Will there now be a complete recasting of our relationship with the European Union? Do we now proceed backwards into a process of intergovernmentalism or do we enhance and deepen the process by means of inter-institutionalism? This is the question that needs to be asked.

[Deputy Seán Sherlock.]

I found it difficult to explain that very relationship to people on the doorsteps. We must wait for the time when the people of Ireland understand the positive aspects of that relationship and we begin to use a language that does not regard Brussels as some foreign entity but merely as a city in which decisions are taken by us as equal partners to a decision-making process that is the European Union. Until we begin to decipher the language and change the language we use and make it more amenable and understandable to people, we will continue to have this deficit.

**Minister for Health and Children (Deputy Mary Harney):** I am delighted to have this opportunity to contribute to this debate. I was unable to participate earlier this morning as I was attending a meeting of the Joint Committee on Health and Children. One of the issues being discussed at the committee meeting was risk equalisation. I have made the point before in different fora that there are probably about ten people in the country who understand risk equalisation but most people know it is good for us and it makes health insurance affordable, particularly for sicker and older people. I can see a connection between risk equalisation and the subject we are discussing.

Because we are democrats we accept the will of the people and this will be reflected in the Taoiseach's deliberations tomorrow. We got a result last week but we certainly do not have an answer. The challenge is to work with our colleagues in the EU to find an answer but it is not quite clear what is that answer. It is not just about treaty-making or law-making. It is about how we connect our citizens and our strategic interests of security and competitiveness, environmental issues and migration with the concerns and values of ordinary citizens.

We belong to a union of democracies. Unlike the United Nations, the European Union is a union of democracies, of people who share our values and our perspectives and with whom we share a common history. One would think during the debate that we belonged to this organisation that was always out to get us but the experience is very different. I stated during the debate — it was said by someone in Fine Gael which I repeated — that influence is worth far more than vetoes. We will never succeed in Ireland on the basis of our size, whether it is in the European Parliament, in the European Commission or in the Council of Ministers meetings.

We succeed because we have been strategic in the alliances we have formed with others who think similarly to us and those alliances change. For instance, our alliance in agricultural issues is with the French and in taxation matters we form alliances with the British and others. During the debate we were hearing arguments from people who had an opportunity to vote for Irish people — when David Byrne was nominated as Commissioner he was voted against by them or when Pat Cox as an Independent Member was proposed as President of the European Parliament, an Irish Member voted against him yet that former Irish Member was telling us all why it was so important to have the power to nominate somebody. This is a person whose own record proves they have not the capacity to support somebody who did not seem to come from their particular perspective.

I do not wish to be drawn into rehashing the campaign because it is over and as a democrat I accept the result but I am deeply disappointed. As Deputy Quinn said we must all reflect on the fact it was a large turnout for a referendum. Unlike Nice No. 1 where there was complacency on all our parts and where the turnout was poor we believed that a better campaign which was better organised and more structured would produce a better turnout and a different result and so it did. However, on this occasion there was a relatively high turnout and 300,000 more people voted “No” on this occasion and many of them for the first time. I accept it is too early to analyse the reason for a whole new group of 300,000 people who have now voted “No”. We need to reflect on this.

It is often the case that when the courts interpret the law as enacted by this institution, they look to the debates that took place to discover the motivation. We need to have some robust research carried out in order to inform all of us on the exact reasons people voted “No”. I agree there were domestic reasons and there were also confused reasons. I heard everything talked about from abortion to neutrality and I have heard those reasons in every debate. Migration is certainly an issue and immigration was an issue in some working-class parts of this city. However, other people voted “No” for none of those reasons and from the perspective of teaching “them” a lesson, whatever that means, or that we had the luxury to do so with the comfort of knowing we were still going to belong to the EU in any event.

It is difficult to see where we go from here. If the Deputies from 25 out of the 26 counties in the country wanted to proceed in a certain direction and one county was holding us all up, I can imagine that a poor view would be taken in this House.

I know our European colleagues will express solidarity because it is a union of democracies, of people who understand the importance of elections and of consulting the electorate and accepting the outcome. However, they will equally be impatient to move forward because we all know that the manner in which the Union operates with 27 member states is not effective. It has taken us seven years, more than 200 politicians and 27 governments, to be able to succeed in negotiating the Lisbon treaty. We know how difficult treaty-making is within the European Union.

Tomorrow the Taoiseach will reflect the will of the people. It is traditional on occasions like this that all parties who have been in Government will support the Taoiseach when he is on the international stage. I have heard of possible efforts being made to gazump what is going to happen there and I hope that does not happen. If there is anything we need to do now it is that we need to move forward together on a realistic basis, recognising our limitations and our strengths.

Colleagues in the European Union from member states which have recently joined who remember vividly as young adults growing up in countries where Communism was the norm and where today they take their children to museums that were formerly torture chambers, in particular know the significant developments that have taken place on this Continent over the past 50 years. They more than most appreciate what the European Union signifies.

I do not believe the vote was a vote for isolation or a desire to become more insular or to disconnect from Europe. However, I do not see a simple solution to the dilemma we face. I said during the campaign and I believe it to be the case in terms of investment and dealing with investors. It does queer the pitch and make it more difficult to explain Ireland’s position within the European Union.

Deputy Quinn mentioned the alliance which had good posters, but many of them alleged things about the Lisbon treaty that were completely and utterly false. I would like to see us fighting election and referendum campaigns on the basis of facts. While it may be arrogant to suggest this, if we had concentrated on the facts, we would have won but we had to deal time and again with the issues of neutrality — that our young people would be conscripted — abortion and euthanasia.

**Deputy Bernard J. Durkan:** It is misinformation.

**Deputy Tom Hayes:** It would frighten the life out of people.

**Deputy Mary Harney:** One of my Dáil colleagues said a woman had told him, “I trust you, but I don’t trust those other people, as they will give us abortion.” These serious matters were

[Deputy Mary Harney.]

alleged by people who were well funded to put up posters right around the country. That is a great pity.

I wish to comment on the Commissioner issue. There are 27 members of the Commission and, to be frank, there is not a substantial job for all of them. That is the reality. It would be much better for Ireland to have a Commissioner for ten out of every 15 years with a substantial portfolio. The Commission operates on the basis of qualified majority voting. The idea that having somebody there, regardless of what portfolio they hold, is a success is naive. The United States of America which has a population of 300 million has 15 departments of state. Commissioners need to have a meaningful role, whether they are nominated from Ireland or elsewhere.

It is good that we are having this debate. It is good from the Taoiseach's perspective and that of the country. This matter has been debated elsewhere, including in the European Parliament, although I regret some of the comments made there today about the Irish Commissioner, all of which is unhelpful. The last thing those who are pro-Europe need to do is turn on each other. We need to work together as good colleagues in a spirit of solidarity to find an answer to the result that the people delivered last Thursday. The sooner we can turn our collective minds to this, the better.

**Deputy Simon Coveney:** I, too, am happy we are having this debate. It is important to have it before the Taoiseach goes to Brussels to meet other Heads of Government tomorrow. I hope we will have another when he returns.

I could not agree more with the final remarks of the Minister for Health and Children, Deputy Harney, that those who care about the future of the European Union and Ireland's place in it need to work together. This is not a time for recrimination or a petty blame game in terms of playing party politics. This is a crisis that Ireland caused, although people are perfectly entitled to vote "No". That is how democracy works but it is not always convenient. It challenges us. In addition, it requires leadership, direction and trust. Many of those aspects were not sufficiently in evidence on the "Yes" side during the campaign, for various reasons on which we may touch. However, I would prefer to focus on what needs to be done, rather than what has happened.

Last Thursday the people made a definite choice and said "No" to the Lisbon reform treaty package on offer. The treaty took six or seven years of negotiation to put together, involving significant involvement by Ireland in the process. Ireland made a mistake last week, although I may be accused of being arrogant in saying this. Of course, I accept the decision. For what it is worth, the people also made a mistake in the last general election but that is a decision I must respect also.

What makes me so deeply disappointed with the outcome last week is that the "Yes" campaign failed. My party suffered a loss and will have to address those concerns. The depressing reality is that the people's trust in politics and their political leaders simply evaporated in the campaign. It is a depressing thought that many simply did not understand the treaty but decided to trust another side rather than the mainstream political parties. The most depressing element, however, is that 500 million people in the European Union are struggling to bring about the necessary reforms to prepare the Continent and this country for challenges that lie ahead. That process has suffered a big setback and in that context, Ireland is in the eye of the storm but we have chosen to be there. While many realise the consequences of a "No" vote, many others who voted "No" did not realise them. We need to be at the centre in finding a solution. If we do not find a path forward, what happened last Thursday will mark a fundamental change, a

watershed and a new direction for Irish foreign policy in terms of how Ireland is viewed not only at European level but also globally.

The foreign affairs brief is dismissed by some as being irrelevant to their lives. They may ask what it has to do with the people of Carrigaline, Castlebar or Donnybrook. This foreign policy decision, however, will have a huge influence on the life of every person in the country and his or her children when they grow up. This is about where Ireland and the European Union will be in five or ten years' time. The potential threat is that Ireland will be the catalyst for significantly damaging the way in which the Union does its business and the way in which large and small member states interact. It can also damage the consensus building that has been the basis for so many positive developments in the last 50 years in the European Union, and in the past 35 years here.

The European Union has delivered a quality of life that we take for granted. We take it for granted that countries will come to one another's assistance when necessary. When there are natural disasters such as floods or the outbreak of disease, we take it for granted that countries will help one another. Whether we like it, countries have come together to agree that if the European Union is to continue to be successful, reform is necessary to maintain that momentum.

The first 50 years of the European Union was all about the idealism following the trauma of two world wars in which 67 million people were slaughtered. During the campaign I saw posters with the words, "People died for our freedom, don't give it away", but 67 million people died on the continent of Europe.

**Deputy Ruairí Quinn:** Many of them Irish.

**Deputy Bernard J. Durkan:** Correct.

**Deputy Simon Coveney:** They are often written out of Irish history because of party affiliations in this country. What the European Union has achieved economically for Ireland is put in the shade when one considers what it has achieved by way of peace, trust and alliance building between European countries. It is an example to other parts of the world. That is not in my script, but I am saying it because I am passionate about the issue. I spent three years of my life — a substantial chunk of it — working in Brussels. The Minister, Deputy Harney, is correct that Ireland's power and influence in Europe is not based on our voting strength, which at any rate is not reduced in the proposed treaty. Even if that were the case, whether Ireland has 0.8% or 1.1% of the population of the European Union is irrelevant. The Union works by countries working in solidarity with one another and trying to understand the problems of citizens and member states. That is the great power of the European Union which has brought us this far and will enable us to overcome the current crisis at the centre of which this country lies.

While some have used diplomatic language, there is deep dissatisfaction, frustration and anger that a treaty which has taken so long to develop is under threat. However, as democrats there will be a recognition in other countries much larger than Ireland that action must be taken to try to solve the problem Irish people have with the treaty. We, in this country, must work together to try to produce initiatives and ideas to facilitate this process because we cannot expect the problem to be solved by Brussels.

Anyone who takes the Sinn Féin attitude that we will say "No" unless we secure everything we seek or believes the European Union would have got off the ground with that type of mentality is being naive.

**Deputy Ruairí Quinn:** That applies equally to the Good Friday Agreement.



**Deputy Simon Coveney:** European integration is a constantly evolving and adapting process which finds new solutions to challenges countries cannot resolve alone, including cross-border crime, climate change, energy security, development aid and many other issues on which the European Union must give leadership. It must do so without undermining the sovereignty of member states or evolving into a federalist super state.

Rather than ignore the “No” vote, we need to recognise and respect it and try to establish in the most scientific manner possible the reasons people voted against the treaty and how we can address their concerns in the context of the reality that the European Union needs to reform. It is in Ireland’s interest to be part of the reform process at the heart of decision making in Europe. We must avoid changing our attitudes towards the European Union by somehow aligning ourselves with British Conservative Party thinking, which views the European Union as an economic opportunity but a political headache. If we go down that route, perceptions of Ireland will be badly damaged and none of us wants that.

**Minister of State at the Department of Arts, Sport and Tourism (Deputy Martin Mansergh):** I congratulate Deputy Coveney on a fine, passionate speech.

One is tempted to echo the answer given by a local to a visitor requesting directions — “I wouldn’t be starting from here” — or perhaps one should take more encouragement from the hoarding at the entrance to the Dublin Port tunnel bearing the words, “There isn’t just a choice of A or B. There is probably a C.” The question is to find a resolution to the potentially very difficult situation in which both Ireland and the EU find ourselves following the result of the referendum last Friday, which everyone has to respect and proceed from.

Apart from a certain Europe wide disconnect between the Union and its peoples, with which nearly all of our partners are familiar, there is perhaps an element more particular to Ireland, one with which the Acting Chairman, Deputy Johnny Brady, as Chairman of the Committee on Agriculture, Fisheries and Food, will be familiar. At a livestock market, almost invariably the response, even to a relatively good initial bid, is “No”. More is needed, even if a second offer, often little different from the first, if at all, is then reluctantly accepted. Walking away altogether seldom happens.

It is with good reason that all our other European partners chose to seek parliamentary ratification of the Lisbon treaty and the ruling party in France won a mandate to do that last year. Referendums on something as general yet as complex as this treaty are vulnerable to all sorts of cross-currents, some quite unconnected with it. While many people passionately cherish the right to vote directly on such treaties now and in the future, I encountered many others who implicitly and sometimes explicitly resented a matter this complex being referred to them.

While I am certain the decision to hold a referendum was based on both clear legal advice and sound political considerations, it could be argued that since 1987 we have taken an expansive interpretation of the Crotty judgment. While no longer relevant in relation the referendum just past, it is an issue that needs to be looked at carefully if we are not continually to be hampered in the future *vis-à-vis* all other member states. While our strict constitutional requirements must be respected, we do not necessarily have to go well beyond them.

There will be many analyses of both the campaign and the outcome and our EU partners as well as ourselves are uncertain as to how to interpret them. The “No” camp in its various manifestations had more dramatic stories to sell and threats to embroider against a backdrop of a deteriorating economic situation. There were also genuine concerns, as the Taoiseach has outlined, about ongoing negotiations and discussions at EU and global level, where total reassurance was difficult to provide. The only way to win support, apart from through the media, was door-to-door canvassing which could have been more effective if there had been

more of it. I was not greatly impressed with “Yes” posters obviously designed more to promote the local or national politician than the treaty.

The credentials of most on the “No” side are well known and of long standing. Libertas was the new factor and its origins, inspiration and funding have been a matter of much speculation. A Danish colleague at the ASEM Finance Ministers’ meeting in Korea told me over the weekend that there is also a right-wing organisation called Libertas in Denmark. It would be interesting to know if there is any connection. While one should not exaggerate the significance of this factor, it was notable that every right-wing British owned newspaper group in Ireland, not a few British based old left trade unions and our own Tory commentators, including a couple of Senators from the unreformed university constituency, all lined up against the treaty. The irony is that, despite the endemic euroscepticism which we love to scorn, Britain is in the process of completing its ratification of the Lisbon treaty, while we have put ourselves, temporarily at least, further out on a limb. Our European engagement has hitherto served to enhance our independence from British and now Anglo-American influences, to which we could otherwise be overwhelmingly subject.

I praise, however, the National Forum on Europe, RTE, *The Irish Times* and the *The Irish Catholic*, in particular, as well as the Alliance for Europe and many social partnership organisations for their exceptional contributions to the debate. It was notable that not a single retired diplomat, senior public servant or Minister who ever attended a Council meeting on behalf of this country advocated a “No” vote. Perhaps all of us in that category have a more idealised view of Ireland’s commitment to be at the heart of Europe than the people of this country understand or are at present fully willing to support. That is a matter on which we need to reflect.

I regret some natural pro-European organisations chose to make their support conditional, for a while at least. It would be an extraordinary, though at present highly improbable scenario, if Ireland were to need to add to its negative to the Lisbon treaty another unilateral negative to a concluded Doha round negotiation supported by the rest of the world. We need to repair a situation where we have already used up most of our credit in case we should need it to protect interests much more immediate and palpable than the issues at stake in the Lisbon treaty.

Certain contributions from the rest of Europe — one statement by Valéry Giscard d’Estaing was endlessly quoted — were extremely unhelpful in suggesting that elites were manipulating the public and leading the people without their being aware of it to certain desired goals, deliberately making the treaty obscure and incomprehensible to that end. That unappealing vanity, which goes back to Jean Monnet unfortunately, is very destructive of public trust. Ironically, the vision that many on both sides of the argument have of Europe and Ireland’s place in it does not differ all that much, only our very different assessments of the significance of the changes in the Lisbon treaty.

While there is a lot of dismay at the result, there is still a fund of goodwill and understanding for Ireland amongst our partners, on the basis that there will be a shared search for a solution.

The reality that everyone needs to understand, borne out by the history of the EU over 50 years, is that, notwithstanding the unanimity requirement, it is never possible for one member state, small or large, to block for any prolonged period the onward evolution of the European Union because the price of attempting to do so would be too high. It is stated with regard to future treaties in Article 48 that “if four fifths of the member states have ratified it and one or more member states have encountered difficulties in proceeding with ratification, the matter shall be referred to the European Council”. In other words, the spirit is that serious efforts will

[Deputy Martin Mansergh.]

be made to resolve any impasse that arises, without a large majority dictating to a small minority or *vice versa*.

The Constitution clearly entrusts the conduct of Irish foreign policy to the Government, subject to the Dáil. The Government, with respect, would have a much better appreciation than individuals or organisations outside the Dáil of the diplomatic and other realities of negotiations in a European Union of 27 — MEP Mary-Lou McDonald’s shopping list of demands would be what Dean Swift would have called “a modest proposal”. Treaty opponents pretend to believe they have strengthened the Government’s negotiating hand, whereas in reality the Government’s main challenge is to avert the real potential for disaster for this country’s interests and for Europe’s from last Friday’s result. The Taoiseach and his Cabinet Ministers will need space to work out a viable solution, and I have every faith in their ability to find one with the help of our partners.

If there are clarifications or modifications that can be obtained, without reopening the whole negotiation, and that will make the content of the treaty more acceptable to the Irish people, whatever about the “No” organisations, that will be good because few openly dare to dispute that full EU membership has been exceptionally good for Ireland. We should not seek, as far as can be avoided, to accentuate Irish exceptionalism in the European Union. Those who contribute most to an organisation are also those who will get the most out of it, and that has been the experience over most of the last 35 years. But let us be under no illusions. We could quite soon be faced, like the farmer in the box at the auction ring, with deciding whether we are willing to be in and on the market, or let it continue without us by taking ourselves home without a deal and the living standard foregone which that implies. It would be a sorry end to a beautiful dream.

**Acting Chairman (Deputy Johnny Brady):** Deputy Durkan has ten minutes. With whom is he sharing?

**Deputy Bernard J. Durkan:** Deputy Tom Hayes.

**Acting Chairman:** Agreed.

**Deputy Bernard J. Durkan:** I am glad to have an opportunity to say a few words. I agree with other speakers that there is no sense in looking back but we should learn our lessons from the recent events.

Other speakers referred to the recognition of the sovereignty of the people in the exercise of their democratic franchise. That is certain, but it is a little confusing from time to time as well. Just a year ago the people exercised their franchise and they voted for the Members of this House. In the recent referendum the people went against the advice of the elected Members of this House and voted for a series of advices that they received from persons, many of whom were not elected at all and all of whom proclaimed to have a much superior knowledge of the workings of the European Union. That is difficult to understand.

I am not trying to second guess the people. A study of fairly recent European history would show that the people, in the exercise of their universal franchise throughout Europe, were not always right. One can think of a certain part of Europe in the 1930s. The modern generation might say that a certain individual was elevated to political prominence by virtue of a seizure of power. He was not. He was elected by universal franchise.

I am not one of those who state that we will never get another chance, that the Lisbon treaty is dead and buried. That is a dangerous route to take. The treaty has been rejected by the people in the way it was explained to them. We may come to a situation — this is from my

knowledge of the European institutions — whereby there are changes and we may be lucky to have another chance to look at it.

One matter worries me. I have reasonable intelligence — I am not Einstein. However, I find it difficult to engage in a public debate, for example, on a programme live on air, where it is incumbent on the station to call on somebody with a directly opposite view who contradicts what I, as a public representative, have to say. We are told we are bound by the McKenna judgment in so far as these matters are concerned. In fact, the Joint Committee on European Affairs received a letter from RTE explaining it was bound by the McKenna judgment in covering the affairs of the committee long before the referendum was announced. I do not accept that. There are strict rules laid down on the separation of powers in so far as the courts can exercise their power in the operation of the Oireachtas. If we were to go down that road, it would be a serious matter.

There are those who say that this is a rejection of the political establishment, for want of a better description. There are those who say that it has come to this point and that the public has no confidence in politicians for whatever reason. That may well be, but I advise those who say so to ask themselves what other professions in this country have come through the past 25 years with their reputations untarnished. I will be discrete by not mentioning any profession, but each and every one, whether we like it or not, must take its fair share of the blame for not being able to deliver what it professed to deliver in terms of public accountability, clarity etc. There are a number of issues in that regard we need to look at carefully.

Incidentally, we need a great deal more time to discuss this issue. I am so sorry that we did not have this kind of debate before the referendum. We did not have time for it. We should have had time for it. It is hugely important.

The Lisbon treaty is a complex document. It must be. It is made up of the hopes, worries, fears, aspirations, prejudices, hatreds and loves of 27 member states. That must add up to a complex document. As those who were involved in the Good Friday Agreement, where there were only two or three groups involved and in which no doubt there are many contradictions, will be aware, in all such agreements there are contradictions and in order to bring the people on board it is necessary to put them into it in black and white and argue about it afterwards. That is the way it should be.

Deputy Coveney made references to posters and misinformation. Of course the people did not understand. Of course the people were confused at the end of the day because they received contradicting information.

**Deputy Aengus Ó Snodaigh:** They voted “Yes”.

**Deputy Bernard J. Durkan:** They saw posters of three monkeys and asked who they were.

**Deputy Aengus Ó Snodaigh:** Fianna Fáil, Fine Gael and Labour.

**Deputy Bernard J. Durkan:** It was the day after the referendum count when we realised who they were. It was most extraordinary. There were posters stating “People died for your freedom. Do not throw it away.” Who were they?

Who were the people who went over to London in triumphant procession to lecture the Tory Eurosceptic colleagues across the water in the past couple of days and on whose behalf did they do it? What really galled me was to see the collection of Eurosceptics from all over Europe rolling around laughing at the scene as it unfolded, that Ireland, an influential driving force within the European Union, should find itself to some extent marginalised. Let those who say they know better show us how the better deal can be achieved and let us hope it does not take

[Deputy Bernard J. Durkan.]

30 or 40 years to do. We only get opportunities once or twice in our lives. This opportunity came up but we failed to take it. I hope that another opportunity will come up and that we will be able to explain matters better and get a different result.

**Deputy Tom Hayes:** I am pleased this debate is taking place as it is very important we express our view on what the people said last week. It was a very good exercise in democracy that the referendum was held. It was important that people discussed issues but I am not sure the issues on which they decided were related to the treaty. That is a problem. When I went to Tipperary town with the Minister of State, Deputy Martin Mansergh, people wanted to discuss everything but the treaty. In two hours, almost nobody asked about the treaty.

Nobody has addressed the way the farmers were led. The Irish Farmers Association was very irresponsible in the way it led its members, and I speak as a member of that organisation. Farmers could not understand why they were told to vote “No” one week and were told some weeks later by Pádraig Walshe, president of the IFA, that the treaty was good and that they were to vote “Yes”. They did not believe that so they voted “No” in their droves. These people, who were getting huge concessions from Europe, did not understand. The role of the organisation must be called into question. As a farmer, I have benefited hugely from Europe. I have been a farmer from a very young age and I know of the changes that have taken place. It was not the IFA’s best day out.

We must address this issue again because people did not vote on it. The morning after the vote people accused us of not giving them the information. We must address that issue and go back to the people at some stage in the future with a clear message on what this is about and not with the bungled message that was given. I hope we get a chance to have a real referendum with proper posters and not the ones with incorrect information which were put up all over the country for very disingenuous reasons.

**Deputy Peter Power:** I wish to share my time with Deputy Edward O’Keeffe.

The result of the referendum represents a major disappointment for those of us who advocated a “Yes” vote in the certain belief that this treaty represented a good deal for Ireland, an Ireland at the heart of Europe and an Ireland shaping events in Europe for our benefit in the way we have done for 20 years.

That said, we live in a parliamentary democracy and the voice of the people is sovereign. One of the ironies is that the “No” camp has said consistently in every referendum we have had for the past 25 years that we were throwing away our sovereignty and democracy. The greatest expression of our sovereignty and democracy was the “No” vote last Thursday, which was the people’s right. However, it gives the lie to all the threats of loss of sovereignty that have been articulated by those who are basically anti-Europe, and I count Sinn Féin as being at the heart of that anti-Europe campaign.

I regret we did not have a proper and informed debate on the consequences for this country of “Yes” or “No” vote. We did not have a real debate on Ireland’s strategic position in Europe and, more importantly, in the world in the event of a “No” vote. That did not happen because if one was to engage in that debate, one would have been accused of scaremongering and of being negative.

The debate turned mostly on issues which were not in the treaty. That is a source of great regret because when the legislation was passing through the House, I said we had to have this debate and present a choice to the people. The people needed to know that if they voted “Yes”, consequences would flow from that and that if, in their wisdom, they voted “No”, certain other consequences would flow, consequences that are negative, long-lasting and very

disadvantageous for our country. It is unfortunate we did not have that debate but the people spoke and the decision is respected. We must now reflect and then move forward in a constructive manner.

This debate presents an opportunity to begin to tease out the reasons for the decision. We should be clear that the treaty represented a very delicate balance of the interests of 27 member states and came at the end of a long process. The idea that it could be readily made better and this very simplistic and populist approach adopted by the “No” campaign that it could be easily renegotiated were very far off the mark, very fanciful and very misleading. It cannot be renegotiated, it is not as simple as that.

In a hard-fought campaign, many issues which had very little to do with the treaty were debated. This treaty was not a rejection of the European Union or a desire by this country to reduce our engagement with our partner countries in Europe. We continue to share the goal of a Union that is equipped to meet the challenges facing Europe in an increasingly competitive and troubled world.

The European Union has faced enormous crises since it was founded over 50 years ago but it has the genius, capacity and imagination to overcome crises in the spirit of partnership. If we do not deal with those crises and engage with the European Union, the 27 member states will not be able to tackle one issue which represents the greatest threat to Ireland and with which we are not equipped to deal because of this vote, that is, what is at the end of a very long pipeline from Siberia. As a pool of countries, we are not equipped to negotiate a secure energy supply. In a week in which we have seen energy prices go through the roof, that represents a very dangerous turn.

**Deputy Edward O’Keefe:** It is with great disappointment that I speak on the Lisbon treaty. The European Union, which we joined in 1973, has been good to Ireland. We voted in favour of the Rome treaty in 1973, the Single Market in 1987 and the Maastricht treaty in 1992. The Nice treaty was rejected in 2000 but we voted in favour of it in 2002. We voted against the Lisbon treaty last week.

European Union funding has been very generous to Ireland. We qualified under CAP regional funding, social funding and the Cohesion Fund which was very important to our infrastructural development. The European Union has contributed €85 billion to Ireland since 1974. The Irish people seem to have forgotten that but the Europeans may not forget. That generosity has driven the Irish economy, given us an education system, third level colleges and a very modern infrastructure and road network and has developed agriculture from subsistence to modern agriculture, with exports in the region of €8 billion to €10 billion today.

The people were misled by the “No” campaigners who, after 34 years of membership of the EU, have achieved their goal. They misled the people by saying we could renegotiate from a different position, which is false. I believe there are very few options and we are now damaged goods in Europe. I have no doubt there will be time to resolve the problem, but if the 26 countries have ratified the treaty by Christmas Ireland will be left as the odd one out. The European Parliament elections will take place next year and it is the policy of both the Council of Ministers and the EU Commission to have all procedures in place for these elections. There is not much time left. Europe has sympathy with our problem but it does not have the answers. I congratulate the Minister for Foreign Affairs, Deputy Micheál Martin, on his fine performance in Brussels on Monday. I wish the Taoiseach every success tomorrow at the Council meeting where he will be accompanied by Deputy Martin. At this meeting the Taoiseach will have the sympathy of his colleagues in Europe, which is good. However, deep down they will all want this issue resolved to make progress and to put a proper consolidated Europe in place.

[Deputy Edward O’Keeffe.]

Europe has done much good for Ireland. As a rural Deputy I wish to refer to the threat and criticism that the IFA put in place on the WTO talks which had a bearing on the outcome of the referendum. Farmers were told their cattle would only make half the price they currently make, that cheap South American farming produce would flood Europe and that one litre of milk would only be worth 24 cent as opposed to today’s price of 36 cent. These are the issues that were not addressed. People outside the farm gate who provide a service to Irish agriculture and supply goods to it, supporting jobs, heeded this message and voted against the Lisbon treaty. These people have seen many unnecessary business closures and rationalisation taking place in Munster and especially in County Cork in the past four years. There is a tendency for people to privatise companies in the public market, whether they are co-operative or private companies. Such companies are either to be traded on the stock exchange or on the grey market where a small number of people get rich quick. This is not good enough. This affects Irish farmers and workers and this tendency comes from Europe.

There is another reason people voted down the treaty. I campaigned vigorously in 1974 as a young farmer for entry into Europe. It was a very successful campaign. The vast majority of people and organisations who campaigned against entry at that time are still around and are more or less the same people, with the exception of Mr. Ganley and Mr. MacEvaddy who come from the business sector. We had the same organisations with more faces. We had a vigorous campaign in 1974. The Treaty of Rome came under threat, people did not understand it and so on.

I urge the Government to give leadership in this area and for a further referendum called Lisbon II to be held, as we cannot remain outside looking in. The benefits of Europe speak for themselves. Ireland is a small peripheral nation on the Atlantic which has no future half-in half-out. We can see the advantages of the single market and single currency. There would not be the stability on dairy goods today were it not for the single currency. We have the lowest interest rates ever, springing from Europe and our membership of the single currency. I ask the Irish people to vote “Yes” to Lisbon II and bring us into Europe, which is our rightful place.

**Deputy Aengus Ó Snodaigh:** Gabhaim buíochas as ucht an deis labhartha ar an ócáid seo. Is trua é go bhfuil daoine fós ag lorg go gcuirfí an conradh Lisbon arís. The people have spoken and they have said “No” for several reasons. With that, the Lisbon treaty is finished and a new deal must be negotiated. One of the confusing matters for me looking back on the campaign is the reason so many people voted “Yes”.

**Deputy Charles Flanagan:** Sinn Féin has always been getting out.

**Deputy Aengus Ó Snodaigh:** In my view this was a bad deal, and a better deal was possible. I am like Deputy Hayes who spoke earlier, wondering about the IFA and the its leadership. Why was it that one week it argued one position and the next week it argued another? The IFA said it was seeking a “No” vote originally and it then capitulated to the three monkeys, Cowen, Kenny and Gilmore. The veto that Mr. Pdraig Walshe and the IFA sought was to disappear in the Lisbon treaty and yet he capitulated.

The dream of this Lisbon treaty to which the Minister of State, Deputy Mansergh, referred is over and we must put together another treaty. Undeniably there are issues in Europe which need to be addressed. Sinn Féin has been constructive in this regard. Today, we sent a lengthy document to the Taoiseach, Deputy Cowen, in the hope that he would use it. It is based on much of what was in the treaty but goes further in the context of the vision that is included in the EU treaties. We set out the changes we believe reflect the reasons for the “No” vote and which address the issues raised with us and by us on the treaty. There is no suggestion of a

reheat of the treaty with minor alternations. Significant issues of concern were raised by the people over the past few months and they must be listened to. The more people gained an insight into the contents of the Lisbon treaty, the more inclined they were to vote "No". An examination of the polls leading up to the referendum bear this out as did the final poll which rejected the treaty overwhelmingly.

Over and over we have had to listen to representatives of the House accuse those who voted "No" of being cut from the same cloth as the contemptible Mr. Jean-Marie Le Pen. That is a shameful accusation. Such shameful arrogance is perhaps the best example of the reason there is a democratic deficit in Europe, why that deficit is so great and the reason so many of our people do not trust the political parties. This was evidenced by the vote. The world has not collapsed, as predicted, because of the "No" vote. The Minister of State, Deputy Peter Power, is incorrect to say that the consequences will be negative. He is already starting on the wrong foot. The Minister of State should take the significant mandate against this treaty as a positive sign. It shows the Irish people are standing firm and saying "No" and that there is a better deal possible. There is a need to close the gap between the citizens of Europe and the EU institutions. Future treaties should be written in clear and accessible language so that nobody can say that people did not understand and so there will be no doubt afterward. I believe the people did understand, they are not stupid and they said "No". I congratulate those who came out and took the time to vote "No". It is a pity more people did not turn out and vote "No".

The answer to the question "what now?" is obvious. The Government must use the mandate to negotiate a new treaty. It needs to view the current situation as an opportunity to return to the table with our EU partners and secure the best possible deal for all the people of Europe, not any old deal as was put to us on Thursday last.

It is not acceptable for EU leaders to seek ways of avoiding or circumventing the democratically expressed wishes of the people. The ratification process must end just as it did following the rejection of the EU Constitution. Some of the people who demanded that ratification process end immediately now demand it continues. Some of the leaders of Europe are speaking from both sides of their mouths.

The people must be listened to. Throughout the referendum campaign several issues arose time and again. These included Ireland's loss of power in Europe, EU militarisation, workers' rights and public services, and the treaty's impact on the developing world. These issues must be addressed. It is now the responsibility of the Government, particularly the Taoiseach, to listen to the people. The Taoiseach should commit himself to the task of securing a better deal in a new treaty which reflects the points I have made. These practical and reasonable demands can be delivered, despite the hoopla and palaver. Sinn Féin is committed to engaging in this process in a constructive manner. As I said, we have submitted a lengthy document proposal to the Taoiseach's office. It details the important changes which must be made if the people are to have confidence in any new treaty. We believe the short-term strategic reforms outlined in the document are reasonable, practical and deliverable. They represent the minimum that will be required in any new treaty. I am prepared to circulate a copy of the document to any Member of the House who wishes to read it. Perhaps I will furnish all Deputies with a copy of it in order that they can understand where we are coming from. Many seem to think we need to discover why the people voted "No". The reasons were made clear, in black and white, throughout the campaign. They are being clarified again today.

Sinn Féin intends to meet representatives of the trade union movement, the farming lobby, the business community and civic society to encourage them to use their influence to ensure the Government secures the best deal possible. Any new deal must address the European Union's democratic deficit which has been the subject of much discussion. It must fundamen-



[Deputy Aengus Ó Snodaigh.]

tally secure Ireland's neutrality and protect workers' rights and public services. Such sensible and rational concerns emerged on the doorstep, in the local media and from interest groups throughout the campaign. Issues such as the retention of Ireland's permanent Commissioner, its current voting strength at the European Council and its key strategic vetoes such as its veto on the outcome of the international trade talks were regularly outlined during the campaign. The controversial "self-amending" articles need to be removed from any new EU treaty.

A specific protocol is needed in the new treaty to protect Ireland's neutrality. We need to be given opt-outs from certain aspects of the European Union's emerging Common Foreign and Security Policy. Taxpayers' money should not be diverted to the European Defence Agency or used for any EU military purposes. We need a protocol to opt out from the EURATOM treaty. Explicit amendments are required to ensure greater protection of workers' rights and to stop the opening of vital public services to competition. Measures that will strengthen the social content of the EU project are needed if economic competitiveness is to be balanced with social cohesion and sustainable development.

A better deal is possible for Ireland, the European Union and the world if the Government steps up to the plate by acting in accordance with the outcome of the referendum. There are concerns about the Government's approach in the light of its total opposition to the loudly voiced wishes of the people on this issue. The other 26 member states need to acknowledge that the Lisbon treaty finished on 12 June. It cannot be reheated and put to the people again. If the Government is serious in its commitment to listen to the people and uphold democracy, it must secure a better EU treaty for Ireland and Europe.

**Deputy Dara Calleary:** I would like to share time with Deputies Fleming and McEllistrim.

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

**Deputy Dara Calleary:** While I acknowledge and accept the result of last Thursday's referendum on the Lisbon treaty, I do not under-estimate the damage done to Ireland by the result. The discontent that has arisen from the result is clear from the reports of newspapers and television stations across Europe. I noted it when I listened to the debate in the European Parliament earlier today and when I followed the debate, from the margins, that has been taking place on the diplomatic side of Council meetings. I wish the Taoiseach, the Minister, Deputy Martin, and the Minister of State, Deputy Roche, well tomorrow as they start the process of dealing with the result and tackling the issues we face as a consequence of it.

Many of the issues about which people are concerned such as military affairs, social issues and taxation are not even mentioned in the treaty. The campaign of the "Yes" side may have been unsuccessful, but at least it was honest. We promoted the virtues of the treaty and the European Union. It is unfortunate that Deputy Ó Snodaigh has left the Chamber. Nobody on the "Yes" side is associating the "No" side with Jean-Marie Le Pen or others on the far right in the United Kingdom or continental Europe. People on the far right, including Jean-Marie Le Pen, are associating themselves with Ireland. Irish people who saw the scenes in the European Parliament this morning, when some MEPs wore green t-shirts bearing the slogan "respect the Irish vote", cannot have been happy. There have been many unusual coalitions in this House during the years, but the coalition on the "No" side of Sinn Féin, the Tories and the UK Independence Party must be one of the most unusual we have seen. Groups with no strategic interest in Ireland, which have never shown any interest in the people of Ireland, are wrapping their flags around our "No" vote and appropriating our values as a country.

We need to address the concerns highlighted by the "No" vote. We need to put in place a process by means of which that can happen, while allowing the European Union to move on.

We cannot stop the whole European project. We must help to find a solution quickly. As Deputy Ned O’Keeffe has said, in the year to come we face European elections and the appointment of a new Commission. We do not have much time to work on the development of an inclusive process. That process starts tomorrow. I am sure we will have many more debates on the matter. The House will send its good wishes with the Taoiseach, the Minister, Deputy Martin, and the Minister of State, Deputy Roche, tomorrow. I do not doubt that the House will debate the consequences of tomorrow’s meeting. If we delude ourselves by telling ourselves that damage is not being done to our interests across Europe, we will weaken our national position.

**Deputy Thomas McEllistrim:** If our experience of canvassing for the Lisbon treaty referendum teaches us anything, it should be that the people have relatively little understanding of the structures and procedures of the European Union. Many people I met while canvassing were not familiar with the three pillars of the Union — the Parliament, the Commission and the Council of Ministers. When I tried to explain that structure on the doorsteps, I was often confronted with opinions and assumptions that had little or nothing to do with the Lisbon treaty. Many people I met told me they did not know anything about it. Some of them did not intend to vote because they were confused. Many of those who were planning to vote told me they were going to vote “No” as a result of their confusion. As the post mortem continues, we hear more and more about the factors that led to such a strong “No” vote. As the Taoiseach said yesterday, one of the great falsehoods — there was no legal basis for it — was the idea that Ireland would keep its Commissioner if it rejected the treaty.

During the campaign I found it necessary to explain the structures, rules and procedures of the European Union which the treaty proposed to change. That is not easy to do on the doorstep. Reasoned and reasonable debate on matters of this nature cannot be fostered without a better understanding by society of the workings of our political systems. Debate and discussion on such matters should not be confined to the last month or two before a referendum. In the last couple of years great strides have been made in our schools to improve the standard of political and social education. The availability of such courses at post-primary level should be expanded. I propose that civic, political and social education programmes, including a module on European studies, be taught up to leaving certificate level. They are already being taught up to junior certificate level. Such a move would ensure future generations will be better informed when they reach voting age.

The referendum is over. We need to move on by recognising that we can learn not only from the result, but also from the experience of the campaign. We must find ways of involving people of all ages in engagement in the political system, even in a small way, if we are to raise the level of understanding of our political systems. This is a question not only for Ireland but for the European Union as a whole. We should broaden the systems in place such as the Forum on Europe and develop new systems of educating the public on political and social affairs in a manner that engages as many as possible on an ongoing basis. That is the right thing to do, regardless of whether we have another referendum. The better informed we are, the better the decisions we will make and the less likely we will be to be taken in by spurious arguments on either side of any future debate. Our democracy can only improve in such circumstances.

**Deputy Seán Fleming:** I thank my colleagues for sharing time. I am pleased to have an opportunity to speak on the Lisbon treaty.

I do not understand why Members feel the need to say they accept the decision made by the Irish people. I am satisfied if the majority of people had voted “Yes” they would not feel the need to express such sentiment. There is an implicit withholding of some support for the

[Deputy Seán Fleming.]

decision when we feel we must formally state we accept it. I do not believe it is necessary for us to say that. The people have spoken; they are sovereign, we are not.

The people did not, in my opinion, say “No” to Europe or even to the Lisbon treaty. It was a vote against many other issues, most of which were not covered by the Lisbon treaty. Many issues were raised. One needed to be well-up on politics to discuss the treaty. Not only were representatives asked about the Lisbon treaty but they were asked about many other issues, most of which were not covered by the treaty.

I wish the Taoiseach and Minister for Foreign Affairs every success as they commence the process of addressing the difficult decision taken by the Irish people. It is the right of the people to deal a difficult set of cards to Government. It is incumbent on the Government to move forward now. There will be no quick decision in this regard. We must take our time, reflect on the matter and ensure we get it right next time. It is too early to speculate what will be the outcome of the process but I have every confidence the Taoiseach and his Ministers will find a solution that will be acceptable to us at home and at European level.

We must examine how we conduct our campaigns. It will be difficult in the future to get this type of referenda through. We pass complicated legislation in this Chamber every week. I have no doubt that if legislation such as the criminal justice Bill or Finance Bill were put to the people there would be absolute confusion in the country. People expect us to legislate and other countries expect us to get on with the job. However, we are constitutionally obliged to obtain the people’s *imprimatur* before we ratify treaties of this nature.

We need to re-examine the role of the Referendum Commission which did an improved job this time as compared with previous occasions. Also, the media position is difficult in that it must provide equal time to both sides of a campaign. There will be institutional confusion in debates on referenda from here on in. If there is not absolute contradiction of one speaker by another, people will say there is a lack of balance. I am not suggesting only one side of the argument should be heard. However, we must seek a more workable and practical formula. Having to listen to debates by so-called experts on both sides of an argument is making it difficult for people to make up their minds. This adds to people not voting, notwithstanding the reasonable turnout we had on this occasion.

**Deputy Leo Varadkar:** I wish to share time with Deputies McHugh and Flanagan.

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

**Deputy Leo Varadkar:** I begin by expressing my regret in regard to the result though, of course, I accept it. Some 800,000 people voted “No” and 700,000 voted “Yes”. It is important not to forget that 47% of the people voted “Yes” and that they remain committed to European integration.

What we have seen in recent days is indicative of the reality of the campaign. We were told by Sinn Féin, Libertas and the other “No” groups that a plan B existed which was waiting to be signed off on. We now know that was untrue. It was a deceit of the Irish people on their part and there is no plan B. There is a number of possible options, none of which is particularly attractive.

We also know the claim that we would lose our Commissioner as a result of a “Yes” vote was bogus because we stand to lose our Commissioner next year when that position would have been guaranteed had we voted “Yes”. It has been suggested by some in Libertas that we can use our veto to block the appointment of the Commission. We have already vetoed one

treaty and cannot now veto the establishment of a new European Commission. The reality is that organisations on the “No” side are pretending to be pro-European. While they have very cleverly adopted pro-European language, they are wreckers. People from this country and from overseas are using these organisations to wreck the European project and are doing well, unfortunately.

The question arises at to where we go from here. Ireland has voted “No” twice in seven years, which is hugely significant. We may have another referendum next year and it is possible it too will be rejected. Ireland will then have voted “No” to Europe three times in eight years. If this were to happen, Ireland’s position as a core member of the European Union could not continue. That is the reality of what is happening.

As a result of the “No” vote last week, our influence at European level is diminished. While it may be unfair to say this, people will interpret the “No” vote as meaning Ireland was only interested in the benefits it could obtain from Europe and was unwilling to show solidarity with other countries when asked to vote for enlargement and on key issues such as trade, energy security and climate change. People will assume we wanted to go our own way on all these issues and that we were not prepared to offer solidarity when asked for it. This is how the result of the vote will be viewed in many European capitals and that is bad for us.

While I am not sure of Government policy on this, it would appear we are moving some way towards a 26:1 scenario with other countries ratifying the treaty and Ireland being left out on its own. It is likely we will be asked to vote next year on a new Lisbon treaty or to choose external association thereby becoming a little like Norway or Switzerland which are in some ways attached to the European Union but are not full members. We cannot vote “No” three times in eight years and expect to continue as a member of the European Union.

I believe in a democratic Europe; I am a federalist. I believe we will have to have a different debate during the coming months. We must decide whether we want to be in or out of Europe and must examine the merits and demerits in this regard. We could opt for external association if the Irish people genuinely do not want to be part of this European project, part of an ever-increasing, ever closer Union of people and states. We need to consider that. That is the reality of what is before us. It might not be a bad option to take. We could then at a later stage decide to engage more fully in Europe.

**Deputy Joe McHugh:** The night before the referendum, I received a telephone call from an RTE journalist inquiring how I thought people in Donegal would vote. I told him given the soundings on the doorsteps it was obvious the majority of people would be voting “No”. I also told him this was a good omen because while Donegal has consistently returned a “No” vote in European referenda, the opposite has been the case in the remainder of the country. I remained hopeful the “Yes” vote would win despite the fact that people in Donegal were voting “No”. I was sure when standing in the count centre in Buncrana when the “No” side was winning 3:1, that the result in the remainder of the country would be different.

However, we must respect the result returned. We must persevere and ensure we take care of vital Irish interests. On the other hand, however, we must inform the Irish electorate about Europe and how we have benefited from it and can benefit again in the future.

The Ceann Comhairle has taken the initiative of inviting secondary school students to visit the Dáil and Seanad Chambers. We need to adopt this model at European level where so much is happening, yet the Irish electorate does not know about it.

It was a referendum based on fear. There were elements of fear in the “Yes” arguments but within the “No” camp there certainly was fear. When an argument sets fear against fear one cannot be confident of a positive outcome. Among the plethora of arguments one element was

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the Catholic church. Many priests were involved and in County Donegal one of them went public on the media to advocate a “No” vote.

There were many elements to this treaty and no single entity was responsible for returning a “No” vote. One thing is sure — we have a job to do. There are elements within the Committee of European Regions that have worked hard for 12 years in the area of subsidiarity to give more autonomy to regions and local authorities. That message must be got out to the Irish public and we still have an opportunity to do that. We must work hard and I know the Minister will persevere through his office in this regard. We must respect the vote and look after the vital Irish interest.

**Deputy Charles Flanagan:** Like many other Deputies I express my disappointment. In accepting the will of the people it must be said that those of us on the “Yes” side felt passionately the treaty offered Ireland an excellent deal while also allowing the European Union to make progress and be better structured to confront the great challenges facing the Continent. These include global terrorism, global warming, poverty and the current food crisis which engulfs the globe. The tragedy of the situation was that a mixture of the failings of the “Yes” side and the absence of scruples on the “No” side resulted in many of our citizens feeling unsure about what they were voting for.

It must be acknowledged that the treaty itself was somewhat mundane. It did not have the spark of controversy that the divorce referendum had, for example. It had no single exciting issue that could be used as a selling point. We all know, of course, that politics is rarely exciting and is often just a mundane hard slog. The “Yes” side canvassed openly for the treaty, admitted that we would have to make some sacrifices but pointed out that all member states of the EU were making similar sacrifices, some far more than others. Comparatively speaking we were doing very well. What we were confronting on the “No” side was quite shocking. The sheer scale of the lies peddled by some of those who opposed the treaty was mindboggling. There were threats that the EU wanted to microchip babies, that it wished to force Ireland to legislate for abortion, that it wanted to conscript young people into a European army, that the EU wanted to raise our taxes and threaten our democracy. Those claims were so ludicrous that it was difficult for those on the “Yes” side to know how to deal with them.

Arising from that I object to the Taoiseach’s decision to engage with the myriad of “No” campaigners about what kind of shopping list he should now bring to Brussels. We already had the shopping list and had secured everything on it. The defeat of the treaty should be not seen as a plebiscite that bestows an electoral mandate on the “No” campaigners. I urge the Taoiseach not to engage with people on the “No” side. We do not know which element of that side actually won because it is clear no particular group on the “No” side won the referendum. It is laughable that the people who accused the EU of lacking proper democratic structures should fashion themselves as the voice of the people.

The truth is that Ireland lost last Thursday. I hope something can be salvaged from the wreckage so we can have an honest and informed analysis of our attitude to and relationship with the EU and other European countries and decide then whether our hearts really lie with Boston rather than Berlin.

**Minister for Foreign Affairs (Deputy Micheál Martin):** I thank all Members who contributed to this debate. I will emphasise one reality immediately. The outcome of the referendum was clear and must be respected. Clearly, the people were not persuaded of the necessity of the treaty or of the benefits to Ireland and Europe which it contained. A limited few at home and abroad have suggested the vote represents a questioning of our relationship with the European

Union. This is not my view. I am absolutely convinced the people remain strong supporters of Europe and the European Union and of our place at the heart of it. It was a notable feature of the campaign that in the main even those opposed to the treaty professed their commitment to the European Union.

In their reaction to the referendum result, our European partners have once again demonstrated the solidarity and understanding which have been the watchwords of the development of the Union. At the same time, our European Union partners have made it clear they do not want to halt their own processes. They wish to continue to ratify in line with the undertakings they have previously given. On that matter, we exercised our sovereign decision as a country and we cannot deny others the right to do the same in accordance with their constitutional provisions and procedures. That is fundamental and we must respect it.

The key elements in our national reflection on the outcome of the referendum must be not just to find out what were the reasons for the “No” vote but also to examine underlying attitudes to the European Union, to Ireland’s role in the future of the Union and how we see that in years to come. We must use that survey, research and analysis as a platform to inform the future and to map out how we intend to take this issue forward. How can we insure that Ireland’s essential interests are protected in the coming period? These questions will occupy the Government in the months ahead as we seek to chart the best way forward.

Our people are instinctively European in outlook. Our history inclines us to see the rest of Europe in a supportive light. We travel regularly to other European countries and build a rich vein of personal and professional ties there. Our young people study in each other’s universities under the excellent ERASMUS programme and in the many research options of the Marie Curie programme. We have many links in different codes of sport. In trade we export over 60% of goods and services made by Irish-owned companies to European markets.

The Union has shown solidarity with Ireland and continues to do so. To give one example only, France has been Ireland’s strongest supporter in terms of the Common Agricultural Policy. Such alliances are repeated across all policy areas. It is important also to point out that the European Commission, in which so many Irish people serve with distinction, has always been a friend of Ireland and the other smaller member states.

A frustrating element of the debate was the sense that Ireland would have to rely on vetoes or qualified majority voting modalities to survive in Europe or to gain recognition in terms of negotiations and so on. The reality has been the opposite. On the issue of qualified majority voting, QMV, for instance, the “No” side argued the new system weakened our position whereas it actually strengthened it. They concentrated on the 65% of population factor in QMV, ignoring the 55% of member states element whereby 15 member states would be required for a proposal to be passed.

In any event, in the old regime we had about 2% of the votes. Did they honestly think we depended on those votes to gain progress in negotiations? We did not. Brain power, the capacity to generate alliances, the 35 years of accumulated goodwill that Dr. Garret FitzGerald wrote about recently — it is all of that which enables Ireland to prosper and progress, to get its voice heard and to shape and influence policy. We have rarely attempted, indeed did so only once, to shape policy on the utilisation of a veto. We have always welcomed the utilisation of qualified majority voting because it meant things could happen in Europe. The single internal market which has been such a catalyst for Irish economic development happened because of the QVM system. If it had not been in place this development would not have happened. In many ways, therefore, the debate became too negatively and narrowly focused and did not really reflect the reality of the daily dynamic that is the European Union with regard to policy development and formulation.

[Deputy Micheál Martin.]

Equally, I regretted somewhat the character of the debate on security, militarisation and so forth. Some of the “No” side were misleading to some degree about the Union’s activities in security and defence. The word “militarisation” was bandied about and suggestions were made that conscription would result from a “Yes” vote. Again, that allegation was without foundation but it gained a certain currency. What I really regret in that respect is that the other dimension of the international and external role of the European Union was hardly profiled or acknowledged. Europe is the single largest donor in the world to development aid, something we in Ireland hold very dear in our foreign policy and in our international role. Europe and member states allocate up to €50 billion to 150 of the poorest countries. The humanitarian interventions that the Union has sponsored, all of which were mandated by the United Nations, including the rule of law missions in areas of conflict and the EUFOR mission in Chad, are all illustrative of a Union that, far from wanting to declare war or be confrontational, wants to be a force for peace, good, reconciliation and the eradication of poverty. This was rarely acknowledged on the “No” side. One heard that the Union was just a military project or conspiracy. This was wrong, disingenuous and not balanced in terms of the overall debate.

Many have argued that our involvement in the European Union represents a loss of national sovereignty. I take a different view and believe that, by joining with others, we share our values and actually strengthen our hand and promote our interests. In practical terms, our profile, voice and sovereignty have been strengthened dramatically since 1973. I would not be naïve enough to suggest every aspect of the Union is perfect, nor would I argue that membership has always been plain sailing, but I contend that the overall Irish experience has been very positive.

I strongly endorse the Taoiseach’s comments that this debate should be part of the national discussion we must now undertake. This debate is also about being honest with ourselves in the light of the decision we have taken. It is about reflecting not only on the events of last week but also on what they might mean for the nation in the years and decades to come.

We can certainly learn lessons from the debate that took place. There is clearly a need for the European Union to reconnect with its citizens. This came across in the General Affairs Council debate on Monday. Many Ministers referred to the need for the Union to concentrate on policy and substance as opposed to institutions and structures all the time. There is a need to better focus the message on the laws and treaties of the Union and concentrate on the facts and reality.

Above all, there is a need to generate renewed excitement and enthusiasm for the European Union project. Some of results of the Eurobarometer survey of young people’s attitudes to the Union raise issues of concern. Have younger generations become altogether distant from the Union? The generation which joined in 1973 and, to a certain extent, subsequent generations regard membership of the Union as a given and a no-brainer. Clearly, the youngest generation does not share this attitude. There is a need to re-engage with people on what the Union is about and how powerful a force it can be for good.

Last Thursday’s vote was not a rejection of the European Union. My view remains that Ireland’s future is bound inextricably with that of the Union. We face uncertainty and a great challenge and it is incumbent on us to respond carefully and with the interests of Ireland at heart. We will be able to rely on the support and goodwill of our EU partners, as was clear at the meeting of Ministers for Foreign Affairs in Luxembourg. There was a strong sense that we must work together to find a way forward. There was certainly anxiety and concern but no impatience. There was a willingness to afford the Irish the time and space needed to reflect on what had happened. There was awareness that the problem created by the referendum was a European one, not just an Irish one. There was an acceptance that the issues underlying the

vote of the people arose throughout the Union and that our concerns and preoccupations were shared widely.

Several of my colleagues noted the troubling failure of the European Union to sustain, at times, the trust and affection of all its people, which its achievements and founding principles have developed. The Union faced many challenges in the past and managed to overcome all of them by adhering to its core values of solidarity and consensus. Regardless of the precise details of the treaties, it is this European spirit that has sustained and developed the Union. Ireland, as with every other member state, has benefited from the Union and I know we can rely on it in the future.

I implore interested parties to consider the options calmly. We have discussed them frankly and openly as two partners should and will seek collectively to agree a solution to the current problem. This will not be easy or straightforward. As the Taoiseach stated, we are in uncharted waters, but even if those waters are choppy, we will be able to steer eventually to a safe harbour. This will be in the interest of the people of the European Union, including the Irish.

**An Ceann Comhairle:** Deputy Mitchell has only five minutes.

**Deputy Olivia Mitchell:** Are the remaining five minutes to be shared?

**An Ceann Comhairle:** Yes.

**Deputy Billy Timmins:** There are four and a half now.

**Deputy Olivia Mitchell:** I am sharing my time with Deputies Allen and Burke but I am not sure it is worthwhile.

All politicians must accept some responsibility for the outcome of the referendum. On the face of it, the treaty was rejected but the vote was also a message to the Establishment telling us that we were never really persuaded of the intrinsic value of the European project and that we never really considered ourselves to be enthusiastic or committed members of the Community, working together in the Irish interest. If we really were convinced, people would at least have been predisposed to voting in favour of every treaty and listening to the exhortations of political representatives. Such goodwill in favour of the European project simply is not apparent. We discovered, in respect of a treaty that was not momentous in any way, that we had to start from scratch and persuade citizens again of the value of the Union and overcome very deep-rooted suspicion and genuine concern regarding anything that smacked of more of the European Union.

As a committed European, it does not give me any satisfaction to outline these facts. Citizens may have fears concerning geographical separation or our history of foreign domination and may be innately suspicious of sharing hard-won self-government but politicians have fed those fears during the years. They have taken credit for the popular decisions of the European Union and denied responsibility for those that were unpopular, although they were part of the decision-making process.

People are disengaged from the European Union. The constant, insidious distancing of ourselves from responsibility for jointly made decisions has had its effect on the Irish psyche and helped to reinforce pre-existing reservations about the European project as a whole. We, as politicians, have a responsibility to stop making utterances in the interests of short-term expediency that distance ourselves from responsibility for EU decisions.

Ministers have a responsibility to talk to us about decisions made in the European Union such that those people in whose names they are made will know what is happening. The media have a role to play in this regard. The Irish press corps in Brussels is smaller than that of



[Deputy Olivia Mitchell.]

Croatia. RTE devoted a couple of minutes to this matter after midnight. The reality is that we are not serious about the European Union. If we really believe we want to be part of the Union, we must stop pussyfooting. We must make a committed decision as politicians and ensure the new Oireachtas channel will cover proceedings in the European Parliament.

**Deputy Bernard Allen:** Trying to make a contribution in a minute and a half is like writing the treaty on a postage stamp.

It will not be practical or credible to put the treaty in its current form before the people in a second referendum. It would be foolhardy to believe that, after a “No” vote last week, they would simply say “Yes” the next time on the grounds that they really needed time to think about the treaty. The dilemma we face concerns how best to obtain a package in a new round of negotiations that will be sufficient to sell the treaty to the people, while at the same time reaching agreement with the other 26 partners. It will not be easy but there are enough smart people in Ireland and other member states to achieve that objective.

All the talk from the other member states last weekend about having a second referendum the day after the result of the first was so inappropriate as to make them diplomatically naïve and democratically clueless. We need time to focus people’s minds on the necessity to find a way forward without contemplating another referendum for now.

We must examine our own consciences. The leading players in the whole debacle, from the Taoiseach down, would want to do so. Trying to insult members of the Opposition in the middle of a referendum campaign was not wise. The former Taoiseach did so much to damage respect for politicians and also torpedoed the campaign because of his failure to nominate a date for the referendum. Owing to the conflict between his duties to the Mahon tribunal and his political duties, he took his eye off the ball.

**Deputy Ulick Burke:** I appreciate the Ceann Comhairle’s leniency.

To an extent, the referendum result must be understood to be the people’s judgment on the Government’s handling of current national issues. The referendum took place against a backdrop of unemployment rising above 207,000 and massive increases in the cost of living. The result also must be seen as a product of the Government’s inept campaign. I refer to the delay in naming a polling date, the Government’s aggressive and arrogant campaigning style and, in particular, that of the Minister of State at the Department of Foreign Affairs, Deputy Roche, which was vote “Yes” or else, as well as the outburst of the former Taoiseach. The elementary factual errors of several Ministers undermined public trust in the campaign for a “Yes” vote. The Tánaiste twice asserted that the larger member states would still retain two Commissioners.

Other factors included Irish people’s frustration with EU bureaucracy and the plight of fishermen. Members are aware that due to European directives, large renewable energy projects have been delayed or abandoned. Moreover, the habitats directive prevents people from using domestic peat as a source of fuel. The Minister for the Environment, Heritage and Local Government must reconsider the derogation that will expire at the end of the year in this regard. The loss of a Commissioner also contributed. Members must learn from this, listen to what the people have said and provide an opportunity to go about our business in a proper way.

**An Ceann Comhairle:** As it now is after 6.30 p.m., I must move to questions. I call on Deputy Timmins to pose his questions.

**Deputy Billy Timmins:** I thank all Members who have contributed to the debate thus far and have some initial questions for the Minister. Although I appreciate he stated we were in uncharted waters, I believe he also stated we would arrive in a safe harbour. While I admire

his confidence, he should explain how he proposes to arrive in a safe harbour if we are in uncharted waters.

I seek confirmation of a few matters. Can the European Union sign the treaty and exclude Ireland? Can the 26 countries come together, sign the treaty and tell Ireland it is not part of the deal as it has not ratified it? Can they go ahead and ratify it? Alternatively, are they be obliged to agree a new treaty, be it a second Lisbon treaty or whatever it may be called? Can the Minister provide an outline of a timetable in this regard? While a period of reflection has been mooted, for how long can we reflect before the Government will be obliged to decide on how to further this issue? Alternatively, does the result of the referendum constitute a decision by the people to stop? Does it mean they want to keep the European Union as it is, do not wish to integrate any further, do not want a change and wish to operate under the rules as laid down under the Nice treaty? If that is the case, does the Minister have an idea as to how the other 26 countries would take to this?

**Deputy Micheál Martin:** To what?

**Deputy Billy Timmins:** I refer to the other 26 countries and a scenario in which the Minister tells them that Ireland has decided the sovereign decision has been made by the people who wish to operate under the existing rules and institutions as laid down in the second Nice treaty. Can the Minister indicate how other countries might react or respond to this? While I have heard much talk of renegotiation, the Minister may be able to confirm or refute my belief that the other countries are not in a mood to renegotiate the details of the treaty. He should indicate what he sees ahead and the timeframe. Is one talking about the summer or autumn or must we come to a conclusion by the end of the year? He should outline a timetable.

The Minister should deal with one specific issue. My understanding is that on foot of the Nice treaty, the size of the Commission must be reduced by November 2009. This is definite and no one can veto it, as it already has been decided, although there must be unanimity on what the reduction will be. How are we going to break this impasse? If the Lisbon treaty is not ratified and the issue of the Commission arises, can the Minister indicate what the Irish position might be? Will the Government adopt the position as outlined in Lisbon with the rotation of Commissioners or what will we do? The Minister should provide an indication in this regard because this must happen. If no agreement is reached, what will happen to the Commission in November 2009? Will it be disbanded or will it have any legal status?

**Deputy Micheál Martin:** The word “hope” certainly was intended in respect of steering the ship to safer waters.

**An Ceann Comhairle:** It springs eternal.

**Deputy Joe Costello:** The Minister also needs a compass.

**Deputy Micheál Martin:** We are in a highly uncertain position.

**Deputy Ruairí Quinn:** One hopes the harbour is as big as Cork Harbour.

**Deputy Micheál Martin:** I would not understate——

**Deputy Michael Ring:** Commissioner McCreevy or the Taoiseach should not read the maps because they will not read them and we will be afloat. They do not read anything. I do not want them to captain the ship in case it sinks.

**Deputy Micheál Martin:** My experience since I was a child in the city of Cork means its motto, *Statio Bene Fide Carinis*, or safe harbour for ships, is embedded in my subconscious. I apologise for the reference to a safe harbour.

**Deputy Billy Timmins:** Members know from what harbour the *Titanic* left.

**Deputy Simon Coveney:** The *Lusitania* is not too far from Cork.

**Deputy Micheál Martin:** From this comes a natural, optimistic kind of *esprit de corps*.

**An Ceann Comhairle:** Allow the cartographer to speak.

**Deputy Micheál Martin:** Great challenges lie ahead and the Government is by no means understating them. Ireland and the European Union are in a very difficult position. The Deputy asked about the timetable but I do not have one, as there is none. The Government has asked for time and space to analyse the underlying issues, both in respect of the campaign and underlying attitudes to the European Union. This will enable us to map our way forward in consultation with the European Union members. Similar problems have arisen in the past, going back as far as 1992, and the European Union, working collectively, has managed to overcome such scenarios and setbacks.

The Deputy asked whether the others could sign. They cannot. The Lisbon treaty requires ratification by 27 member states. That is the legal position and the British Foreign Secretary has made this clear on a number of occasions. Moreover, this is acknowledged across the European Union. At the General Affairs and External Relations Council meeting earlier this week it was refreshing to hear articulated a genuine sense of solidarity that there is no desire to opt for 26 and to leave one behind. People want to find a solution to this issue. That is the position.

Deputy Timmins asked a question on the second Nice treaty and the Commissioner. He is correct in that the Nice treaty, under which we operate, provides for the number of Commissioners to be reduced in the first Commission to take office following the accession of the 27th member state. As the Deputy suggested, this means the Commission which will take office at the end of 2009 must have fewer than 27 members. Moreover, as he correctly stated, this must be done by unanimous decision of the Council on the basis of equal rotation between the member states. However, in contrast to the Lisbon treaty, the Nice treaty does not detail how the Commission will be reduced. This means that under the present treaties, the number of Commissioners must be reduced from next year. This was articulated at last Monday's meeting and is the first piece of work that will exercise the European Union at the end of this year.

**Deputy Ruairí Quinn:** Will this go on, irrespective of everything else?

**Deputy Micheál Martin:** Yes, although the Lisbon treaty would have postponed this development until after 2014.

Deputy Timmins then asked what was Ireland's position in respect of negotiations on this issue. To be frank, the Government is trying to draw breadth. Obviously, like in all negotiations, it will try to represent Ireland's best interests and achieve the best we can from that scenario, but it is unclear.

**Deputy Billy Timmins:** Can the period of office of the current Commission be extended? Is that a possibility?

**Deputy Micheál Martin:** No.

The Deputy asked what would be the attitude of our colleagues, were matters to remain as they are, and how they could go ahead without us. As I noted, this is not their desire. They certainly cannot proceed with the Lisbon treaty. However, a point that a number of commentators have been trying to make for some time is that the real issue should not necessarily be about the legalities, although they are important. The real issue is what will happen to the good will we have built up over 35 years and the sense of constructive partnership between Ireland and the European Union. Where does that leave Ireland for the future? How will we be viewed? This exercises me more than the legalities about vetoes and so on and it is an issue we will have to consider. The challenge is to ensure we stay centre stage and at the heart of the European project.

**Deputy Joe Costello:** Will the Taoiseach oppose any move towards a two tier system at the summit tomorrow? Will the Minister give his approval to the remaining countries which have not yet ratified the treaty to so do? I presume the Taoiseach will not accept the request made by Mr. Martin Schulz to remove Commissioner McCreevy, but the Minister might comment on the reasons for making such a request. Does he have any proposals to make to conduct surveys or research or engage in consultation on the outcome of the referendum? He said there was currently no timescale, but has he thought of any practical steps to take?

I asked about the advice of the Attorney General on the constitutional impediment to the treaty, and whether he could identify the innovations in it that impacted on the Constitution, as distinct from merely administrative and logistical innovations that did not impact on it and would be subject to parliamentary action.

The Minister has stated there is a disconnect to a certain degree arising from the “No” vote. The proposal was made by the Joint Committee on European Scrutiny that we put in place mechanisms to discuss European affairs in this Chamber, especially given the enhanced role to be given to national parliaments. This cannot be done legally now that the treaty has not been approved, but would the Minister consider doing this on an informal basis? This Parliament and its elected representatives could be brought closer to the people. The second proposal from the joint committee was that an information centre be established in Dáil Éireann. Would the Minister consider establishing such a centre?

**Deputy Micheál Martin:** The Taoiseach would not countenance in any way a two-tier European Union. Many other member states would be against such a scenario. At the Council meeting on Monday many member states clearly articulated that it was something they would not entertain under any circumstances.

The Deputy spoke about those countries that had ratified the treaty and those that were in the process of so doing. I said we had exercised our sovereign right to decide on the Lisbon treaty through a referendum. Other countries respected that decision and they are entitled to exercise their sovereign right to proceed with the ratification process. The British Foreign Secretary said it would be an erosion of British sovereignty if they were denied their right to discuss the treaty in their Parliament. I am very supportive of that view. We are not in a position to interfere with the sovereign right of other member states to ratify the treaty in their own parliaments.

The Deputy also mentioned Mr. Martin Schulz. That is an old engagement and has a history.

**Deputy Ruairí Quinn:** Let us not go there.

**Deputy Joe Costello:** I thought the Minister might like to comment.

**Deputy Micheál Martin:** I really do not want to do so.

[Deputy Micheál Martin.]

We do not have a timetable for the consultations and practical steps to which the Deputy referred. We can obtain legal advice on the constitutional issue and those matters which merited a referendum and those which did not. However, there are always grey areas in a treaty. I will come back to the Deputy on the matter at a later stage.

I agree with the Deputy's point that there is a disconnect to a degree. One of the negative impacts of the "No" campaign is that the recommendations of the Joint Committee on European Scrutiny and the Joint Committee on European Affairs cannot now take effect. The element of the Lisbon treaty that provides for a role for national parliaments in terms of greater scrutiny cannot now take effect. That is something I regret. However, I am still very anxious to work with both committees to mainstream EU issues in this House. That is an issue on which I will engage with them.

**Deputy Leo Varadkar:** Some have suggested the Lisbon treaty is dead. The UK Foreign Secretary has said it is up to the Irish to give the last rites to the treaty. Is it still the policy of the Government to ratify it? If it is, when will it tell the people? If it is not, when will it tell the other EU member states that we do not intend to ratify it? They will then not have to waste time going through an unnecessary process.

It has always been at the centre of Irish foreign policy that there should not be a two-speed European Union, but that if it were to happen, Ireland should be in the fast lane. It is clear that is not the view of the people. Is that policy now under reconsideration, or is it still a core policy of the Government?

**Deputy Micheál Martin:** Government policy is to ensure Ireland remains at the heart of the European Union. Arising from the vote and the decision of the people, we are examining how best we can ensure this. The legal position is that the Lisbon treaty cannot go ahead without 27 member states supporting it. However, rather than rush to hasty conclusions, we will have time to reflect and then map a definitive way forward. I am not so sure that the vote means that we no longer want to be at the centre of the European Union. That is one of the reasons we want to carry out this analysis. The Eurobarometer, carried out in conjunction with the Department of the Taoiseach, indicates that 80% of the people who voted still want to be part of the Union. One can form a judgment——

**Deputy Leo Varadkar:** That is different from wanting greater integration.

**Deputy Micheál Martin:** One can form a subjective judgment on how one can interpret the vote. I did not get a sense during the campaign that people wanted to move away from the European Union.

**Deputy Michael Ring:** I have three questions. Will the Minister say whether the Government accepts the will of the people since they voted "No"? Can any part of the treaty be brought through the Dáil and is the Government considering such an approach? When talking to his European colleagues, did the Minister ask them the reasons they did not hold referendums in their respective countries? I asked a politician that question in France last week and he told me that if they had held a referendum, it would have been rejected by the people. If the treaty is so good, why did the rest of the member states not put it to the people and give them an opportunity to vote on it?

**Deputy Micheál Martin:** They did not have to put it to the people, constitutionally. The way the debate emerged indicated that somehow the people had been denied. The degree to which parliamentary democracy was undermined in the debate was astonishing. Parliaments in

parliamentary democracies are democratically elected but throughout the campaign during the last six weeks it was as if they were pariahs, unelected elites, yet they had been elected by the people. The Members of all those parliaments which may ratify the Lisbon treaty will have to go before the people in two or three years time.

**Deputy Michael Ring:** Is the Minister saying the Parliaments were elected and gave their powers away?

**Deputy Micheál Martin:** Germany, for example, has legitimate historical reasons for not holding a referendum. Therefore, we cannot insist that the way we do things is the way everybody else should do their business. In the context of our written Constitution, there was an obligation on us to proceed in the way we did, but that does not mean we have to impose the way we do things on the rest of Europe.

**Deputy Michael Ring:** What about legislation? Will any part of the treaty go through the Dáil?

**Deputy Micheál Martin:** As I said in reply to Deputy Costello, these are issues that we are examining. I shall put it this way to the Deputy: we have not decided on any option. We are examining and reflecting, but obviously shall take on board whatever is warranted.

**Deputy Michael Creed:** Does the Minister agree that, notwithstanding the fact that the treaty stands on its merits, one of the most disappointing aspects of the vote was that 75% of those entitled to vote either could not be bothered to vote or voted against and that this indicates a serious disconnect between Ireland and the EU project? Leaving aside the question of whether the treaty or parts thereof may be put to the people again, does the Government have any plans to structure a re-engagement of the people with the European project? The PAYE sector, women in particular, environmentalists and the farming community have all gained significantly from it, but the widespread conclusion arising from the vote on 12 June was that wide tranches of these communities had disconnected from the European Union and forgotten about the benefits that the Union continued to bring to them. Has the Government given any consideration to the future of the National Forum on Europe, perhaps in a revised format, to re-engage people on what the Union has delivered for them?

**Deputy Micheál Martin:** The Deputy makes a fair point. It will be part of my policy to conduct a fundamental review, take steps and develop a programme that will facilitate an engagement with people on the European Union. I again stress that the barometer survey is preliminary, but it indicates that young people, apparently——

**Deputy Leo Varadkar:** When is it to be published?

**Deputy Micheál Martin:** It will be published when all the data are finally put together. It seems young people voted against the treaty, two to one. That rings an alarm bell in terms of what Deputy Creed said about a disconnect. There is also a sense that, notwithstanding the fact that the campaign was very much conducted on the back foot, there was no instinctive enthusiasm. It appears that the European project has lost some of its excitement and people do not have that connection. I take the Deputy's point. Over and above the treaty, I shall come back to the House on that issue.

**Deputy Michael Creed:** Does the Minister agree that blaming the European Union for particular directives, as in the case of school water supplies, does not help?

**Deputy Micheál Martin:** It is above and beyond it.

**Deputy Michael Creed:** It is not, actually.

**Deputy Ruairí Quinn:** The Minister may not be able to give me an answer tonight, but is it possible that member states, acting unanimously, could, in fact, decide to implement some of the provisions contained in the Lisbon treaty, which would not infringe our constitutional position, for example, those under which the Commission would simultaneously communicate, albeit on an informal basis, with the scrutiny committees of national parliaments and respect their responses in the spirit of the treaty as regards subsidiarity?

**Deputy Micheál Martin:** I shall have to revert to the Deputy on that matter.

**Deputy Ruairí Quinn:** That is fine, but it is an example.

**Deputy Micheál Martin:** Legally, they cannot proceed with the Lisbon treaty without all 27 member states on board.

**Deputy Ruairí Quinn:** I accept that is the position, legally.

**Deputy Micheál Martin:** What we are discussing is hypothetical as regards what could happen and how other member states might proceed. At this juncture member states are seeking to resolve the issue in the best interests of the European Union, including Ireland. They value our continued membership of the Union. That will be the focus in the coming months to see whether we can find a way forward to resolve this issue in the best interests of the Union.

**Deputy Ruairí Quinn:** Is that informal process not the way forward, as distinct from the legal process?

**Deputy Micheál Martin:** As I said, we are examining and reflecting. When the Taoiseach said we did not have immediate answers, he was telling the truth, because prior to the referendum, we had said a “Yes” result would mean certainty, while a “No” result would mean genuine uncertainty. It was not the case, as I told a journalist, that we had the Lisbon treaty in one hand and an alternative to it in the other that we could produce after the referendum. That is not the reality. Therefore, we are genuinely saying there is some work to be done as regards how we can make our way through this. That is the way we are proceeding.

**Deputy Simon Coveney:** Does the Minister accept that the onus is primarily on Ireland to try to charter a way forward? There has been considerable commentary in other member states to the effect that they want Ireland to bring forward ideas and potential solutions. I know it is very early days and the vote was taken less than a week ago, but can the Minister indicate to the House some timeframe as regards when he plans to put the analysis together and draw some conclusions? The treaty was supposed to be in place from next January. Clearly, the timescale is very short. Can the Minister give us some idea of the framework he intends to put in place to come up with some solution to move the process forward? I do not expect him to outline the exact timeframe.

**Deputy Micheál Martin:** I have dealt with some of these questions already. On the fundamental question of whether the onus is on Ireland primarily, it is on both Ireland and the European Union. We shall have to consult domestically and in the House. That is why I welcome this debate. I shall also be consulting the committees of the Oireachtas. In our examination of the issues involved, to be frank, the primacy of the Oireachtas has to be asserted. We have to be creative in finding solutions, but even if we come up with ideas, we will have to engage with our colleagues elsewhere in Europe, the incoming Presidency, the Commission and other member states. The exercise has to be undertaken on a collective basis. Obviously, we are

conscious of the timeframe. However, it is important to get it right and to try to arrive at a sustainable solution, rather than being overly focused on the timeframe at this stage. The Taoiseach will discuss these issues with the Heads of State tomorrow.

**Deputy Paul Connaughton:** I have been listening to the argument about the disconnect with the electorate to which the Minister refers for ten or 15 years. I do not know what one has to do to manage it and do not have the answer. I am not sure the Minister has the answer either. Otherwise, we might have had a different result last Friday. Perhaps something is dramatically wrong in this regard.

One of the questions addressed to me most frequently during the campaign was the reason Ireland could not have a Commissioner at the table all the time. We do not have time to go into the matter now, but what is actually wrong with having 27 as opposed to 18 Commissioners if the people in each member state believe their best interests would be served by having a Commissioner at the table? Will someone explain that to me?

**Deputy Micheál Martin:** Deputy Creed and other Members raised the issue of a disconnect which our European colleagues understand. It is not only an Irish issue. Across Europe there is a particular perception of the European Union and the need for it to get more into substance and policy.

**Deputy Paul Connaughton:** That is the very problem.

**Deputy Micheál Martin:** The Lisbon treaty which addresses the institutions of the European Union has taken seven years to negotiate. Several issues were raised during the referendum campaign which must be analysed to determine how we should proceed.

**Deputy Paul Connaughton:** I am sure there are issues we can address but there are others that we cannot.

#### **Private Members' Business.**

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#### **Dáil Sitings: Motion (Resumed).**

The following motion was moved by Deputy Gilmore on Tuesday, 17 June 2008:

That Dáil Éireann conscious of the many serious social and economic issues facing the country, including:

- the most rapid rise in unemployment ever recorded with live register figures having again gone through the 200,000 barrier;
- the deteriorating economic situation reflected in the most recent Exchequer figures;
- the serious problems being created for hauliers, fishermen and others by the huge jump in the cost of diesel;
- the danger of increased fuel poverty for low income families as a result of increased fuel and energy prices generally;
- the continuing high level of inflation with the consumer price index hovering just below 5% and mounting evidence that Irish consumers are being ripped-off, particularly by the failure of Irish branches of British based multiples to pass on the benefits of the increase in the value of the euro;



- the failure of the Government to introduce the promised legislation to place on a proper statutory basis the nursing home subvention scheme;
- the disclosure that more than 40,000 primary school pupils are being taught in pre-fab buildings;
- the continuing serious shortcomings in the health service and the ongoing cutbacks, particularly in regard to community health services; and
- the most recent crime figures which show a particular increase in the number of public order and homicide offences;

believes that against the above backdrop it would be irresponsible for the Government to proceed with its intention to adjourn the House for the summer recess on 3 July when so many serious issues require attention;

resolves that Dáil Éireann shall adjourn for its summer recess not earlier than 24 July and shall return not later than early September;

calls on the Government to enter into negotiations with the Opposition parties with a view to securing agreement on a substantial increase in the number of sitting days by, in particular, reducing the duration of the summer and Christmas recesses.

Debate resumed on amendment No. 1:

To delete all words after “Dáil Éireann” and substitute the following:

- notes that the Government through its ongoing management will continue to address the important economic and social issues facing the country over the coming months;
- welcomes the Government’s firm commitment to position the economy for sustainable development over the years ahead, while adapting to the reality of more moderate growth in the future;
- welcomes the Government’s commitment to continuing to achieve sustainable development through improving national competitiveness, as demonstrated by its maintenance of a low burden of taxation on labour and capital and by the priority that it has given to investment under the national development plan in the economy’s physical infrastructure and skill levels which will enhance Ireland’s productive capacity and thereby lay the foundations for future improvements in living standards;
- welcomes the commitment by the Government to protect the poor and vulnerable in our society as evidenced by the significant resources allocated to the areas of health, education and social welfare over recent years; and
- notes the Government’s intention to publish the annual report of the NDP and agrees it will be debated in the Dáil in the week of 7 July 2008.

—(Minister of State at the Department of the Taoiseach, Deputy Dick Roche.)

**Deputy Pat Breen:** I thank the Labour Party for bringing this motion before the House. The body politic is being seriously undermined. I concur with my colleague Deputy Varadkar when he said last night, “Public trust in politics and politicians is at an all-time low”. The disappointing result in the Lisbon treaty referendum is testimony to this mistrust.

Proposing an extra week’s sitting to have statements on the national development plan without debate shows how this Government does not have its finger on the nation’s pulse. This extra week’s sitting is a complete waste of time with no Dáil business, Order of Business or any opportunity to raise matters on the Adjournment. Last night, Deputy Cuffe of the Green

Party claimed this is a movement in the right direction. It is just another charade to fool the people into believing the Government is dealing with the challenges facing the country.

Nothing could be further from the truth. One only had to read this morning's headlines. Or did the departmental media monitoring units miss these like with Aer Lingus transferring its Shannon-Heathrow slots last summer? The headlines stated consumers face a record hike of 30% in electricity prices, the Health Service Executive is losing €1 million a day and international investors are shunning Ireland for greener fields. While fairy tales were being played out at the Mahon tribunal and while the former and current taoisigh were out clapping themselves on the back on extended laps of honour in America and Birr, a crisis was raging in our economy. Inflation has risen to 4.7% and the live register figures have hit 200,000 for the first time in a decade. The overall number of those working in the construction industry fell by 13.8% in April this year compared to the same month last year. There is also the problem of the major fuel price hikes hitting all sectors in the economy.

I have been warning the Government for some time of the effect the slowdown is having in County Clare. Yet there has been a deafening silence from Government. It must bear a burden of responsibility having allowed Aer Lingus to depart from Shannon with the Heathrow slots. There has been a staggering 26.89% increase in the live register figures in Clare in the past 12 months. Last week, further bad news on the job front came when Buffalo Technology Ireland and Kielys Electrical closed their operations in Clare. Up to six businesses have closed in Ennis over the past several weeks. The loss of the Shannon-Heathrow air service is a considerable obstacle when attempting to attract new investment to the area. Access to markets is a serious cause of concern.

The extension of the US Customs and Border Protection facility was promised to be in place in Shannon Airport by 1 May but like many Government promises the deadline has passed. The lack of connectivity to broadband continues to frustrate individuals and businesses in many areas of the county. A broadband operator was promised be in place at the end of August but, again, I have my doubts this deadline will be achieved.

Last night I raised on the Adjournment the third world conditions that teachers and children have to put up with at Ennis national school. I could have been speaking about many of the 36 primary and six post-primary schools in Clare. Six months into the year funds have dried up in County Clare for the housing aid for the elderly scheme because no funding is forthcoming from the Department of the Environment, Heritage and Local Government.

In ten years Ireland's competitiveness has fallen from fourth place in the world to twenty-second. The steps that are required to address these problems are well documented and included in the national development plan. They include improved access, fast-tracking infrastructural projects in roads, rail and broadband and maintaining investment in education.

There will be no debate on the national development plan in the House in July and the Government will not be held to account. The House needs more accountability not less. Many Members are already frustrated at receiving no answers from the Government when they raise important issues. Instead, Members are informed such matters are the responsibility of various agencies such as the Health Service Executive or the National Roads Authority. That is why the extra week of statements in this House is a sham with no real business transacted.

I am reminded of the quote, "If we get a government that reflects more of what this country is really about, we can turn the century — and the economy — around." Unfortunately, we do not have a Government that reflects but a show business one that performs for show.

**Deputy Paul Connaughton:** I commend the Labour Party for putting down this motion. I have heard many debates on this matter over the years. Every Government and Opposition has always spoken about shorter holidays. In my 30 years in politics, however, I have never seen the economic indicators as bad. Is it not ironic that the Parliament, in which one would expect some leadership, will close on 10 July and not return until 1 October?

There was a lesson from last Thursday's referendum. All Members were out in solidarity with the "Yes" vote but were brushed aside. The people said they did not take us guys seriously. If politicians are to have any credibility in turning the economy around, it must start in the Parliament. Where else will the people's — both young and old — best interests be served other than in the Dáil? Instead, it has been decided to have a three-month holiday.

Some years ago there was no problem in recalling the Dáil for two days in the summer when Larry Goodman was in trouble. While there were important considerations in that case, how much more important are the 4 million people who are directly affected by what is happening in the economy? No Member can tell me there have not been occasions in the past when a Government felt it was important to recall the Dáil.

The Government wants to be in the Dáil as little as it can. The less accountability, the better. It simply wants to run and hide. After last Thursday's referendum result, however, there is not much room to run. Politicians must stand up and be counted.

Why can the Dáil not be recalled on 1 September? From a public relations' perspective, it would stop the press from commenting on us. The majority of Members do not want the long recess because we will be working in our constituencies regardless. It makes little difference to me if the Dáil sits longer, as I am at the job 51 weeks of the year. The public perception, however, is that Members are on holidays most of their lives. We play to that image by taking the Government's official line, closing the Dáil for three months in the middle of the summer. Few people have avoided being adversely affected this year and one would have to be a hermit living on the top of Croagh Patrick with neither a car nor proper food nor using services of any description. Everybody else will be hit. The service industry will be hit because people's purchasing power is falling and people are losing their jobs in service industries. Inflation has risen and it is difficult to obtain a mortgage from a bank. A young couple came to me today and it is difficult to believe but the bank's reason for refusing to give them a mortgage on this occasion was because the planning permission on their site was more than three years' old. If this is the kind of carry-on our young people must put up with this year and the 166 TDs, including Ministers, leave here for three months this summer, the next time a referendum is held, we will be given an even greater mauling.

**Deputy M. J. Nolan:** I wish to share time with Deputies Mansergh, Kelleher, Flynn and White.

I welcome the opportunity to speak on this motion. Many times Deputies on this side of the House stand up to vehemently oppose the Opposition motion but on this occasion I see merit in it. Since I was first elected to the Dáil in 1982 I have questioned the length of holidays which the House takes each year. It is difficult to explain ourselves to the public. However, it is important to put on the record of the House that when Members opposite are in Government they also take the same line and the House goes into recess for three months.

We are in changing times and it may be time for some Government to change the way we do our business. The result of last week's referendum is a salutary lesson for us all. The three main political parties took a decision to go one way and the public, as is their right, decided it is time to teach us all a lesson.

We are now in difficult times, both internationally and domestically. International factors influence our economic growth. Far from the great days of 5% to 10% economic growth of the past 15 years, we are heading to a point where some commentators are forecasting negative growth in 2008. We must face those challenges and deal with them and this is not an easy task for the new Minister for Finance, Deputy Brian Lenihan, as he prepares for his first budget. We must face the reality that there will be more people unemployed, not just in the construction industry but in many sectors of Irish industry which are finding it difficult to compete. Oil prices have risen and our rate of inflation is one of the highest in the EU and must be tackled. The financial crisis which was prompted by the sub-prime mortgage financial situation in the United States is causing a credit crunch. Not just businesses but also individual families are finding it difficult to secure loans for housing. This has a knock-on effect of a surplus of newly constructed houses and apartments. A total of 88,000 housing units were constructed in 2006 but less than 35,000 units will be completed this year, with no real significant increase projected for next year. This will have a knock-on effect on those employed in the construction industry and on suppliers to the industry.

I ask the Government to hold its nerve and to take control of certain issues, such as wages. The new social partnership agreements are being negotiated and I ask that a positive and constructive role be taken by all parties. We have control over certain sections of the economy and this is evident in the manner in which the Government in the past few years has tackled the problem associated with the insurance industry where exorbitant insurance premiums were being charged. Thanks to the stubbornness of the Government and the Ministers involved, we took control of that situation.

The charges being imposed on small indigenous businesses by local authorities should be examined. I ask that the success of a low tax regime should not be lost and the Government should resist the temptation to increase personal taxation. The rate of corporation tax has proved significant in attracting foreign direct investment. In this time of difficulty I ask the Government to hold its nerve.

**Minister of State at the Department of Finance (Deputy Martin Mansergh):** I welcome the opportunity to contribute to this debate on the adjournment of the House for its summer recess and more important, the economic and social issues currently facing us. I firmly believe we must take care in correctly addressing the challenges that face us. We must not make the same mistakes we made in the past such as curtailing capital investment which led to crumbling infrastructure in the 1980s. In addressing the difficulties we face, we must distinguish the situation from the downturn of the 1980s. There is a number of key economic and social factors in our favour. We have a work force which is young, dynamic and adaptable, with 2.1 million people in employment. The size of this work force puts us in a better position to support the current far more extensive social programmes. We have flexible markets, including the labour market. These markets are characterised by a light regulatory burden. In the labour market, greater flexibility has been key to the creation of over 700,000 jobs over the past decade. We have a pro-enterprise environment in which the burden of taxation on both capital and labour is low. This has facilitated a greater entrepreneurial success and the significant growth in small and medium-sized enterprises that are key to greater balanced regional economic development. General Government debt is forecast to be about 26% of GDP at the end of 2008, one of the lowest ratios in the euro area and net debt is around 14%. We are currently running a budget surplus.

The strong economic and social circumstances that exist allow us to be optimistic for the medium-term future of our economy and society. However, the Government is aware of the formidable challenges facing both our economy and the most vulnerable in our society. These

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difficulties include a continuation of international financial market difficulties, rising food and commodity prices, which were the main focus of two international ministerial meetings I have attended at the OECD and ASEM in the past fortnight, adverse exchange rate movements and a general weakening of the economic outlook in several of our major trading partners.

The Government and its predecessors have a strong record of targeting State assistance to the most vulnerable in society. This commitment will continue through the present economic difficulties. Spending on health and children will be in excess of €16 billion in 2008, a fourfold increase since 1997. All service areas have benefited from this greatly increased funding. There has been an increase of approximately 5,100 additional health front line staff since 2005. The €900 million multi-annual investment programme for high priority disability services announced in the 2005 budget has created in excess of 500 additional residential places, over 200 additional respite places and 1,000 additional day places since 2005.

The legislation to introduce fair deal, a new scheme to support people in long-stay care, is currently being prepared and will be published as soon as possible, following Government approval. The Government provided €110 million in the 2008 Estimates for this scheme. In the interim, I wish to reassure the House and the general public that the current arrangements for nursing home subvention will continue uninterrupted.

The Taoiseach this morning dealt with the issue of the school building and modernisation programme under the national development programme and pointed out that approximately €590 million has been provided for the school building programme this year.

Resources provided for policing have expanded rapidly with the Garda budget standing at over €1.6 billion. Garda numbers have been increased to over 14,000. Extra civilians have been taken on and resources are also being invested in technology.

The report on national development progress in 2007 will soon be available and will be laid before the Houses of the Oireachtas. This report will detail the very significant investment in social inclusion, including investment in child care, supports for young people, supports for the unemployed to access education and employment, services for older people and other measures to combat social exclusion. To say we in Government have not been active in underpinning the foundations for future sustainable growth is wide of the mark. We are actively working to ensure greater equality of opportunity so that all of our people can contribute towards an economic upturn. Accordingly, it is appropriate that the current Dáil session be extended to allow the annual report of the national development plan to be debated in the week beginning 7 July 2008. In this regard, the Government looks forward to a constructive and informed debate on the report.

With regard to the more general question of the length of Dáil sittings, comparisons with the Legislatures of much larger countries and Administrations are, in my opinion, of limited validity. The lengths of breaks have been significantly shortened compared to what they were in the 1980s. The practice of the rainbow Coalition was the same as its successors. The Government will be focusing in particular on the Estimates in July and September. Outside August, Oireachtas committees will continue to meet. Ministers and Deputies will have the opportunity to take on a range of political engagements — locally, nationally and sometimes internationally — that are not always possible when the Dáil is sitting.

Yesterday, Deputy Gilmore referred to odium while another Opposition Deputy mentioned public relations. These are points one must take seriously in light of events last week. At the same time, if one analyses the word “odium”, it means that some newspapers, in order to boost their circulations, will try to have some fun, yet again, at the expense of Members of this House. We should stand up for ourselves and not cower before cartoons and cheap comments. If one

applied the same criteria to some of the people who write these things, I dare say we would not have too much difficulty justifying our work rate. We have a lot of work to do all year round, bar short breaks to which we, like everybody else, are entitled. I do not think we should apologise for the way we do our business.

**Deputy Beverley Flynn:** I welcome the opportunity to speak on this motion. It is true that the economic environment has become increasingly challenging in recent months and the outlook is more uncertain. Risks that were identified in the last budget have come to fruition, such as recent developments in international financial markets, a further appreciation of the euro against the dollar and sterling, a decrease in international growth and a sharper slowdown in housing. Now is the time for us to respond appropriately and we can and will do so.

I wish to focus on the construction sector. Regarding the housing sector in particular, the Government has taken a range of effective measures to support housing affordability and facilitate the orderly and balanced operation of the market. The maximum rate of mortgage interest relief has been doubled over the last two budgets. In addition, stamp duty changes were introduced in the last budget that were the right measures at the right time. The bulk of housing output over the period of the National Development Plan 2000-06 was provided by the private sector and this will continue to be the case under the new national development plan.

There are currently 40,000 unsold houses in the country. Developers pay VAT at 13.5% when a house is sold, which represents in the region of €35,000 to €40,000 per house. At the moment, €1.5 billion worth of VAT is tied up in houses that are already built. That money would be very welcome in the Government's coffers. First-time buyers are sitting on the fence while construction workers are losing their jobs and are being encouraged to work abroad. The Government tax take in the construction area generally, not just from VAT, is down. We need to examine some areas in order to address this situation. Under the NDP, significant moneys are allocated for the provision of social and affordable housing. The current market presents an opportunity, if resources were freed up to local authorities, to enable them to negotiate deals to buy up affordable houses to satisfy current demand for social housing. This matter should be given careful consideration.

The Government should also consider introducing a first-time buyer's mortgage subsidy for anyone who buys a house within the next 12 months, to stimulate interest in the market. In addition, the Government should consider offering incentives to home-owners to improve the energy efficiency of their homes. Approximately 1.4 million homes were built before the current building regulations were put in place. Some 700,000 homes were built when no regulations were in place whatsoever. At a time of high energy costs, such measures would reduce the financial burden on households as well as reduce greenhouse gas emissions. The Government should consider taking those steps.

There is a danger that many people are trying to talk us into a recession. They seem to take delight in predicting doom and gloom for our economy. While we are encountering difficult economic conditions, so are many other parts of the world. Consumers are currently feeling the effects of economic uncertainty when they go to the petrol pumps. We are privy, as we always have been, to the whims of outside forces. International events, whether they are in the Middle East, South America or Africa, can affect the cost of fuel.

We must be pragmatic, however. Global economic developments play a key role in shaping Ireland's economic horizon. We are highly integrated into the global economy. The old saying that if America sneezes, the rest of the world catches a cold is the reality of the situation. The difficulties in the United States stem mainly from the housing market and particularly from the sub-prime mortgage segment of that market. These developments have impaired the functioning of international credit markets. Now is a time for cool heads; we must be willing to

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take the appropriate action to get through these tough economic times. Our economy is flexible and resilient. As a result of our sound economic management and fundamental fiscal factors, such as our low debt-to-GDP ratio and the substantial surpluses we have had for the past decade, our economy has the ability to absorb shocks in an efficient manner. Our rate of growth is much higher than elsewhere in the euro area. Financial experts are of the view that we should see a return to trend growth from 2010 onwards. Economic conditions in 2008 and 2009 will continue to be difficult, but they can be managed with sensible policies.

The Government should give priority to front-loading the infrastructural portion of the national development plan because this will help, in the short term, to absorb some of the capacity emerging from the new house building sector. Under the Government's assured stewardship, the fundamentals of the economy remain strong. As a result, we are well placed to absorb the housing adjustments and external shocks so our medium-term prospects will continue to be favourable. Our public finances are also sound, with one of the lowest levels of debt in the euro area. Our markets are flexible, allowing us to respond efficiently to adverse developments. We have a dynamic and well-educated labour force. We have a pro-business, outward looking society. The tax burden on both labour and capital is low. Not many countries anywhere in the world are facing the current global economic difficulties with such advantages. There is still very much to be positive about.

The Government will not take the soft option of cutting back on our ambitious investment programmes. The healthy state of our public finances means that we have some room for manoeuvre. We are borrowing modestly to invest ambitiously and will be well positioned to take full advantage when the world economy returns to better health. With appropriate action we can ensure that we achieve our optimum growth potential.

Now is not the time for scaremongers to set the agenda. Our economy is stable enough to come through these difficult times and we will emerge stronger and bolder to face any other challenges that may be ahead of us. After a period of unparalleled growth in our economy, there was always going to be a period when the rate of growth slowed down. This is particularly so in the construction sector where the growth in the number of units being produced — in the region of 80,000 in 2006 — was simply not sustainable in the long term. We will probably see 50,000 units per annum as the level to satisfy market demand. At present, however, we must recognise that there is a problem in our construction sector. It is important to stimulate it because when that sector does well, the economy tends to do well also.

I welcome the decision of the House to sit for an additional week. I hope it will go some way towards satisfying the calls from the Opposition to do so. It is important to recognise, however, that Oireachtas committees sit throughout the summer period. It is only in August that the House does not sit. As the Minister of State, Deputy Mansergh, said, the vast majority of Members of this House work very hard and everyone should recognise that fact.

**Deputy Mary Alexandra White:** I am delighted to contribute to this debate, even though much of our political energy in recent days has been spent on the implications and repercussions of the Lisbon treaty referendum. While there are many items on the domestic agenda, in the context of the Labour Party motion, I want to discuss fuel prices, fuel poverty and what can be done to help families on low incomes. The motion refers to the danger of fuel poverty for such families as a result of increased fuel and energy prices. Everybody knows that those prices have only gone upwards. The increasing prices typified last month by the largest ever increase in the price of oil in one day create fears of greater increases in the coming months and put pressure on our competitiveness.

Yesterday, a report published by Sustainable Energy Ireland made for grim reading as we learned that people are becoming increasingly dependent on electrical goods, with more and more domestic appliances switched on at any given time, and average household electricity use increased by 62% between 1990 and 2006, during which period household fuel use decreased by 0.3%. Something will have to give. It is not usual for a family of four children and two adults to have six television sets, four computers, DVD players, PlayStations, tumble driers and other appliances. We have never had more appliances in our homes and it costs money to leave them on. The Power of One advertising campaign advises us to unplug electrical devices at night because it would save us a whopping €500 per annum.

The Green Party in Government has introduced a range of schemes which are helping and encouraging domestic energy efficiency. They include the home energy saving scheme for existing houses and micro-generation programmes which allow users to generate green electricity for their own use. The greener homes scheme has entered a new phase which includes housing grants for those on lower incomes and grants for schools and community schemes. The Minister for Communications, Energy and Natural Resources has also doubled the support price mechanism for critical bioenergy power production systems which will attract the farming sector through the use of anaerobic digestion, waste slurries and straws to create green electricity. He has also announced a range of price supports and grants to encourage people to establish businesses or conduct research in the renewable energy sector. Savings of 20% could be delivered in the medium term.

I recently visited Güssing in north east Austria, a town which, until recently, suffered from mass migration and low employment levels. It now boasts full employment and is one of the richest areas of Austria as a result of becoming the first European town to cut carbon emissions by 90%. Ireland could achieve this objective by producing heat, power and fuels from the sun, wood and agricultural products. We should take action to encourage our farmers to use waste straws and slurries and anaerobic digestion to create heat. Given the need to provide jobs, particularly in rural areas and the agriculture, construction, energy production and training sectors, employment opportunities are considerable.

Güssing has become one of the richest areas in Austria and has attracted 50 new companies to the area to support and sell extra electricity to other parts of the country. We should take the town as example as there is no reason we could not emulate it by supplying cheap electricity to heat local factories, workplaces, homes and public facilities, thus improving Ireland's competitiveness and addressing the problem of low incomes arising from fuel poverty. The latter is a major worry among older people. Carlow, which plans to become the first green energy town in Ireland, will try to copy the Güssing model.

As Sustainable Energy Ireland has informed us, energy consumption continues to increase. On the question of whether this trend can continue, the answer is a definite "No". Sustainable energy and the creation of fuel security are the way forward. The Government, with the Green Party as a coalition partner, is driving forward innovative and proactive responses to the changing environmental and economic climate.

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher):** I am pleased to have the opportunity to speak on this motion as it provides the Government with an opportunity to set the record straight. There is no doubt we are in challenging times and the period ahead will be difficult. I will leave it to others to recite the rhetoric of doom and gloom used by commentators, mainly outside the House. We all know we are in choppy waters internationally, with a credit squeeze, jumpy financial markets, increasing oil and commodity prices and the declining value of the dollar placing additional pressures on the inflation rate. The Government, however, remains in control and all levers at our disposal are



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being used to steer us through the current difficulties. We have strong leadership, renewed vigour and cohesive economic and social policies.

The fundamentals of the economy remain solid. We have 2.1 million people at work and the general Government debt is forecast to be around 25%, one of the lowest ratios in the euro area. Overall, net debt is forecast to be approximately 14% at the end of 2008. Our economy is not a basket case. Many commentators would like to undermine our achievements and some of the commentary is not helpful in this challenging period. The Government is facing up to reality by ensuring we have policies in place to navigate choppy economic waters.

The assets on which we relied to produce the so-called Celtic tiger are still available to us. Our education system has not suddenly dipped in quality and continues to produce top class, well educated young people. We still have relative flexibility in our labour market and sound fiscal and tax policies. As a country of English speakers, Ireland remains one of the key entry points for foreign direct investment into European markets. Such investment remains a fundamental part of the economy. All these assets still exist and are being used productively by the Government.

Another key asset has been our system of social partnership. As a Minister of State in the Department of Enterprise, Trade and Employment, I am keenly aware of the challenges facing business and the labour market. Now, more than ever, it is important we achieve a balance in our policies governing labour force development and flexibility and the regulation of employment rights. I am confident social partnership, which has developed organically into a robust framework since 1987, can deliver a fair, balanced and reasonable agreement which takes account of the rights and entitlements of employees, while ensuring the labour market remains flexible and competitive.

Last week, I attended the Council of Ministers which brought the temporary agency worker directive to a successful conclusion. I was pleased, on behalf of the Government, to be able to negotiate and sign up to a text that took account of the Irish industrial relations system. Central to our concerns was that the directive would recognise our tradition of social partnership. This concern has been addressed and it will be possible, under the directive, to build in derogations and flexibilities if the social partners reach an agreement.

With this further empowerment of the social partners comes additional responsibilities. The social partners must continue to strive for a balance not only in the area of temporary agency workers, but on the overall range of issues facing the labour market and economy, including competitiveness. More than ever, consumers and markets need certainty and confidence. The social progress and cohesion we have achieved in the past decade or more must be maintained. I am sure the social partners will again step up to the plate and, in doing so, the question of achieving a fair deal must be foremost in everyone's mind.

Not everything on the partners' wish lists will be achieved and certain issues may have to be parked and revisited when the economic outlook improves. The Government, for its part, will do everything it can to facilitate a renewed consensus and my Department is playing an active role in that regard. Even if it does not prove possible in the short or medium term to achieve consensus, the Government will ensure the economy and labour market remain flexible, competitive and fair.

I will briefly address the issue of unemployment in the short time available to me. Naturally, as Minister of State with responsibility for labour affairs, I observe with concern the trends in unemployment, the number of redundancies and the general "churn" taking place in the labour market. Some of these developments can be ascribed to market readjustment, for example, people who have moved out of construction and not yet found alternative employment. Reskil-

ling and adequate training supports will be essential for those affected and the Government has appropriate policies in place to this end. The Government will, in the context of the national development plan and funding under the various training programmes, including the one step up initiative, live up to our commitment to train and upskill people to respond to the evolving labour market.

As I indicated, the labour market is experiencing a “churn” as many construction workers move out of the sector. This group needs to be retrained and reskilled with a view to ensuring they can move into other areas of the economy.

The results of the referendum on the Lisbon treaty were raised. While the treaty was rejected in its current form, I believe the Irish people are committed to Europe, the concept of an open market, free trade and the free movement of goods, services and labour. I ask Deputies and others to emphasise in their public comments that Ireland, through the policies it pursues, remains a central player in Europe. When we are speaking to American colleagues in particular and, more importantly, globally, the message should be reinforced at every opportunity that Ireland is still central and at the heart of Europe when it comes to economic policies. We have been well received in previous times in terms of foreign direct investment because of the policies we pursued, such as a low corporation tax and a well educated and flexible labour market and workforce. I look forward to the debate in a couple of weeks’ time on the economy in general.

**Deputy Joe Costello:** I wish to share time with my colleagues, Deputies Jan O’Sullivan, Joanna Tuffy, Sean Sherlock and Jack Wall.

**An Leas-Cheann Comhairle:** Agreed.

**Deputy Joe Costello:** I welcome this opportunity to speak on the important and pertinent Labour Party Private Members’ motion. We have just finished a day-long debate on the aftermath of the Lisbon reform treaty in the course of which the Leader of the Labour Party, Deputy Eamon Gilmore, described the situation as the biggest crisis in Europe and Ireland since the Second World War. It is, therefore, unthinkable that the Government proposes to adjourn the Dáil in two to three weeks’ time for the summer recess and not return until the end of September, a three-month holiday in the middle of a major crisis. One is reminded of Roman Emperor Nero fiddling merrily while Rome burned. However, in Nero’s latter-day Italy and Rome, the Italian Parliament sits for 159 days of the year while we are sitting for only 92 days. Our neighbours in the United Kingdom did business in the House of Commons on 133 days in the last year for which figures are available. In Ireland, we cannot manage 100 days, even in a crisis year.

It is not too late for the Government to reconsider, to agree for Dáil business to continue throughout the month of July and to resume at the beginning of September. Such a decision would allow valuable work to be done and would help restore the public’s trust in their public representatives, which has been severely tested by recent events in the Mahon tribunal and by the poor Government leadership of the Lisbon treaty campaign.

Look at the multiplicity of issues that require to be addressed urgently. Last month saw the greatest increase in the live register in 40 years, with unemployment figures now in excess of 200,000, and serious problems are being created for hauliers, fishermen, coach companies, public transport, taxis and commuters in the sharp rise in the cost of petrol and diesel, with the further damaging impact on senior citizens and low income families of heating costs in the coming months of autumn and winter. Already disaffected groups are converging on Brussels for tomorrow’s summit which should leave the Taoiseach in no doubt about their concerns when he arrives there tonight or tomorrow morning.

[Deputy Joe Costello.]

The rapid increase in inflation with the ever-increasing cost of groceries and basic food items for hard-pressed families in the supermarkets of Ireland is one of the other matters that needs urgently to be addressed. Another is the continuing crisis in our hospitals with ongoing cutbacks across the entire health service, particularly in our community health services. All Departments have been told to prepare for financial adjustments, a euphemism for savage cutbacks.

Three weeks ago the HSE announced the loss of 100 staff in Crumlin children's hospital. Temple Street children's hospital remains located in antiquated prefab buildings that are totally unsuitable for the treatment of children, yet no steps have been taken towards the construction of the National Children's Hospital on the Mater hospital site that has been designated for it. The accident and emergency crisis has remained unaddressed for over a decade with vulnerable sick and elderly people treated in a Third World environment. They are fearful and left sitting on chairs or lying on trolleys for extended periods of time waiting for a bed.

Some 40,000 primary school children are being taught in prefabs that are too cold in winter, too hot in summer and unhealthy at all times. Such prefabs are everywhere in my constituency of Dublin Central — ironically, the constituency of the former Taoiseach who has been a senior Minister or Taoiseach for the past quarter of a century. Gaelscoil Bharra, a bunscoil lán-Gaelach in Cabra, was established 13 years ago in prefabs. It is still in prefabs and generations of children of the area have been educated in the most appalling conditions. Toilets are backed up, buildings are falling apart and when it rains there are pools of water everywhere. This is certainly not cherishing the children of the nation equally.

The construction industry is on the verge of collapse and the Government has nothing to say. Four public private partnerships between the local authority and Mr. Bernard McNamara, a developer, have collapsed in my constituency, dashing the hopes of hundreds of tenants of Dublin City Council who were expecting new houses and new facilities for themselves and their children. The areas of Infirmary Road, O'Devaney Gardens, Sean MacDermott Street and Dominick Street are left bereft of the new developments. That is a crisis.

These are some of the multiplicity of issues that give rise to the crisis facing the country. These are the reasons we should demonstrate to the Irish people that we have their interests and concerns at heart and are earnestly dealing with them. We should do so by accepting the provisions of the Labour Party Private Members' motion and by working throughout the months of July and September to address these important critical issues to the life and well-being of the citizens of this country.

**Deputy Jan O'Sullivan:** The Labour Party is tabling this motion to extend the Dáil sitting at a time of great uncertainty and uncharted waters for the Irish people. It is not just to do with the result of the Lisbon treaty referendum, although many people voted against the treaty because they were unsure about the future and were worried.

It is a time of great uncertainty in the economy. I am not trying to add to any gloom and doom, but people out there are frightened. Older people who have previously dealt with difficult economic times remember what it was like to have to emigrate and to have high levels of unemployment. Younger people who have never experienced it are also worried because they do not know what the future holds. They do not know if they will be able to pay their mortgages next week or the following week, or if they will be given notice in their employment. In many cases, they are in uncertain jobs without permanency and they do not have any future guarantees.

At this time we need to give leadership in this Parliament. We need to show these people that we are concerned and that we want to do something about the situation. The last thing

we need to do is go off on our summer holidays with so many issues not dealt with, with so much uncertainty and so many things that need to be done. I listened to positive proposals from the previous few speakers on the Government side of the House. However, these actions need to be taken with the leadership of Parliament and that is why we propose that we stay in session to address them.

I am particularly concerned about the construction industry. Having spoken to people who are working in that industry and who are very worried about the future, I do not get a sense that they are being engaged with on their future and that the One Step Up programme referred to by the Minister of State, Deputy Billy Kelleher, for example, is touching their lives. For example, I get no sense that there is an engagement by the local employment service, the local unemployed centres, local FÁS staff or local staff of the Department of Social and Family Affairs with people who are losing their jobs.

The Labour Party proposes, for example, that the school building programme, the hospital programme and the projects referred to by my colleague, Deputy Costello, and others, such as Kilfinnan national school just outside my constituency which has outdoor toilets and Gaelscoil Sáirséal which is in a condemned building and has been waiting for years for a construction programme, should be given the go-ahead and that we should direct our construction workers into positive activity that will deal with the needs there. The last thing we need to be doing is cutting back on the national development programme. We need to invest now in our schools and hospitals and other positive construction programmes.

There is a real fear of poverty. People are finding it difficult to balance their budgets. In a recent survey 37% of people stated they were struggling to pay utility and household bills.

In my constituency we have positive proposals for regeneration of the city but we have not been able to get the Taoiseach to commit to the capital funding required for those projects over the coming years. We need that commitment and that engagement. We need the Dáil to sit to address these issues.

In the area of health there are urgent problems. We sat in committee this morning with the Minister and Professor Drumm for approximately four hours and a variety of issues and concerns were raised.

The fair deal legislation is one of the three Bills from the Department of Health and Children that is listed for publication in this session. Not one of those three Bills has even been published, not to mind dealt with here in this Assembly. I urge that we sit until the end of July even if it is only to deal with the fair deal legislation. There are serious issues in that legislation which need to be addressed but we could deal with them in this Chamber in a democratic way and address the problems families have in meeting the costs of nursing homes which, in some cases, have gone up because of the promise that the fair deal legislation would be published at the end of last year and implemented in January. I urge that some of the €110 million allocated is provided to alleviate the hardship faced by families trying to pay for their loved ones in nursing homes. I welcome the fact talks are ongoing. However, this is the kind of issue which needs to be addressed in this Chamber.

We could do very useful work on practical issues which are of concern to people. I pointed to three Bills in my area of health but I am sure my colleagues could point to legislation in their areas. We must show the people that we, as their national representatives, are aware of the real concerns and worries they are experiencing.

There is almost stagnation in many areas of the economy. We must provide positive responses which we are hearing in this Chamber. However, we will not be able to do anything about them if we are gone from this Chamber early in July and if we do not return until October.

**Deputy Joanna Tuffy:** We debated the outcome of the Lisbon treaty referendum today and I wish to bring in some elements of that debate and how they relate to this Labour Party proposal. There is a relationship between the European democratic deficit and the democratic deficit at home. Although the full results of a poll of 2,000 people carried out by the European Commission and mentioned in yesterday's *Irish Independent* are not available, they indicated that the vast majority of women voted "No" to the Lisbon treaty and that young people voted "No" by a margin of two to one.

There appears to be a huge disconnect between voters and what the majority of politicians and public representatives were campaigning for in terms of the outcome of this referendum. My colleague, Deputy Joan Burton, raised the issue of the disconnect among women voters and how that relates to how we, in Leinster House, operate.

When I was canvassing for the Lisbon treaty, many concerns were raised by constituents on why they had reservations about the treaty. However, a common theme, especially among those who might have voted "Yes" or "No" — everyone knows there were reluctant "Yes" and "No" voters — was a fear that too much power was going to Europe. People were not quite clear about what they meant by that. It was very difficult to argue that the Lisbon treaty would make Europe more democratic.

We need to do all the things we did before, such as having a National Forum on Europe and discussions in Brussels, but in the context the democratic deficit at national and European levels, we need to determine what powers we want to exercise here. We need to have such a debate in this House. The public is insecure about powers going to Europe. What that really means is that they are insecure about the powers we exercise here. We need to involve society in that debate and address the issue at local and national levels.

I read the Lisbon treaty which I got as a supplement with *The Sunday Times*. I spent a day reading through it. It spoke about subsidiarity, how decisions that are best taken at local and national levels should be taken here and about protections in that regard for national parliaments. There are powers which people do not want to go to Europe. They do not want a person they do not know dealing with issues. We need to figure out what those issues are and ensure we have more powers. We need to exercise better local democracy. That would do much in terms of people's insecurity about allowing Europe to make certain decisions. People want to know that decisions taken here would be genuinely debated and that there would be engagement.

Members of the Oireachtas and members of local government have fewer powers. The boundaries for the local elections were issued yesterday but they do not deal with the fact there is a councillor for approximately 1,000 people in some parts of the country but that in Dublin, there is a councillor for approximately 10,000 people. That is the reason so many young councillors on Dublin City Council, for example, have resigned their seats. They cannot cope with the workload and they are too remote from their electorate. They are doing jobs for which they are getting part-time pay and it is not sustainable. We are losing bright and, in many instances, young men and women councillors because we have not dealt with that problem.

This motion raises the issue of sitting days. Some six Bills had been passed so far in 2008. I looked at the past ten years in which 40 to 50 Bills were passed each year. There is no way we will reach that target this year at the rate we are going. Many Bills need to be dealt with. We have not transposed the Public Participation Directive into domestic legislation. Therefore, we are not dealing with the need for public participation and engagement in very important decisions in regard to the environment, local government and so on.

There is no urgency about how we will deal with the outcome of the Lisbon treaty referendum. I was elected a Senator in 2002 and the Dáil sat on 4 September 2002 and the Seanad

sat on 12 September 2002 to deal with the outcome of the Nice referendum and to deal with legislation. We passed the final Stages of the European Union (Scrutiny) Bill which was a Labour Party initiative. On 7 June 2001, the Nice treaty was rejected and on 20 June 2001, the European Union (Scrutiny) Bill was initiated. That is how quickly we acted. In 2002, we finished on 11 July and we were back on 4 September 2002. We need that type of urgency and to ensure there is more engagement with the public in the civic and political process at local, national and European levels.

**Deputy Seán Sherlock:** My sojourn here for the past year has been one in which I have witnessed a dearth of legislation and a proliferation of statements on everything under the sun. On a personal level, I could say I have enjoyed the experience but I expected when I came to this House that I would be up to my oxters in legislation and debate but the contrary has been the case. I sense a malaise and a lack of appetite for the issues which relate to the governance of this country from the Government side of the House.

Today we debated the Lisbon treaty referendum and I, as a Deputy for Cork East, had five minutes to discuss and put forward the ideas I had but I could not do so in the time available. The time available in this House for political discourse and debate is becoming shorter all the time. That sends a message to the people that politicians could not care one fig about the issues relating to their everyday lives.

We are now going to extend this session by one week. That will feed into that increasing cynicism which exists beyond these walls about political discourse in Ireland. The Labour Party has many ideas and positive contributions to make in working with this Government, in constructively opposing ideas which this Government puts forward and in offering better solutions, if it can. However, the space for discourse and debate has been cut to shreds. That is what exists in the country at present and it needs to be addressed.

I have a particular competence as Labour spokesperson for food provision and agriculture. I have ideas that I could put forward that would, I hope, lead to expanding the base for agricultural production and for dealing with the issues of increased food prices. However, I am not able to do this because the Government and the leaders of the country will not allow me the opportunity to do so, thereby denying me the opportunity to represent the people who put me here. This House has primacy in terms of its democratic function but this is not recognised. The Government is running scared from any kind of debate and is not facing up to its responsibilities. It needs to start doing so straight away.

**Deputy Jack Wall:** There have been many items raised under this Labour Party motion. I am obliged to discuss the local problems that arise in my constituency. The constituencies in County Kildare are probably the fastest growing in the country. However, there is a comparison to be made and there is also the unfortunate and sad situation whereby the unemployment figures more than match the rise in the population. We can measure this in three areas in County Kildare using the figures of the Department of Social and Family Affairs and the Central Statistics Office.

Remarkably, between 2004 and 2008, there was a significant increase in unemployment in these three areas. I am not scaremongering, just providing facts. The Minister can talk of scaremongering but it is not possible to dispute the facts presented. In the Athy centre for the unemployed, the facts are that in 2004, some 873 people were on the live register, while in 2008 some 1,223 people are on the register, an increase of 43%. In Maynooth, 1,573 people were on the live register in 2004 while in 2008 there are 2,147 people, an increase of 36.5%. In Newbridge, the biggest town in the constituency, 2,299 people were on the live register in 2004, but

[Deputy Jack Wall.]

in 2008 there are 4,213 people, an unbelievable increase of 86.7%. These are Department of Social and Family Affairs figures.

I wish to compare these increases to the efforts that have been made to counteract them. The only means open to me to do this is by way of parliamentary questions. I have put questions to the Minister for Enterprise, Trade and Employment over a long period of time, when

8 o'clock Deputies Micheál Martin and Mary Coughlan held the post, and previously. The constituencies in County Kildare are probably the fastest growing in the country.

Given the unemployment figures and the IDA itineraries of visits to the constituency during that period, the extent to which the Government is responsible to the people of Kildare is revealed starkly. During that time, the IDA visited County Kildare with itineraries on three occasions — twice in 2003 and once in 2007. This compares unfavourably to any other constituency, except for County Kilkenny which it did not visit for whatever reason. The IDA visited the Leas-Cheann Comhairle's constituency eight times, three times, twice and once in each of these years, which is not too bad.

There are four IDA sites in County Kildare which it wanted to sell. It did not visit these sites; there was no need as it was not going to do anything with them. It wanted to sell them to the local authority. I agreed with this as it would lead to the local authority owning four business parks in the county in which it could develop small and medium enterprises. However, the IDA purchased the sites in 1973 for a minimal figure and then wanted market prices when it came to selling them. It wanted prime prices for the lands in Castledermot, Athy, Monasterevin and Kildare town. The local authorities could not get the funds to purchase these lands and the opportunity was lost to counteract the rise in unemployment figures. The IDA does not want to know about the problems. However, it had a significant interest in County Carlow some four miles from Castledermot and 11 miles from Athy.

I have seen the former Minister for Enterprise, Trade and Employment, Deputy Martin, wave his flag and mention all the times he visited County Carlow and the wonderful work ongoing there, yet he would not visit the fastest growing constituency in the country. In reply to a parliamentary question, the Minister promised to meet me to discuss the figures and go through them to see what could be done, which must have been a mistake by his secretary because it was never followed through. The Minister, Deputy Micheál Martin, is now gone from that Department and the meeting never took place. The former Minister forgot about it but said on the last occasion I raised the matter that he was in County Kildare. However, he did not meet me to discuss the figures as he said.

We face a degree of uncertainty I have not previously seen. I could discuss all night the very sad cases that have been brought to my attention in recent weeks. People are beginning to ask an inevitable question, and there is not one Deputy who will not be asked it in the next number of weeks if it has not already happened. People will ask Deputies to make representations to the local authority requesting it to buy out the mortgage on their home because they are no longer in a position to buy. I guarantee there is no Senator or Deputy in the Houses who will not be asked that question. The Minister for Enterprise, Trade and Employment is ignoring the situation. I cannot understand how the IDA could visit one county numerous times, yet not visit a fast growing county such as Kildare at all.

**Deputy Damien English:** A general election is the reason.

**Deputy Jack Wall:** If it is a Government direction, the latest Minister, Deputy Mary Coughlan, says it is IDA policy and that the Minister only provides a direction to ensure there is fair play. However, it does not seem to come our way, unfortunately.

I have raised the matter of trade missions with various Ministers and the Taoiseach. I agree there should be trade missions and I see much merit in them. However, I wonder how they are constituted. It always seems to be a big businessman who accompanies the mission. I never see a county manager or the leader of a county enterprise board travel. It is always the successful businessman who decorates the table when the Minister travels. I wonder how counties Kildare and Kilkenny create interest and generate employment in the area. County Kildare borders a BMW region, including counties Offaly and Laois. This means there is a battle to overcome, yet we get no help from the people who should provide it, namely, the IDA and the Minister.

I welcome the fact the Joint Committee on Enterprise, Trade and Employment, under the chairmanship of my colleague, Deputy Penrose, intends to visit Athy. The committee's decision represents a recognition of the problems in the town. We will be able to make the case for Athy at that forum. There is an urgent need for IDA Ireland officials and the Minister to make a genuine effort to give fair play to counties such as Kildare which do not appear on the itineraries that are drawn up when they visit various locations.

**Minister for Finance (Deputy Brian Lenihan):** I strongly support the amendment to the Labour Party motion that has been moved by the Government parties. I reject the suggestion that the Government is not taking action to deal with the difficult economic circumstances in which we find ourselves. Nothing could be further from the truth. Over the past 11 years, Governments led by my party have overseen unprecedented economic growth and development in this country. We have no intention of doing anything to jeopardise the achievements we have secured. I do not doubt that Ireland, like other small trading economies, faces a challenging environment. The economic climate has deteriorated with unforeseen speed in the past six months.

**Deputy Emmet Stagg:** What does the Government intend to do about it?

**Deputy Brian Lenihan:** The risks identified by my predecessor on budget day have materialised. Growth will be lower than projected. We already see the impact of this on tax revenues. Recent unemployment figures are of concern, although they continue to be among the lowest in the EU. We are still creating jobs. IDA Ireland remains ambitious in its targets for attracting investment to this country. The creation of 168 high skilled research and development jobs in knowledge intensive industries was announced this week. It is important that we create jobs in such sectors of the economy. It is clear that the next two years will be challenging. We must take the right decisions now in response to the changed circumstances if we are to secure the more favourable growth prospects that many, including the ESRI, predict for the medium term.

I welcome Deputy Burton's contribution to this debate last night. She said we can move into a period of growth in two or three years' time. I am glad she acknowledged the underlying good health of the economy, which makes us uniquely well placed to weather this storm. I remind the House that we are in this healthy position because of the prudent action we have taken over the past decade or more. Given that most of the factors weighing on our short-term prospects are external, our priority must be to ensure we are in a position to benefit from the global recovery when it comes.

I reiterate the Government's commitment to improving competitiveness, through the implementation of appropriate policies which will result in sustainable economic development in the years ahead, while maintaining a commitment to protect the poor and vulnerable in society. As Deputy Burton pointed out last night, we are responsible for ensuring that our policies protect the most vulnerable in an economic downturn. We will have to work to ensure that those who have become unemployed on a short-term basis do not move into long-term unemployment. We must ensure that those losing their jobs in one sector have the skills and training



[Deputy Brian Lenihan.]

to obtain employment in expanding sectors of the economy. That is why the programme of investment in education and skills, which includes a commitment to life-long learning, is so important. We must ensure we restore our competitiveness and boost our productive capacity, thereby generating employment opportunities.

During last night's debate, Deputies mentioned the prospect of low economic growth combining with rising inflationary pressures, most notably from increases in the prices of commodities such as oil and food. None of us wants such previous economic experiences be revisited. Therefore, we must ensure that the externally driven price increases we are experiencing are not exacerbated by attempts to secure compensation through wage demands which would lead to a further deterioration in competitiveness, with implications for future jobs and growth. In this regard, the Government will continue to work with the social partners.

The Government recognises the concerns that arise from recent increases in fuel price levels. However, the increase in the price of fuel, including diesel, is not tax-driven — it is an international phenomenon that affects all countries and all sectors of society and the economy. According to recent EU data, Ireland has the ninth lowest petrol prices and the 12th lowest auto diesel prices of the 27 EU member states. The view of my ECOFIN colleagues is that any attempt to compensate ourselves for higher fuel prices would send the wrong signal to consumers and oil producers. The Government has put in place a range of measures to help those on low incomes who have the greatest need. The national fuel scheme, which has doubled since 2005, has benefited from a widening of its eligibility thresholds. The households benefits package, which includes a free electricity or gas allowance, has also been stepped up. The supplementary welfare allowance is available to assist people in exceptional circumstances who have special heating needs.

The Exchequer returns at the end of May showed that Government expenditure was broadly on target for the first five months of 2008. As I said, the tax revenue position has weakened from that envisaged on budget day. However, this has to be considered in the context of the strong position of the public finances. I refer to our low debt to GDP ratio, for example. The overall economic and fiscal prospects for the current year are regularly monitored in my Department. Further comment will be made in the context of the Exchequer returns at the end of June, as we will then have fiscal information for the first six months of this year. I assure the House that, during the summer break, the Government will continue to focus on the economic and social issues facing the country. I do not doubt that this subject and other subjects will be discussed when the House sits for an additional week in early July. The Government will continue to provide a framework of macroeconomic and budgetary stability. We will ensure that we take the right course of action for all concerned.

**Deputy Willie Penrose:** I would like to share time with my party leader, Deputy Gilmore.

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

**Deputy Willie Penrose:** I am pleased to make a contribution to this debate. In the short time available to me, I will make passing reference to the confluence of events that are threatening Ireland's competitiveness. For the first time in many years, our economy is entering a period of stagflation. My colleague, Deputy Burton, spoke at great length, with her usual prescience and accuracy, about the many serious social and economic issues this country faces at present.

The Government argues that the sharp increase in inflation over the past few months is outside its control. I accept that is the case for some products, such as oil — some inflation is domestically generated — but increases in charges for Government services, for example, have

resulted from Government decisions. Recent increases in doctors' fees, dental charges and health insurance costs have hit people on lower incomes hardest. The same can be said about increases in food costs, such as the 17% increase in the price of bread and the 30% increase in the price of milk over the past year. Woe betide us all if the ESB gets its way and electricity costs increase by 30%.

The Government can do something about the failure of retailers, particularly the large multiples, to pass on to consumers the benefits of the falling value of sterling and the US dollar against the euro. The increase in the value of the euro is making our exports more expensive on world markets. We should be benefiting from a decrease in the price of imported consumer goods. If the Minister for Finance, Deputy Brian Lenihan, shopped for clothes in the usual retailers, he would see evidence of blatant profiteering on the part of retailers. In most of the multiple outlets, clothes are priced in sterling as well as in euro. If one converts the sterling price to euro, it is clear that the euro price is significantly higher. The National Consumer Agency urgently needs additional powers to end such profiteering. Surveys are no use. My grandmother — God be good to her — did that type of thing.

An aspect of the phenomenal growth of the past 15 years that is not often discussed is that most of that growth was due to increased inputs of labour and capital. In a sense, we were catching up after a decade of stagnation. It is well established that long-term growth in advanced countries depends on increases in productivity. However, productivity growth has slowed down in Ireland over the past five years. Reports from the National Competitiveness Council have shown that output per unit of input has been growing very slowly.

As we no longer have control over exchange rate policy or monetary policy — we have limited opportunities to set fiscal policy — we must rely on the competitiveness of our exports for growth. Competitiveness is based on productivity. If we are to increase productivity, we must focus on the education system. Despite the economic downturn, spending on education, particularly primary education, must be increased. We take too much comfort from surveys that show that Irish teenagers perform well in international comparisons of literacy. We ignore the results of surveys that show a mediocre performance in maths and science. If we are to produce workers for the so-called knowledge economy, we need to increase our spending on education. We need to ensure that all pupils achieve their potential. We need to accelerate the school building programme and to reduce class sizes. We need to end the disgraceful situation whereby every September, pupils who are ready to start primary school do not know if a place will be available for them.

I wish to explain why additional sitting weeks are needed. I will refer to a local issue as an example of the mean-spirited penny-pinching on the part of the Government and its various quangos, which generally attempt to make budgetary savings at the expense of ordinary people, particularly those who are most vulnerable. The HSE has decided to close a day centre at St. Mary's Hospital, Mullingar, for a six-week period from 26 July to 2 September 2008. This decision, which is disgraceful by any standards, is unworthy of any public body. It is no way to treat elderly people, many of whom are from rural areas. In effect, elderly people are being denied one of the few comforts they enjoy as part of an attempt to save coppers. This service, which is operated once a week, involves the collection of elderly people from their homes and their transportation by bus to the day centre. These trips are the highlight of the week for the people in question, many of whom live alone in isolated areas. The service is important not only as a social outlet but also as a means of providing facilities and services. For example, chiropodists, physiotherapists and hairdressers are available at the centre. Each day 40 people from different parts of County Westmeath are brought to the centre for a hot, nourishing meal,

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to have a chat and to play cards, bingo and so on. This is the only human contact some of these people have all week. The closure of this centre for six weeks will leave them isolated.

The day care centre also provides relief for families of the elderly who can be exhausted from caring for their elderly relatives day in and day out. The attendance of their relatives at the day care centre provides them with some respite. St. Mary's is a centre of excellence with brilliant, dedicated staff, yet this service which is provided daily from 10 a.m. to 4 p.m. could well be closed for six weeks. Is this the thin edge of the wedge?

Many of these people are voiceless and we have a duty to speak up for them. The Labour Party will unashamedly stand firmly on the side of these people. We must give them a voice. There is a great deal of anger in respect of this decision. I have never known people to be so upset and angry. They are extremely animated about this short-sighted and foolish decision. I ask that the Minister for Finance contact the HSE in the mid-Leinster region to request it to reverse the decision to close this centre for any period. It is foolhardy in the extreme and it amounts to a rejection of people living in isolated areas.

This House, by way of legislation, gave authority to the HSE in respect of the health repayments scheme. The manner in which some people are being treated under this scheme is a disgrace. People duly entitled to payments are not getting them. A well educated person, known to the Minister, whose wife applied on behalf of her mother for such a payment on 18 March 2005 received a letter on 18 April 2008 stating the matter is still under review despite her having submitted every document sought, including two affidavits, and answered every query raised. The Minister would be shocked to learn that the wife of the man concerned is being treated in this manner. These people are being continually fobbed off with letters from administrators. I have sought an investigation of the matter by the Minister for Health and Children. We must ensure people are repaid money unjustly taken from them. I will give the Minister the personal details of this matter.

**Deputy Eamon Gilmore:** I thank all Members who contributed to the debate tonight and last night. The motion proposed by the Labour Party is that this year, given the enormous problems into which the country is now facing, Dáil Éireann should not go into recess for three months but should continue to sit up to the end of July and resume again in early September.

In response to the motion, the Government introduced an amendment the effect of which is to extend the Dáil session by just one week, a totally inadequate response to the Labour Party motion. It is clear, from the Government amendment tabled yesterday, that the original intention was that the House would sit for a couple of days to take statements on the national development plan. As a result of this debate, it now appears the House will meet for an extra week to take normal business, including Question Time, the Order of Business and so on.

I note that the Green Party was quick off the blocks to claim credit for an achievement in Government. Yesterday, it issued a press release to the effect that it had achieved three additional Dáil sitting days.

**Deputy Willie Penrose:** It is better than the scandals.

**Deputy Eamon Gilmore:** I compared this with the Green Party's manifesto which stated it would seek to double the number of Dáil sitting days. This would amount to approximately 180 sitting days per annum. By my calculations, at the rate of three days extra per year, the Green Party commitment would be met in or around 2038, by which time we should be carbon neutral.

**Deputy Ciarán Lynch:** Towards 2016.

**Deputy Eamon Gilmore:** The Labour Party has long argued that the summer recess is far too long. Against the background of the current situation in which the country finds itself, namely, the economic challenges we face, the fact that unemployment has now reached more than 200,000, an 8% increase in food prices in the past year, record high prices for petrol and diesel and associated problems of fuel poverty, the public will find it impossible to understand how the Government could consider shutting down the House for 11 or 12 weeks.

As I pointed out last night, this Dáil sits for far fewer days than most national parliaments. By comparison, the House of Commons sits for more than 130 days and the US Congress sits for almost 160 days while the Dáil sits for just over 90 days in plenary session. We do not need to make international comparisons to make the case for longer Dáil sittings and to oppose the closing down of our national Parliament for three months in the middle of the year. We need go no further than our Constitution, Article 28.4.1 of which states that the Government shall be responsible to Dáil Éireann. However, the Dáil can only fulfil its constitutional duty of holding the Government to account if it is in session.

Fianna Fáil Ministers in particular, many of them now in office for 11 years, appear more resentful each day at having to come into the House to answer questions and to account for their decisions, actions and lack of action. They seek all of the time to minimise the number of Dáil sitting days and to maximise the recesses. When the House elects a Taoiseach and transfers from this House, the national Parliament, executive authority for the running of the State, it is not implied that the Government can use its position and its majority to effectively suppress the role of our national Parliament in defiance of the Constitution.

The issue of the number of days which the Dáil sits and the capacity of the national Parliament to hold the Government to account is not a political issue and it does not relate to matters requiring to be addressed this year and next year. This issue goes to the heart of our Constitution. Many people have commented on the number of tribunals established over the past two decades. We will find again and again that these tribunals were set up because the role of the national Parliament, Dáil Éireann, has been suppressed and over-ridden by the Executive. This is happening in respect of issues such as the behaviour and performance of the Garda Síochána in certain parts of the country, the conduct of political leaders or the failure of some areas of our public services to deliver to the public.

Elected representatives of the people are being denied their right under the Constitution to hold Government to account. It is repeatedly denied to us by Government in a range of ways, including, for example, in respect of the manner in which questions are transferred and unanswered and by the establishment of bodies which relieve Ministers of their obligation to answer questions in this House. Above all, it is being denied to us through the shutting down by Government of the national Parliament for three months. That is not constitutional. Government is abusing its majority and its Executive role by coming into this House year after year and effectively closing down the national Parliament, denying Members their constitutional role.

The Government in addressing the economic situation during the next three months — it has the figures and knows the state of the Irish economy and public finances — will consider where cuts will be made, what services will or will not be provided, what schools will be built and what hospital projects will go ahead. It will make those decisions in the absence of its requirement to account to Dáil Éireann as provided for in the Constitution. The constitutional role and responsibility of Dáil Éireann is being denied and frustrated by a Government that does not wish to appear to account. This is an issue about our Constitution. It is about

[Deputy Eamon Gilmore.]

defending the constitutional rights, role and responsibility of the national Parliament. I call on every individual Member of Dáil Éireann on this occasion not to answer the drum of the Whip but to answer the call of the people who sent them here and to assert their constitutional right to have the Government account to this House in July and September and over the summer months, at least for a year, when we have serious problems to address.

**Deputies:** Hear, hear.

Amendment put.

The Dail divided: Tá, 71; Níl, 60

Tá

Ahern, Dermot.  
 Ahern, Michael.  
 Ahern, Noel.  
 Andrews, Barry.  
 Andrews, Chris.  
 Ardagh, Seán.  
 Aylward, Bobby.  
 Behan, Joe.  
 Blaney, Niall.  
 Brady, Áine.  
 Brady, Cyprian.  
 Brady, Johnny.  
 Browne, John.  
 Byrne, Thomas.  
 Calleary, Dara.  
 Carey, Pat.  
 Collins, Niall.  
 Conlon, Margaret.  
 Connick, Seán.  
 Coughlan, Mary.  
 Cregan, John.  
 Cuffe, Ciarán.  
 Cullen, Martin.  
 Curran, John.  
 Dempsey, Noel.  
 Devins, Jimmy.  
 Dooley, Timmy.  
 Fahey, Frank.  
 Finneran, Michael.  
 Fitzpatrick, Michael.  
 Fleming, Seán.  
 Flynn, Beverley.  
 Gallagher, Pat The Cope.  
 Gogarty, Paul.  
 Gormley, John.  
 Grealish, Noel.

Hanafin, Mary.  
 Haughey, Seán.  
 Healy-Rae, Jackie.  
 Hoctor, Máire.  
 Kelleher, Billy.  
 Kelly, Peter.  
 Kenneally, Brendan.  
 Kennedy, Michael.  
 Killeen, Tony.  
 Kirk, Seamus.  
 Kitt, Michael P.  
 Kitt, Tom.  
 Lenihan, Brian.  
 Lenihan, Conor.  
 Mansergh, Martin.  
 Martin, Micheál.  
 McDaid, James.  
 McEllistrim, Thomas.  
 McGrath, Finian.  
 McGrath, Michael.  
 McGuinness, John.  
 Nolan, M.J.  
 Ó Cuív, Éamon.  
 Ó Fearghail, Seán.  
 Ó Snodaigh, Aengus.  
 O'Brien, Darragh.  
 O'Connor, Charlie.  
 O'Keefe, Batt.  
 O'Keefe, Edward.  
 O'Rourke, Mary.  
 Power, Peter.  
 Roche, Dick.  
 Scanlon, Eamon.  
 Treacy, Noel.  
 White, Mary Alexandra.

Níl

Allen, Bernard.  
 Bannon, James.  
 Breen, Pat.  
 Broughan, Thomas P.  
 Burke, Ulick.  
 Burton, Joan.  
 Carey, Joe.  
 Clune, Deirdre.  
 Connaughton, Paul.  
 Coonan, Noel J.  
 Costello, Joe.

Coveney, Simon.  
 Crawford, Seymour.  
 Creed, Michael.  
 Creighton, Lucinda.  
 Deasy, John.  
 Deenihan, Jimmy.  
 Doyle, Andrew.  
 Durkan, Bernard J.  
 English, Damien.  
 Feighan, Frank.

Níl—*continued*

Flanagan, Charles.	O'Shea, Brian.
Flanagan, Terence.	O'Sullivan, Jan.
Gilmore, Eamon.	Penrose, Willie.
Hayes, Brian.	Quinn, Ruairí.
Hayes, Tom.	Rabbitte, Pat.
Higgins, Michael D.	Reilly, James.
Hogan, Phil.	Ring, Michael.
Howlin, Brendan.	Shatter, Alan.
Kehoe, Paul.	Sheahan, Tom.
Lynch, Ciarán.	Sheehan, P.J.
McCormack, Pádraic.	Sherlock, Seán.
McEntee, Shane.	Shortall, Róisín.
McHugh, Joe.	Stagg, Emmet.
McManus, Liz.	Stanton, David.
Mitchell, Olivia.	Timmins, Billy.
Naughten, Denis.	Tuffy, Joanna.
Neville, Dan.	Upton, Mary.
O'Donnell, Kieran.	Varadkar, Leo.
O'Dowd, Fergus.	Wall, Jack.
O'Keeffe, Jim.	

Tellers: Tá, Deputies Pat Carey and John Cregan; Níl, Deputies Emmet Stagg and Paul Kehoe.

Amendment declared carried.

Question, "That the motion, as amended, be agreed to," put and declared carried.

### **Adjournment Debate.**

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#### **Hospital Services.**

**Deputy Ciarán Lynch:** Does the Minister of State believe the best interests of the women of Cork are served by transferring the breast unit at the South Infirmar-y-Victoria University Hospital to Cork University Hospital, CUH, where the treatment experience of breast disease is much less significant? Does she believe the closure of the internationally acclaimed unit in favour of a service that is yet ill-defined constitutes progress in patient care?

The services at the hospital are recognised internationally to be in accordance with best practice. Instead of dismantling the existing unit and moving it to an already over-congested campus at CUH, we should be consolidating the good practice already established. As the saying goes, "If it ain't broken, don't fix it." We have a centre of excellence. To date, every evaluation and examination of the breast care unit at the South Infirmar-y-Victoria University Hospital has shown it to be a leader in its field. This is particularly reflected in the fact that the current referral period for women availing of the service is no more than two or to three weeks. I am very concerned that any tampering with this excellent service will ultimately result in poorer provision, at a cost to the taxpayer that is completely avoidable at this stage.

Given the long delays in the arrival and opening of the BreastCheck service in Cork, which is located directly next door to the South Infirmar-y-Victoria University Hospital, the idea of transferring the cancer service unit to CUH makes no sense whatsoever. CUH campus is already becoming overdeveloped and congested, particularly in light of the Government's plans to co-locate a hospital on the campus. Any rational examination of this matter would clearly indicate that the existing cancer unit should not only remain where it is but should also be expanded. Given the economic downturn, why are we spending so much money relocating an existing service when it has proven to be working properly and effectively?

[Deputy Ciarán Lynch.]

The Government is proposing to relocate a service in light of an ill-defined proposal that constitutes no progress in terms of patient care. I seriously urge the Minister of State to remove the idea from the table and consider the services currently in place with a view to improving and developing them.

**Deputy Deirdre Clune:** I welcome the opportunity to address this issue, which is of considerable concern to the people of Cork, particularly the women who will unfortunately have to avail of breast cancer services, their families and the specialists and experts working in the field.

The national cancer strategy proposes to establish centres of excellence, a term I dislike as I prefer to refer to specialist centres, in a number of areas nationwide, one of which will be in Cork at Cork University Hospital. That campus is also to include breast cancer care. At present, the South Infirmar-y-Victoria University Hospital, Cork, treats breast cancer patients. Its throughput is 210 diagnoses per year, as opposed to a figure of 140 at Cork University Hospital. A figure of 210 diagnoses is certainly above the norm and would ensure excellence. A specialist centre has been established at the South Infirmar-y-Victoria University Hospital. The people from counties Cork and Kerry who use this service speak highly of it. The population is entirely satisfied with the service provided. Under the national cancer strategy, however, it is proposed to transfer these services. Professor Tom Keane, who is charged with implementing the cancer care strategy, has stated that he wants all centres for breast cancer care in place by the end of 2009, some 18 months from now.

Where on the campus of Cork University Hospital will this centre be located? Where will the building be located? Where are the architectural plans, theatre space, buildings and specialist and ancillary staff required to provide such a service? I have not seen them. No planning application has been made and no provision is in place to provide the necessary physical infrastructure to deal with the estimated 210 breast cancer diagnoses per annum that occur at present and will continue to occur in addition to the existing throughput at Cork University Hospital. The Minister of State should answer this simple question. Where are these women to be accommodated on the Cork University Hospital campus? There is no sign of any facilities. While I support the concept of a specialist centre, I cannot see the requisite physical infrastructure to provide it in Cork University Hospital. However, I see excellence in specialist care at present for women who are diagnosed with breast cancer in the South Infirmar-y-Victoria University Hospital.

As Deputy Lynch has noted, one should not try to fix something that is not broken.

**Deputy Bernard Allen:** I wish to be associated with these remarks.

**Minister of State at the Department of Health and Children (Deputy Máire Hctor):** I welcome the opportunity to set out the current position to Deputies Clune and Lynch in respect of the restructuring of cancer services, with particular reference to breast cancer services in the South Infirmar-y-Victoria University Hospital, Cork.

The implementation of the national quality assurance standards for symptomatic breast disease will ensure that every woman in Ireland who develops breast cancer has an equal opportunity to be managed in a centre that is capable of delivering the best possible results. In order to comply with the standards, the Health Service Executive has directed 17 hospitals to cease breast cancer services. Further staged reductions in the number of hospitals providing symptomatic breast disease services will occur over the next 18 months in line with the transfer of services to the eight designated cancer centres nationally.

The HSE has identified Cork University Hospital, CUH, as one of the designated specialist cancer centres for the southern region. The plan therefore will consolidate symptomatic breast cancer services in Cork University Hospital. This involves a transfer of the South Infirmery symptomatic breast service to CUH. The CUH has identified the necessary space to house the programme.

**Deputy Simon Coveney:** This is madness.

**Deputy Máire Hctor:** Planning is proceeding to achieve this consolidation by early 2009.

The decision to consolidate the symptomatic breast service provided by CUH and South Infirmery for the southern region into the designated cancer centre at CUH is consistent with the national programme for the centralisation of breast cancer services in eight designated specialist centres. The relocation of the South Infirmery symptomatic breast service to CUH will create a critical mass of specialists of all oncology disciplines on a single geographic site.

**Deputy Simon Coveney:** They already have a critical mass. It is the busiest centre in the country.

**Acting Chairman (Deputy Charlie O'Connor):** The Minister of State, without interruption.

**Deputy Máire Hctor:** It is clear from the wide-ranging, evidence-based work behind the national cancer control programme that the best interests of the women of Cork and of the southern region will be served by this consolidation. The Government is confident that the consolidated service will meet or exceed the national standards for symptomatic breast care as approved by the Health Information and Quality Authority.

**Deputy Bernard Allen:** This is a cutback.

**Deputy Máire Hctor:** The programme recently completed a detailed review of resource requirements to create capacity for the progressive transfer of all symptomatic breast cancer services to the eight designated cancer centres with the objective of completing 60% transfer by the end of this year and 90% by the end of 2009. Funding of €7 million has been allocated from the programme across the eight centres to support additional staff, including consultant, radiography, nursing and clerical posts. Funding also has been allocated for some necessary additional equipment.

The roll-out of BreastCheck, the national breast screening programme, also will reduce significantly the number of symptomatic breast cancer presentations. The Minister for Health and Children officially opened the new clinical static screening unit for the southern region last December and nearly 4,000 women from Cork have already been screened.

**Deputy Bernard Allen:** Where is it?

**Deputy Máire Hctor:** The Government is committed to providing symptomatic breast disease services in eight centres nationally. Roll-out of the national breast screening programme and a quality assured symptomatic breast disease service will ensure that women will have the best chance for early detection and treatment of breast cancer. The developments which I have outlined today will ensure that a comprehensive service is available to all patients with breast cancer in the southern region.

#### **Mental Health Services.**

**Deputy Michael Ring:** I thank the Cathaoirleach. I raise this issue because there is great concern across County Mayo. Staff and patients have been notified that major cutbacks in the



[Deputy Michael Ring.]

county's mental health services will take place. This is a cause of great concern for the most vulnerable in society in particular.

I attended a meeting last Monday at which representatives of the Health Service Executive confirmed there would be major cutbacks. They stated that they had expected to receive €1 million more than they actually received last year. The funds allocated were the same as the previous year's allocation. Given wage increases and costs in respect of fuel and the overall running of the hospital service, the representatives stated they simply cannot run it. The HSE now is obliged to begin to cut back on the services. It is outrageous that the first people to be affected are those with mental illness, who are the weakest in society. They will not be able to induce people to go out and protest or fight their corner for them. Shame on the Health Service Executive, the Minister, the Government and the county's health board for allowing this to happen.

A number of services were being provided. Although 90 hours per month were made available, those affected have been told that from 1 July they will be reduced to 12 hours per month and some of the services that were available will be lost. They had therapy, art classes, writing classes and gym classes to assist people with mental illness who needed to become fit. Such people also were taught how to feed themselves and how to read and write. What is happening is a scandal. It is wrong that at a time when one is told there is so much money in the country, the first people to be targeted are those with mental illness. I ask the Minister of State to contact the relevant HSE general manager and insist that whatever cutbacks must be made must not be inflicted on the weakest. Such cutbacks should not be made where they will hurt people's health or where they will affect those who are the weakest in society.

It is a disgrace the available services will be taken away and such people will be left without them. If Members do not protect those in society who are in most need of protection, why are they in this House? This is the reason the people felt disconnected last week from politicians and the decisions that are made. Decisions such as this are made by faceless people in the HSE and those on the ground are obliged to suffer. I refer to the staff, the families of those who are disturbed by mental illness and the people who must depend on the health service to look after them.

This reason there was a "No" vote last week is because Members have given away all the powers of this House. They have given them away to the HSE, which will not answer anyone and is not responsible to anyone in this House. The Minister has washed her hands. I call on the Minister of State, the Government and the HSE to provide the necessary funding to retain the existing facilities for the most vulnerable in society. If one is unable to protect them, there is no point in having a HSE or a health service.

**Deputy Máire Hctor:** I will take this matter on behalf of my colleague, the Minister for Health and Children, Deputy Mary Harney. I thank Deputy Ring for raising this matter on today's Adjournment and for giving me the opportunity to reaffirm the Government's commitment to mental health.

The document, *A Vision for Change*, represents our action plan for the development of a quality mental health service. The estimated additional cost of implementation is €150 million, that is, €21.6 million per year over seven years, or €15 million per year over ten years. The report is clear that new funding should follow implementation, and in this regard a total of €51.2 million has been allocated since 2006. Thus, in the first two years of a seven to ten year implementation period, one third of the overall requirement has already been allocated.

The development of our mental health service is not solely dependent on extra funding. The substantial existing resources within the mental health service must be remodelled and reallocated, and only then can we deliver a modern and efficient service. It is necessary, in the context of the ever-increasing demands for health resources, that health expenditure be closely monitored to ensure that services demonstrate both effectiveness and efficiency. Before any further additional funding is provided, it is essential that the HSE is in a position to demonstrate that the funds allocated for mental health services are efficiently used and that the substantial changes in the organisation and delivery of services envisaged in *A Vision for Change* are developed in a timely and appropriate fashion.

Owing to competing expenditure pressures and the overriding obligation to live within the approved overall allocation, some of the planned developments in mental health services in 2006 and 2007 were delayed. While this is disappointing, I note that some of these developments will proceed in 2008. I am also confident that there is scope within the HSE's overall allocation to deliver further service enhancements in 2008, over and above those outlined in its service plan, through improved performance, productivity and the realignment of existing resources.

The unprecedented investment in mental health services, which has trebled since 1997, has allowed for real improvements in this area. There is now a much greater focus on community services and the provision of multidisciplinary teams, early intervention and many other services. This modernisation and reform of services is in line with what patients want and need. It is real progress and we are determined to build on this reality. We are not yet where we want to be, but we are getting there. Each person receiving mental health care now has an individualised care plan, designed in consultation with the person and his or her therapeutic team. This care plan, which may or may not include complementary therapies, identifies the person's needs and another plan is then agreed to meet these needs.

The delivery of health services was assigned to the HSE under the Health Act 2004. In view of the budgetary situation, it was necessary to review the provision of complementary therapies in Mayo. In some instances where the therapies were not considered essential, they were reduced. I have been assured that each individual case is being closely monitored and will be reviewed in the event of a negative impact on the patient being clinically identified.

The Government's decision to establish the Office for Disability and Mental Health reflects its ongoing commitment to developing a more coherent and integrated response to the needs of people with disabilities and mental health problems. The office will support the Minister of State with responsibility for disability and mental health, and will facilitate cross-agency and cross-departmental work to deliver real benefits to clients and service users in the future. It will bring a new impetus to the implementation of *A Vision for Change*, working in partnership with the HSE and other stakeholders to achieve the implementation of agreed targets.

### **Services for People with Disabilities.**

**Deputy Richard Bruton:** It has been repeated time and again in this House that there are no health cutbacks, and that what is being sought are efficiencies that will not hit the front line. Like me, a Chathaoirligh, you must have been appalled to hear the report this morning on St. Michael's House, which may now have to close down all services to new-born children with intellectual disabilities as a result of not receiving the commitment it was led to believe was forthcoming. That would mean that 16 parents every month would be turned away with no support, no counselling and no early intervention for children who suffer from a disability. That appals me.

There are currently 16 people who have been rendered homeless by the death of their carer, but since the State has not provided for them, St. Michael's House will have to use up six of

[Deputy Richard Bruton.]

its 30 respite beds immediately and a further seven over the year in order to accommodate them. That will have a tremendous knock-on effect. There are about 500 people who avail of respite care in St. Michael's House, but the respite capacity will effectively be halved. That means that parents who are caring for their disabled children on a full-time basis will have to give up their 20 day respite breaks. Those 20 day breaks will probably be reduced to 12 or even ten days.

All this occurs against a background in which the Government stated that there would be a five year plan that would commit to increasing funding for each year. The latest bombshell is that the HSE has informed St. Michael's House that it need not admit anybody into care services, even emergencies, without the written approval of an assistant national director at the HSE. The staff in St. Michael's House have been prevented entirely from extending any care to anyone, except in an emergency where they must still get written permission. That is the worst style of governance. We often talk about avoiding blunt cutbacks, but that is the most blunt front line impact one could come up with. It is a straight directive not to provide services to people, regardless of how serious their need.

To give the Taoiseach his due, he was committed to this area when he was Minister for Health and Children. He provided 70 residential places each year when he was in that role. This year, only ten places are being provided, down from 21 last year. In spite of this five year development plan, we have reduced the number of residential care beds to one seventh the amount provided by the Taoiseach when he was in charge of the Department all those years ago. We all know that there is an increasing demand on this service. People are living longer and their needs are becoming more complex, so it is more difficult to provide care. A third of the parents providing care are over 60 years of age, nearly half are over 70 and there are 55 carers over 80 years of age. We must get our heads around this.

Is it Government policy to tell St. Michael's House to cut everyone off at the knees unless there is written confirmation? These are the children who are most vulnerable in our community. It seems entirely in conflict with what Fianna Fáil espouses, which is to cherish people in need. Is this intentional or is it accidental? Is it some bureaucratic mix up? What has happened here? The House needs an explanation, but we can no longer get explanations by tabling parliamentary questions. Our only chance is to get a response on the Adjournment. However, the danger is that a defensive script has been prepared that will not answer the problems, so we will not be able to explain to parents what is happening. I cannot explain it, but I hope the Minister of State can explain it.

**Deputy Máire Hctor:** I will speak on this matter on behalf of the Minister for Health and Children. The Government is committed to providing a high quality service to all people with a disability. This commitment is illustrated by the substantial investment we have been making in disability services over the last number of years. The national disability strategy, launched in September 2004, reinforces equal participation in society of people with disabilities and provides for a framework of new supports for people with disabilities. This strategy, together with the other support services, is a key factor in building the additional capacity required to ensure that services best meet identified needs.

The strategy builds on a strong equality framework, which is reflected in several equality Acts. It puts the policy of mainstreaming public services for people with disabilities on a clear legal footing. The main elements of the strategy are the Disability Act 2005, the Education for Persons with Special Educational Needs Act 2004, the sectoral plans published in 2006 by six Departments, the Citizens Information Act 2007 and the multi-annual investment programme for disability support services for the period 2006 to 2009.

An integral part of the national disability strategy is the multi-annual investment programme announced in the 2005 budget, which provides a commitment to a cumulative capital and revenue programme of €900 million, with the bulk of this funding being spent on health services for people with a disability over the period 2006 to 2009. These commitments include the development of new residential, respite and day places for persons with intellectual disability and autism in each of the years covered by the programme.

With regard to the specific matters raised by Deputy Bruton, I understand from the HSE that St. Michael's House has received an additional €4 million in its 2008 annual funding, which has increased from €78 million in 2007 to €83 million in 2006. In addition, I understand from the HSE that St. Michael's House has been given an indicative allocation of new places across the greater north Dublin area in respect of 2008, as follows—

**Deputy Richard Bruton:** I want to make one brief point to the Minister of State.

**Deputy Máire Hctor:** —Residential places — ten; respite places — two; and day places — 15.

**Deputy Richard Bruton:** Will the Minister of State give way to allow me to make one brief point?

**Deputy Máire Hctor:** The HSE states that St. Michael's House also received an indicative allocation of five residential places in 2008—

**Deputy Richard Bruton:** I want to make the point that this is less than half of what was in the plan.

**Deputy Máire Hctor:** —for children in the Meath local health office. Two new residential places and two new day places have been allocated to St. Michael's House in 2008 from the Dublin mid-Leinster region.

As the Deputy is aware, an additional €50 million was allocated by the Government for the provision of disability services in the 2008 budget. The 2008 service plan, developed by the HSE and approved by the Minister for Health and Children, Deputy Harney, included the €50 million for the development of additional disability services. The standard expenditure sanction issued to the HSE for 2008 stipulated that the prior approval of the Department of Health and Children and the Department of Finance would be required in the event of any proposal to spend this money for any other purpose.

**Deputy Richard Bruton:** Is the Minister of State admitting that this money is now being veered away from disability services?

**Deputy Máire Hctor:** Clearly, it is essential that the HSE lives within its overall budget for the year. It needs—

**Deputy Richard Bruton:** Acting Chairman, the Minister is saying that money which was voted by this House for disability services is now being considered to be veered away for other purposes — to meet deficits elsewhere.

**Acting Chairman:** There is no provision—

**Deputy Richard Bruton:** This is worse. If the Minister of State would only listen instead of just talking through the thing. This is supposed to be communication.

**Deputy Máire Hctor:** —to manage its activity levels and cost drivers appropriately to achieve this and the Minister does not believe it is desirable to resort to using development funding to offset expenditure pressures arising in respect of ongoing health services.

**Deputy Richard Bruton:** I am around this House for a long time and any proper Minister would respond to issues raised in a serious manner. This is a disgrace.

**Deputy Máire Hctor:** I understand that the HSE is currently reviewing its overall financial position for the year and the roll out of planned development in disability services is being considered in that context. The Minister has been in communication with the HSE with a view to an early determination on the matter.

**Deputy Richard Bruton:** This is a disgrace. This is admitting the money we set aside for disability is now under consideration to be veered to meet deficits in the HSE, and the disabled, elderly people and the physically disabled will suffer the consequences of that.

**Acting Chairman:** The Deputy has made his point, but Standing Orders do not let me allow him to do that. I have to stick to Standing Orders and sometimes I have to apologise.

**Deputy Richard Bruton:** There is a certain level of understanding that we listen when there is a valid point to be made. There is no point in us listening to a prepared script off a word processor, without getting an opportunity for the Minister to even take in the points being made, let alone respond to them.

**Acting Chairman:** The Deputy will have to find another way of raising the matter, and I apologise.

### **Child Care Services.**

**Deputy Jimmy Deenihan:** In October 2007 a state-of-the-art child centre facility was opened in Ballybunion, County Kerry at a cost of €682,400. Additional funding was provided for equipment and facilities in the centre, bringing the total investment to approximately €800,000. The money was provided by the Department of Justice, Equality and Law Reform under EOCP funding and the project was five years in gestation and involved a considerable amount of voluntary input from local parents and members of the community. The centre received a grant initially, which was a contribution towards its staffing costs. This money was granted through the old scheme, which will be finished by the end of June and is to be replaced by a new system known as the community child care subvention scheme. Under this scheme the level of grant aid will be based on the number of disadvantaged parents using the service as well as the level of service. In return, the centre is expected to discount its fees by the amount of subvention it receives for each qualifying parent. Under the scheme disadvantaged parents are categorised as those in receipt of social welfare payments, on community employment schemes or family income supplement.

There are four subvention levels. Band A includes social welfare recipients and band B family income supplement, FIS, recipients. The people who do not fall into either category are in band D, and these are in full-time employment. They are not subsidised and have to pay the full costs. In response to the outcry from parents and child care providers when the new scheme was proposed originally, the OMC put band C in place, which offers reduced fees to people on low incomes who are marginally above the FIS threshold. As a result of the new changes, the people in employment — most of whom must travel 20 miles to Tralee or Listowel to work — will now have to pay €180 for a place. It was €120, so this is an increase of €60, which is considerable, for a full place. Also there is an increase from €45 to €90 for a preschool place

— and the equivalent for shorter hours. There are few families in the locality in a position to pay this type of fee, so that the whole system including the staffing of the centre will not be sustainable.

The parents in band D who have contacted me will have to leave their children at home to be looked after by childminders. They might be able to pay a lesser rate to grandparents, perhaps, or in-laws, but it is not satisfactory because this particular centre is one of the finest of its type in the country. I do not know whether the Minister of State, Deputy Hctor or her colleague, the Minister of State, Deputy Andrews is responsible for it. It is very progressive as regards the initiatives being pursued and those it has introduced. For example, there is an initiative entitled “Learn through Play”, which is based on the Department of Education and Science’s new curriculum, and it is operated very successfully. The parents, however, are now looking at the prospect of not being able to afford the child care payments. As I said, they have few options — either to leave the child or children at home or give up their jobs to get back on a qualifying band. It does not appear to make any sense, whatsoever.

I do not know what type of response the Minister of State will give. I asked a former Minister of State, Deputy Brendan Smith, to visit the centre and even officially open it and use it as an example of how other centres might operate. It does not make sense that a centre opened last October at a cost of €800,000 could now close this October. A survey has shown that the profile of those due to avail of the centre next October are mostly in employment, so they will not receive subsidies. The Acting Chairman will appreciate this.

This is just the first of many stories that will be raised in this House. I know that for a fact because there are similar child care facilities across the country that face this type of problem, and it has not struck home yet. Obviously, Deputies have not been contacted to date. Certainly, this is something that must be addressed. I look forward to the Minister of State’s response and I hope she can offer some solution. Otherwise there will be a major problem and it will leave a significant deficit in child care facilities right across Ireland.

**Deputy Máire Hctor:** I am taking this matter on behalf of my colleague, the Minister of State at the Department of Health and Children, Deputy Barry Andrews.

The main supports the Government makes available to parents in respect of their child care costs are child benefit and the early child care supplement. The latter payment, in recognition of the higher child care costs of pre-school children, is the responsibility of the Office of the Minister for Children and Youth Affairs. It alone amounts to expenditure of approximately €500 million in a full year. These payments are universal and benefit all parents, regardless of income, labour market status or the type of child care chosen. In addition to these universal supports, the Government’s child care policy also recognises the need to target additional supports towards disadvantaged families.

Under the Equal Opportunities Childcare Programme 2000-2016, co-funded under the European Social Fund, targeted support was provided through the staffing support grant scheme. Community-based and not-for-profit child care providers with a strong focus on disadvantage were awarded grant aid toward staffing costs to allow them to offer reduced fees to disadvantaged parents. Funding under the scheme was originally awarded for a limited period during which services were expected to move towards sustainability. This funding was subsequently continued to the end of 2007, where it was considered necessary to enable services to remain accessible to disadvantaged parents. This continuation of funding was subject to the condition that tiered fee structures were implemented by the services in question.

The National Childcare Investment Programme 2006-2010 has a funding allocation of €575 million and aims to create an additional 50,000 new child care places. It is expected that

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approximately 22,000 of these places will be in the private sector with 28,000 places in the community/not-for-profit sector. Up to 20% of the overall places will be for children in the three to four years age group and will provide an early childhood care and education focus.

These child care programmes have a combined budget of over €1 billion and are projected to create or support 90,000 child care places. Part of this investment includes the new communitychild care subvention scheme. Funding amounting to €154.2 million will be allocated to the new scheme over the next three years, a significant increase over the €37 million 2007 funding allocation for the support scheme under the equal opportunitieschild care programme. Services have been guaranteed that they will receive at least 90% of their current funding levels in the second half of this year and not less than 85% in 2009.

The community crèches, which account for approximately 20% of the service providers nationally, are central and valuable players in providing quality child care at prices affordable for all, including the most disadvantaged in society. The new scheme will continue to recognise and support the valuable investment in the community/not-for-profit sector and ensure the tiered fees necessary to make this a reality.

The provider of the service referred to by Deputy Deenihan recently contacted the Office of the Minister for Children and Youth Affairs. It stated the overall parental profile of the children using the service has altered substantially since its original application for inclusion under the scheme. Consequently the subvention which has been allocated to the service for the second half of this year no longer meets the specific needs of the service. The Office of the Minister for Children and Youth Affairs has advised the group to submit full details of the current parental profile to allow a full assessment of the group's concerns to be made.

The Dáil adjourned at 9.25 p.m. until 10.30 a.m. on Thursday, 19 June 2008.

## Written Answers.

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**The following are questions tabled by Members for written response and the ministerial replies as received on the day from the Departments [unrevised].**

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*Questions Nos. 1 to 61, inclusive, resubmitted.*

*Questions Nos. 62 to 70, inclusive, answered orally.*

### **Human Rights Issues.**

71. **Deputy Jan O’Sullivan** asked the Minister for Foreign Affairs if he will make a statement on the proposals Ireland favours for the implementation of commitment to human rights protection. [23529/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The promotion and protection of human rights and the rule of law has always been a priority of successive Governments and is an important aspect of our foreign policy. Support for institutions and organisations that promote governance, democracy and human rights is an important element of Ireland’s official development assistance programme.

Together with our EU partners, the Government monitors the human rights situations in many countries throughout the world, on the basis of information obtained from a variety of sources including both official and non-governmental organisations. Where the situation warrants, we make known our concerns about human rights violations to the Governments in question, either bilaterally, through the EU, or through action at the UN General Assembly and the UN Human Rights Council. At these bodies, the EU regularly makes statements on the human rights situations in specific countries from all regions. Ireland is fully associated with these statements. The EU also introduces or supports resolutions in multilateral fora dealing with specific country situations.

The EU conducts human rights dialogues with a number of countries and has also adopted Human Rights Guidelines on certain issues, which contribute to identifying priorities for the EU’s human rights policy. The adoption of the EU Guidelines on Human Rights Defenders in 2004 was one of the key priorities of the then Irish Presidency of the EU in the field of human rights. Respect for human rights and fundamental freedoms is now a standard element of EU trade and cooperation agreements with third countries.



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Ireland supports the work of the UN Human Rights Council, which was established in 2006 to replace the Commission on Human Rights and which promotes universal respect for the protection of human rights and fundamental freedoms for all. A key innovation of the Human Rights Council is the new Universal Periodic Review (UPR) mechanism, whereby each member State of the UN submits to a thorough review of its human rights performance every fourth year. The UPR process has been one of the key elements of reform and is an important innovation to the system of addressing human rights situations on the ground in all UN member States. Part of the UPR process is holding States to account for voluntary pledges and commitments made with regard to human rights protection.

The UPR process complements existing reporting mechanisms under international human rights treaties. Every State is obliged to submit periodic reports and to appear before treaty monitoring bodies on the progress made in domestic implementation of the international human rights treaties it has ratified.

### **Foreign Conflicts.**

72. **Deputy Paul Kehoe** asked the Minister for Foreign Affairs his views on the call for a recognition of the issue of the Armenian Genocide of 1915; and if he will make a statement on the matter. [23655/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The events which resulted in the tragic deaths of very large numbers of Armenians in the Ottoman Empire more than ninety years ago continue to cast a shadow over relations between Turkey and Armenia, whose historical interpretations of these events have diverged sharply. The Turkish Government has proposed the establishment of a commission, composed of eminent academics, to investigate and determine the facts of this tragic episode in their shared history. While it has not been possible to move forward on the basis of this proposal, we would encourage both sides to explore ways to make progress on this most sensitive issue.

I take encouragement from the indications of initial moves by both the Turkish and Armenian authorities recently aimed at improving bilateral relations – including that, when President Sargsyan of Armenia took office earlier this year, he promised to improve ties with Turkey, while Turkish President Abdullah Gul was among those who congratulated him on his election. I would urge both sides to build on these tentative links and to establish a higher level of mutual confidence, as a basis for efforts to deal with the tragic events of their shared past. I believe it is appropriate for us to show due respect for the extreme sensitivity of the issues involved, by confining ourselves to making clear our support for such efforts.

### **Lisbon Treaty.**

73. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the extent to which he has reviewed or propose to review structures or procedures within the EU in the aftermath of the referendum on the Lisbon treaty; and if he will make a statement on the matter. [23703/08]

79. **Deputy Jim O’Keeffe** asked the Minister for Foreign Affairs the way he will deal with EU affairs in the aftermath of the Lisbon treaty referendum. [23154/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** I propose to take Questions Nos. 73 and 79 together.

The result of the referendum is, of course, deeply disappointing for all who argued in favour of ratification of the Lisbon Reform Treaty. However, the people have made their decision which must be respected.

We will need time to analyse the result properly and to look for an acceptable way forward. The result of the referendum brings about a situation of considerable uncertainty for Ireland in Europe. The Government will not rush into any decisions on how to move forward.

The intention is that we will consult widely and intensively in the months ahead. The European Council, which begins tomorrow, provides an early opportunity for the Taoiseach to give his initial assessment of the referendum result. and its implications.

This is a very important moment in the history of Ireland's hugely successful engagement with the European Union, which has been a central pillar of our national development since 1973. Our goal will be to ensure that Ireland continues to occupy its appropriate position at the heart of the EU. and with a constructive contribution to make to the Union's future development.

Last week, the forthcoming French, Czech and Swedish Presidencies of the Council circulated a comprehensive programme of work for the Union over the next eighteen months. Ireland has a vital interest in the ongoing success of the Union in dealing with the key issues on its agenda in the period ahead. The Government will therefore be contributing actively to policy debates within the various Council formations.

The Treaty of Nice, which was endorsed by the Irish people in 2002, provides the legal basis for the Union's continued functioning. It has to be acknowledged, however, that the current Treaty arrangements are generally viewed as not being adequate for the long-term functioning of an effective Union capable of meeting the challenges of the future.

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

74. **Deputy Thomas P. Broughan** asked the Minister for Foreign Affairs if he will make a statement in relation to conditions in Gaza; and his views on whether the international obligations to its people are being observed by those with an obligation as occupying forces and other forces. [23519/08]

98. **Deputy Eamon Gilmore** asked the Minister for Foreign Affairs his views on the recent announcement of a large number of new houses and extensions to existing settlements near Jerusalem and its implications for the possibility of peace initiatives. [23520/08]

107. **Deputy Andrew Doyle** asked the Minister for Foreign Affairs his views on the situation in Gaza; and if he will make a statement on the matter. [23731/08]

122. **Deputy Olwyn Enright** asked the Minister for Foreign Affairs if he has protested to the Israeli authorities regarding the continued expansion of settlements in the occupied territories; and if he will make a statement on the matter. [23728/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** I propose to take Questions Nos. 74, 98, 107 and 122 together.

At the outset, I want to express the Government's strong welcome for the news today that Israel has confirmed its agreement to a deal brokered by Egypt for a ceasefire in Gaza, starting tomorrow morning. Deputies will be aware that the Government has been seriously concerned for some time about the dangerous humanitarian and security situation in Gaza, where the population of 1.5 million people have been facing unsustainable conditions of daily life and the

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constant reality and threat of lethal violence. We have argued that developments in the West Bank and Gaza underline the urgent need to restore momentum to the political process.

The Government and our EU partners have strongly supported the negotiations between the Israeli Prime Minister and the Palestinian President, which were launched at Annapolis last November. It is encouraging that, in the face of political and security challenges, they have pressed ahead with their talks with the objective of reaching a final status agreement by the end of 2008. However, there has been a growing concern in the region and internationally that events on the ground will undermine the political process.

An immediate priority must be to end all violence in and from the Occupied Territories. This includes Palestinian rocket attacks from Gaza on Israeli towns and Israeli military operations in Gaza and the West Bank. Israel and the Palestinians appear now to have taken a very important and courageous step towards ending the violence in Gaza and Southern Israel. They must be assured of the full support of the international community in the implementation of the truce agreement. The days ahead will be difficult for all sides. In addition to monitoring the ceasefire, sensitive efforts will continue to reach agreement on the re-opening of crossing points, and on future prisoner and hostage releases. I hope that there will also be agreement on the lifting of restrictions on the movement of Palestinians in the West Bank. The EU will give every possible support to the process. It has made clear that it is ready to resume the border assistance mission at the crucial Rafah crossing-point into Egypt in the context of an agreement between the parties.

The Government has consistently called for an end to the isolation of the people of Gaza. We have stated clearly that it is unjust and unacceptable to subject the people of the territory to measures which the UN has rightly described as amounting to collective punishment. It has also been politically counterproductive. I hope that in the positive atmosphere created by the ceasefire, early progress can be made on the initiative taken last week by President Abbas to open reconciliation talks between the different Palestinian groupings aimed at creating a strong consensus on the implementation of a two-State solution.

Decisive action is also now required by the Israeli Government to demonstrate a genuine commitment to a freeze on all settlement construction on occupied land. The Government strongly shares the growing international concern about a series of decisions in recent months to construct large numbers of new homes in settlements in and around Jerusalem. These decisions have a direct, negative impact on the political process. Ireland has been among the Member States most active in ensuring that the EU has conveyed its serious concern about settlement expansion directly to the Israeli Government at every opportunity, including the annual meeting of the EU-Israel Association Council in Luxembourg on Monday. The EU has made it clear to Israel that settlement construction anywhere in the Occupied Territories, including East Jerusalem, is illegal under international law. It also prejudices the outcome of final status negotiations and threatens the viability of an agreed two-State solution.

#### **Northern Ireland Issues.**

75. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Foreign Affairs if he has raised with the British Prime Minister the case for truth and justice sought by the families of the 11 people murdered by the British Army in Ballymurphy, Belfast over three days in August 1971; and if he will make a statement on the matter. [17216/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The Government consistently raises with the British Government issues which are the legacy of the Troubles, at political level and

through the British Irish Intergovernmental Secretariat in Belfast, as well as ongoing official contacts.

As the Deputy is aware, there are many families still seeking answers and justice for lost loved ones, including the Ballymurphy cases. The question of how to deal with the legacy of the past is being considered by the independent Consultative Group on the Past, which was established in June 2007, under the joint chairmanship of Archbishop Robin Eames and Denis Bradley. The Government welcomed the establishment of the Consultative Group and has remained in close contact with it.

Among the important topics on which the Consultative Group is deliberating is how best to meet the demand for truth, justice and apology for the many terrible deeds which occurred during the Troubles. As they move to develop their proposals the Consultative Group has met with many stakeholders across the spectrum of those affected, including in this jurisdiction: I understand that representatives of the Ballymurphy families met with the Consultative Group on the Past on a number of occasions.

My Department was represented at an event in Dublin on 30 April last, intended to raise awareness of the killings of these eleven people, at the start of a period of the worst violence of the Troubles, following the introduction of internment on 9 August 1971. There are still many unanswered questions in relation to the circumstances surrounding these tragic killings.

My Department is in regular and ongoing contact with Relatives for Justice, a group which represents the Ballymurphy families, and has, over the years, supported Relatives for Justice in their work, including through provision of assistance by the Reconciliation Fund.

#### **Overseas Development Aid.**

76. **Deputy Alan Shatter** asked the Minister for Foreign Affairs his plans to introduce new aid modalities on delivery methods; and if he will make a statement on the matter. [23742/08]

**Minister of State at the Department of Foreign Affairs (Deputy Peter Power):** The White Paper on Irish Aid lays out the principles which guide the approaches and modalities used in providing aid to developing countries. These are:

- Partnership;
- Public Ownership and Transparency;
- Effectiveness and Quality Assurance;
- Coherence; and
- Long-term Sustainability.

The White Paper states that Ireland will maintain a mix of complementary modalities in each of our programme countries. Assistance may be given through direct support for a sectoral plan delivered by ministries such as health, education or agriculture; as support to the Government's public expenditure programme through the budget; by means of individual projects or through programmes with NGOs or local authorities.

That mix is determined by the particular circumstances in each country. We choose the modality or mix of modalities on the basis that the programmes we fund will have lasting benefits and will support the country's own development efforts.

[Deputy Peter Power.]

The development context, the quality of governance, the strength of public financial management and accountability systems and the capacity to deliver public services, all influence the choice of aid modality.

By using a mix of modalities, Irish Aid can have more influence on how our aid is used to benefit the poorest people. When we provide aid for a national plan or programme, we can see first hand how well this is being delivered to people because we also support programmes at local level where our staff monitor and discuss service delivery with local authorities, NGOs, communities and citizens. Similarly, funding for public expenditure programmes is complemented by support to statutory oversight and national audit bodies, such as the Office of the Auditor General.

Providing money through partner Governments and their public expenditure systems is appropriate and essential in building the effectiveness and accountability of state services to citizens. I believe that this is the best way to support long term and sustainable development. However, we complement support for Government policy and public expenditure programmes with support for civil society and NGOs to strengthen their role in ensuring accountability.

I am very conscious of the need to be able to respond to changing situations and emerging issues such as climate change and the sharp rise in food prices. I am confident however, that the toolbox of aid modalities that we have developed with other donors, with partner governments and with Irish development NGOs provides us with the means to respond effectively to individual country contexts.

### **Foreign Conflicts.**

77. **Deputy Brian Hayes** asked the Minister for Foreign Affairs the liaison there is between the UN mission in Chad and the UN mission in Sudan; and if he will make a statement on the matter. [23746/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The United Nations missions in Chad and Sudan and the UN-authorized EU military mission in Chad, EUFOR Tchad/RCA are part of a multidimensional security and humanitarian presence in a region which has been seriously affected by the Darfur conflict, as well as by tensions within and between the two countries.

There are two UN missions in Sudan: UNMIS, established in March 2005 to support the implementation of the Comprehensive Peace Agreement of January 2005 which brought to an end a long-running conflict between North and South Sudan; and the joint African Union/United Nations Hybrid operation in Darfur (UNAMID), established under Security Council Resolution 1769 of 31 July 2007 to protect personnel and civilians and to support the 2006 Darfur Peace Agreement.

In Chad, UN Security Council Resolution 1778 of 25 September 2007 mandates MINURCAT, a UN mission to Chad and the Central African Republic, which is tasked with training and supporting the Chadian police, and with the promotion and protection of human rights, as well as providing security and protection for an estimated 400,000 refugees and internally displaced persons, to allow for refugee returns and to facilitate humanitarian assistance; and EUFOR Tchad/RCA, the EU-led military mission in Chad and the Central African Republic under the Operational Command of Irish Lt. Gen. Pat Nash. EUFOR's mandate includes supporting the activities of MINURCAT and the protection of refugees and internally displaced people, as well as facilitating the delivery of humanitarian aid.

Under its mandate, the UN mission MINURCAT in Chad is specifically required to liaise closely with UNAMID in Sudan, primarily with a view to exchanging information on emerging threats to humanitarian activities in the region.

Security Council Resolution 1778 also provides for close co-operation between the EU, the UN Secretary General and the Governments of Chad and the Central African Republic throughout EUFOR's mission. There is Security Council Resolution 1778 also provides for close co-operation between the EU, the UN Secretary General and the Governments of Chad and the Central African Republic throughout EUFOR's mission. There is close liaison between the EU and the UN Department of Peacekeeping Operations in New York and Lt. Gen. Nash, has visited UN Headquarters in this context.

I understand that the Special Representatives of the UN Secretary General in Sudan and Chad also coordinate on a regular basis and routinely copy each other with their reports in order to provide a fuller picture of the situation.

A political settlement is the only hope for lasting peace in Sudan's Darfur region, and Ireland fully supports the ongoing African Union/UN mediation efforts in that regard. Ireland and the EU have continually put pressure on Sudan to allow full deployment of the UNAMID peacekeeping force in Darfur, and to ensure full access for humanitarian workers. While the international community can assist the parties in settling their internal and bilateral differences through constructive means, in the final analysis the parties themselves must demonstrate the political will and commitment necessary to resolve the underlying political and security challenges in the area. Ireland and its EU partners also continue to urge the Government and opposition in Chad to work towards the establishment of real democracy and the holding of free and fair elections next year.

### **Diplomatic Representation.**

78. **Deputy Pat Rabbitte** asked the Minister for Foreign Affairs the reasoning and the circumstances which led to the speedy recognition of Kosovo by the Irish Government. [23523/08]

102. **Deputy Paul Kehoe** asked the Minister for Foreign Affairs his views on the situation in Kosovo; and if he will make a statement on the matter. [23658/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** I propose to take Questions Nos. 78 and 102 together.

The declaration of independence by the Kosovo Assembly on 17 February last marked the culmination of a lengthy final status process for Kosovo led by the UN Secretary-General's Special Status Envoy, former Finnish President Martti Ahtisaari. In April 2007, after more than a year of talks involving Belgrade and Pristina, he produced his final status proposal, which recommended internationally supervised independence for Kosovo with strong guarantees for minorities in Kosovo. While Ahtisaari's proposal was strongly supported by Ireland and the great majority of our EU partners, intensive efforts within the UN Security Council to agree on a new Resolution to give effect to his proposal ended in failure in June 2007, due in large part to Russian opposition. When a further four months of direct talks between Belgrade and Pristina also ended in failure, the Kosovo Assembly made its decision on 17 February to declare independence, and committed itself to full implementation of the Ahtisaari proposal.

At the General Affairs and External Relations Council on 18 February, EU Foreign Ministers agreed a common response to Kosovo's declaration of independence, noting the uniqueness of Kosovo's situation, arising from the conflict of the 1990s and the eight years of UN administration which followed under the continuing UN Security Council Resolution 1244, and reaffirming the EU's willingness to play a leading role in strengthening stability in the region

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including through deployment of an ESDP rule of law mission. The Council also agreed that Member States will decide, in accordance with national practice and international law, on their relations with Kosovo. Since then, 20 EU Member States, including Ireland, have recognised Kosovo's independence.

It is regrettable that lengthy negotiations failed to produce an agreement between Belgrade and Pristina. A new UN Security Council resolution clarifying the position would have been greatly preferable to the current situation. But the clear reality is that Serbia effectively lost Kosovo through its own actions in the 1990s. The legacy of the killings of thousands of civilians in Kosovo and the ethnic cleansing of over a million made the restoration of Serbian dominion in Kosovo unthinkable. As the European Council agreed in December 2007, the status quo in Kosovo was inherently unstable. More than 90% of the population wants independence, and this is supported by our major partners in the EU and beyond, many of whom moved quickly to recognise Kosovo. Taking all of the circumstances into account, the Government decided on 28 February that Ireland would recognise the Republic of Kosovo.

The Government has made it clear that our decision to recognise Kosovo is based on a careful assessment of the political and legal circumstances of this particular case. It is in no way intended as an act of hostility towards Serbia. We know that Kosovo's independence is painful for Serbia and difficult to accept. We believe that the future for Serbia and Kosovo lies with Europe and urge all sides to refrain from taking any action at this sensitive time which will impede and delay the realisation of this European perspective.

The situation on the ground in Kosovo remains relatively calm, if tense. With the coming into force of the new Kosovo constitution on 15 June, the challenge now facing the international community is to ensure a smooth transition from the current UN mission (UNMIK) to the EU's EULEX rule of law mission, and to ensure that the international presence can operate effectively throughout Kosovo, including Serb majority areas in the North. In this context, we welcome the decision of UN Secretary General Ban Ki-Moon to proceed with reconfiguration of the UNMIK mission. While we wait to see the final details of the planned reconfiguration, it is important that this takes place in a way which allows for the progressive deployment throughout Kosovo of an autonomous EULEX mission, as envisaged under the Ahtisaari proposal.

Ireland shares the determination of the international community, through the international presences in Kosovo, to support stability in Kosovo and the wider Balkan region, with guarantees for the promotion and protection of the rights of all communities and their members. We are positively engaged in this effort through our enhanced troop presence in the UN mandated KFOR mission, and our membership of the International Steering Group for Kosovo. We intend also to contribute 9 personnel, including 8 members of the Garda, to the EU's ESDP rule of law mission. We will continue to support the future economic development of Kosovo, and to participate in the forthcoming international donor conference for Kosovo.

*Question No. 79 answered with Question No. 73.*

### **Ethiopian Food Crisis.**

80. **Deputy Seán Sherlock** asked the Minister for Foreign Affairs his views on the food crisis in Ethiopia; and if he will make a statement on the matter. [23508/08]

**Minister of State at the Department of Foreign Affairs (Deputy Peter Power):** Poverty is widespread and deeply rooted in Ethiopia, one of the poorest countries in the world. More

than 30 million people live below the poverty line and over 8 million people are at risk of hunger each year.

Recent years have seen large increases in public spending on education, health and water in Ethiopia, and significant progress has been made in human development indicators. For example, maternal and under five mortality rates have fallen, while the number of primary school teachers and primary schools has increased significantly. There were 2.6 million more children in primary school in 2007 than in 2005, an 11% increase over just a two year period.

However, Ethiopia continues to have endemic food insecurity problems, which are mainly due to recurrent droughts, floods, rapidly growing population, poor technology and lack of infrastructure. In spite of the fact that the country enjoyed the fourth consecutive bumper harvest in 2007, this success was largely confined to the highland part of the country. By contrast, in the lowland areas of the country, which are inhabited mainly by pastoralists, the rainfall was inadequate and has caused an almost total failure in food production in some areas. In certain parts of the country this has been exacerbated by continuing insecurity and conflict.

Global escalating food prices have exacerbated the crisis and have prevented the poor, in both rural and urban areas, from accessing food. An example of the increasing cost of staple foods is that, in the course of 2007, the wholesale price in the market in Addis Ababa for white wheat and white maize increased by 80% and 97% respectively.

One of the key priorities of Ireland's assistance is to prevent, as far as possible, people falling into absolute hunger and destitution during food security crises through a targeted programme of social protection, entitled the Productive Safety Nets Programme. Ireland provided €9 million to this programme in 2007. In 2008, Ireland increased our assistance to this programme to €11 million in order to target those most at risk from the current food crisis. More than seven million people depend on this programme to avoid becoming absolutely vulnerable to destitution.

In addition, Ireland has made a further €3 million available for programmes to assist Ethiopia's rural poor in diversifying their crops and increasing their productivity. Further assistance will be made available as necessary. Irish Aid is also funding our NGO partners who are working with the poorest and most vulnerable in Ethiopia. So far in 2008, Irish Aid grants to NGOs have amounted to just under €10 million.

*Question No. 81 answered with Question No. 68.*

### **Passport Applications.**

82. **Deputy Michael D'Arcy** asked the Minister for Foreign Affairs the situation regarding his review of the arrangements in place for Deputies to use the drop box facilities for passport applications [23639/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** As indicated in the reply to Parliamentary Questions 239 to 242 on 26 February 2008, the then Minister for Foreign Affairs stated that he had asked the Secretary General of the Department to undertake a review of all aspects of the special passport facility for Members of the Oireachtas, including whether it should be continued in place.

The Secretary General in March established a Committee to undertake the review, and this has met on a number of occasions. It is expected to complete its work in the near future.

As part of the review, my predecessor wrote to all Deputies and Senators to elicit their views. I know that many Members of both Houses have provided input, and would like to express my appreciation to them for doing so. In addition, several party leaders responded to



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my predecessor's invitation to nominate a representative to meet with members of the Committee to discuss the issue.

### **Foreign Conflicts.**

83. **Deputy Jack Wall** asked the Minister for Foreign Affairs if the killers of a French aid worker (details supplied) who was killed in Chad earlier in May 2008 have been apprehended; and if he will make a statement on the matter. [20150/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The situation in Chad remains complex, fluid and fragile. United Nations agencies and NGOs have identified deteriorating security and internal displacement as two of the chief operational challenges they face in addressing the humanitarian situation in eastern Chad. The problem of insecurity that affects the civilian population and humanitarian actors in eastern Chad on a daily basis is one of the reasons why EUFOR Tchad/RCA was deployed in the country. EUFOR's mandate, authorised by UN Security Council Resolution 1778 (2007), is to contribute to the protection of vulnerable civilian populations and facilitate the provision of humanitarian assistance. Creating the security conditions conducive to a voluntary, secure and sustainable return of refugees and displaced persons is a joint aim of both EUFOR and the UN mission in Chad, MINURCAT.

Unfortunately those responsible for the tragic killing of a French aid worker in Chad have not been brought to justice, and this is very regrettable. It is essential that aid workers can work safely and securely in this environment to ensure that the most vulnerable in society receive the assistance they need. EUFOR, along with MINURCAT, will continue to do all within its capabilities to ensure the safety of all humanitarian actors. Changing the political context in Chad, by moving decisively towards inclusive and stable democracy with strong institutions, is the only way to break the cycle of violence and conflict which has engulfed that country for far too long, and to end impunity for serious crimes. Ireland and the EU will continue to press for this.

### **Overseas Development Aid.**

84. **Deputy Enda Kenny** asked the Minister for Foreign Affairs if sub-Saharan Africa can meet the millennium development goals in relation to poverty and under nourishment; and if he will make a statement on the matter. [23707/08]

**Minister of State at the Department of Foreign Affairs (Deputy Peter Power):** At the halfway point to the 2015 target date for achieving the Millennium Development Goals, progress in sub-Saharan Africa on the targets relating to poverty and nourishment remains slow. MDG One commits the international community to eradicate extreme poverty and hunger, halving between 1990 and 2015 the percentage of people earning less than \$1 a day and suffering from hunger. While the latest report on the MDGs, issued in July 2007, shows progress in these areas, much greater advances will be necessary if the targets are to be met.

The figures show that the percentage of people in sub-Saharan Africa living on less than \$1 a day fell from 46.8% in 1990 to 41.1% in 2004, with the majority of this improvement taking place since 2000. In overall terms, per capita income growth in the region between 2000 and 2005 was generally good, giving some grounds for optimism. However the rate at which this improvement is taking place is insufficient at present to meet the target by 2015. Sub-Saharan Africa also has the highest poverty gap ratio of any region, reflecting the depth of poverty as well as its incidence.

Similarly, while the figures show that sub-Saharan Africa has made some progress in tackling hunger, the rate of improvement recorded is limited. From 1990 to 2005, the proportion of children under-five who are underweight fell from 33% to 29% while the proportion of the population below the minimum level of dietary energy consumption fell from 33% to 31%. Some encouragement can be drawn from the fact that the figures are improving, but at the present rate of progress it is unlikely that sub-Saharan Africa will reach the MDG hunger target by 2015.

These figures are in contrast to the positive trend in poverty reduction elsewhere in the world, especially in China and Asia more generally. As things stand, Africa lags behind Asia on most indicators – a fact attributed to a combination of institutional weakness, civil and international conflict, and funding shortfalls.

This year marks the halfway point between the Millennium Summit and the 2015 target date and provides an opportunity for the international community to take stock of progress to date and to renew our commitment to the MDGs.

A number of important events will take place from the summer onward. Heads of State and Government will meet in New York on 25 September to assess progress on the goals to date and to identify measures to improve the global development effort. This meeting will be preceded by a specific meeting on Africa at which the UN Secretary General's MDG Africa Steering Group will present its recommendations. This group was set up by the Secretary General last September to examine how Africa's efforts to meet the Goals could be strengthened and includes high level representatives of the African Union, European Union, African Development Bank, Islamic Development Bank, IMF and World Bank.

Other high level international meetings to be held during the second half of the year will examine the quality, quantity and effectiveness of aid flows. Ireland will participate actively in each of these events.

From a national point of view, poverty eradication and the achievement of the MDGs remain the fundamental objectives of Ireland's overseas development programme. Irish Aid focuses around 85 percent of its bilateral country assistance on sub-Saharan Africa and will continue to expand its assistance to the region as our aid programme grows.

Irish Aid's focus on reducing poverty and supporting the provision of basic services to the poorest people is wholly consistent with the MDGs and by delivering on our commitment to reach the 0.7% UN target for development funding by 2012, we are at the forefront of efforts to ensure their implementation.

### **Diplomatic Representation.**

85. **Deputy Denis Naughten** asked the Minister for Foreign Affairs the procedures in place to assist Irish citizens who encounter difficulties when on holiday abroad, including death or injury; and if he will make a statement on the matter. [23714/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** My Department has long provided a first class Consular service to Irish citizens in need overseas and their families. As Minister for Foreign Affairs, I will ensure that maintaining and improving this high quality service remains a key strategic priority.

Our resident Missions and Honorary Consuls around the world are readily available, as the need arises, to provide consular assistance to our citizens. Likewise, in countries where we have no resident presence, citizens can avail of the services of any EU Embassy.

The consular services provided by our Embassies and Consulates abroad include the following: issuing passports including emergency travel documents; assistance to victims of serious

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accidents, illnesses or crime; assisting people detained, arrested or imprisoned abroad; transferring funds, provided by family members, to Irish citizens abroad where conventional means are unreliable or non-existent; repatriation of Irish citizens in emergency circumstances; and assistance in connection with deaths abroad and the return of remains to Ireland. A number of practical initiatives have also been taken recently to further protect our citizens. These include a Consular Services Charter, launched by my predecessor last January; on-line voluntary registration for Irish citizens travelling outside the Common Travel Area; a state of the art Crisis Centre; fully trained Emergency Consular Assistance Teams to be deployed in the event of a consular crisis abroad; and detailed on-line comprehensive travel advice.

### **Foreign Conflicts.**

86. **Deputy Emmet Stagg** asked the Minister for Foreign Affairs if he will make a statement in relation to the peace talks between different parties regarding the independence of the Sahara Arab Democratic Republic. [23526/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The Government has consistently supported the right to self-determination of the people of the Western Sahara. Ireland has not taken a position on the future of the Territory, be it full independence, autonomy, or integration under Moroccan sovereignty. The important point is that the status of the Territory should be decided in a genuine exercise of self-determination by the people of the Western Sahara. We strongly support the continuing engagement of the United Nations in the search for a political solution in the Western Sahara based on the principle of self-determination.

Under the auspices of the United Nations, representatives of the Government of Morocco and of the Polisario Front have held a series of four direct meetings in Manhasset, in New York State, to discuss the future of the Territory of the Western Sahara. The most recent meeting was held on 16-18 March 2008. There has unfortunately been no substantive progress to report from these talks so far. Morocco has set out its vision of an autonomous Government in the Territory, operating under Moroccan sovereignty. In response the Polisario Front, representing the Saharawi people, has set out its position in favour of the creation of an independent State in close association with Morocco, and with protection for Moroccan vital interests. Morocco has refused, however, to discuss any proposals which include independence as one of the possibilities for the Territory.

Although there is clearly a broad gap between these two competing visions, I regard it as a positive and helpful development that both parties have set out their proposals for the future, and the measures they can envisage to accommodate the concerns of the other side. The most recent round also agreed some extension of confidence-building measures in relation to family links between Saharawi people in the Territory and in the refugee camps in Algeria. The parties have agreed to meet again, at a date to be decided.

### **Diplomatic Representation.**

87. **Deputy Dinny McGinley** asked the Minister for Foreign Affairs the diplomatic contacts Ireland has with Sri Lanka; and if he will make a statement on the matter. [23720/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** Ireland and Sri Lanka maintain good diplomatic relations. Our Ambassador in Delhi is also accredited to Sri Lanka and the Sri Lankan Ambassador to Ireland is accredited from London. Ireland is also represented in Sri Lanka by an Honorary Consul in Colombo.

My predecessor, Minister Dermot Ahern, made a visit to Sri Lanka in 2005 in the immediate aftermath of the Tsunami. During that visit, he met with a number of high-level political leaders, including the then Prime Minister, now President Rajapakse. He also met Concern, GOAL and Trócaire workers in Sri Lanka, and visited some of their programmes. The Government's Special Envoy for the tsunami, Mr. Chris Flood, also paid three visits to Sri Lanka during his tenure in that role.

The then Sri Lankan Foreign Minister, Mr. Tyrone Fernando, visited Dublin in May 2003 and met with the Taoiseach, the Minister for Foreign Affairs and the Joint Committee on Foreign Affairs.

Regular visits are made by officials from our Embassy in New Delhi to Sri Lanka. During a visit in February, the Deputy Head of Mission met President Rajapakse, Foreign Minister Bollogolama and senior Ministry of Foreign Affairs officials. Our Ambassador is scheduled to visit Sri Lanka again next month. My Department also maintains good working contacts with the Sri Lankan Embassy in London.

Senior officials from my Department also recently met with Dr Rajiva Wijesinha, Secretary-General of the Sri Lankan Government's Secretariat for the Coordination of the Peace Process (SCOPP). The Government is seriously concerned by the termination of the 2002 Ceasefire Agreement in January of this year, and the subsequent serious escalation in violence in that country. These, and our concerns regarding the human rights situation in Sri Lanka, were directly conveyed to Dr Wijesinha.

#### **Human Rights Issues.**

88. **Deputy Brian O'Shea** asked the Minister for Foreign Affairs his views on the existence of a positive human rights obligation of peace keeping forces to protect civilian populations; and his further views on the necessity for reference to international human rights law in Security Council Resolutions and on its omission in certain cases. [23517/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** As we celebrate fifty years of involvement by the Defence Forces in UN-authorized peace support operations, it is worth recalling that the promotion of human rights and the protection of civilian populations has always been central to that involvement.

I am advised by my colleague the Minister for Defence, Mr. Willie O'Dea TD, that all members of the Defence Forces assigned to peacekeeping duties overseas are briefed on relevant international human rights law and the Law of Armed Conflict. Courses on human rights are conducted on a regular basis at the Defence Forces Training Centre in the Curragh.

The protection of the human rights of refugees and internally displaced people in Chad and the Central African Republic is a key element of the current UN-authorized EU military mission, EUFOR Tchad/RCA, to which Ireland is contributing a substantial contingent and which is under the overall operational command of Lieutenant General Pat Nash of the Defence Forces.

One of the purposes of the United Nations, as set out in article 1 of the UN Charter, is to promote and encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion. Each Security Council Resolution relating to a UN authorized peace support operation is drafted and adopted in light of the specific circumstances involved. In certain cases, international human rights law may be specifically referred to in Security Council resolutions and thereby complement the existing obligations of States under human rights treaties. However I am advised that the absence of such a reference does

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not in itself undermine human rights protection and Ireland is certainly totally committed to maintaining such protection in all peace support operations.

### **Overseas Development Aid.**

89. **Deputy Pádraic McCormack** asked the Minister for Foreign Affairs if he will report on the work of the Hunger Task Force; and if he will make a statement on the matter. [23708/08]

92. **Deputy Paul Connaughton** asked the Minister for Foreign Affairs the effects the increase in world food prices will have on the Irish aid programme; and if he will make a statement on the matter. [23711/08]

112. **Deputy Mary Upton** asked the Minister for Foreign Affairs the contributions Ireland made at the World Food Programme's World Food Crisis Summit in Rome, Italy on 4 June 2008. [23514/08]

**Minister of State at the Department of Foreign Affairs (Deputy Peter Power):** I propose to take Questions Nos. 89, 92 and 112 together.

I am deeply concerned that the sharp increase in the price of staple food commodities such as corn, wheat and rice is undermining the food security of many millions of individuals and communities throughout the developing world. We already had a situation where over 800 million people were already food insecure and the current price increases can only serve to make this unacceptable situation even worse.

At the recent High Level Conference on World Food Security in Rome, my colleague, the Minister for Agriculture, Mr. Brendan Smith T.D., highlighted the challenge facing the international community. In the short term we need to respond adequately by providing sufficient food for those who are chronically hungry, and in the longer term we must commit ourselves to addressing the challenges of global hunger. He pointed out that the long term response should include support for sustainable agricultural production in Africa and other food deficit regions and that agricultural production and nutrition should now become major priorities for development aid programmes.

We have responded to the increase in food prices by providing a special grant of €3 million to the Market Mitigation Account of the World Food Programme (WFP) – the specialised agency of the UN system which is tasked with providing food aid to those most in need. This special account has been created to tackle the sudden increase in the price which the WFP now has to pay for their food aid. This brings Ireland's total support to the WFP to over €20 million so far this year. We are one of the largest donors to the WFP on a per capita basis.

We do much more than donate funds. In our Programme Countries, those countries in which we have a deep aid engagement, we are working to make millions of people more food secure and less vulnerable generally to price shocks. For instance in Ethiopia, perhaps the Programme Country most deeply affected by food insecurity, we have increased our support to the Social Safety Nets Programme by 25% to €11 million this year. This funding is preventing over 7 million people from falling into destitution and hunger. I also provided a special grant of €1 million to Goal for their programme in Ethiopia which is targeted at those currently facing famine.

In the longer term, the crisis triggered by escalating food prices has emphasised the importance of the work of the Hunger Task Force. This Task Force was established last year, at a time when hunger was a growing problem and before the food price crisis hit the international headlines.

The aim of this Task Force is to identify the additional, appropriate and effective contributions that Ireland can make to international efforts to reduce hunger, and thus contribute to achieving the Millennium Development Goal of halving hunger and poverty by 2015.

The Task Force is chaired by the former Minister for Agriculture, Joe Walsh, and has high profile national and international experts among its membership. I look forward to its Report and recommendations.

### **Peacebuilding Commission.**

90. **Deputy Jan O’Sullivan** asked the Minister for Foreign Affairs the position regarding the UN Peacebuilding Commission formally established in 2005; the resources made available to it; and its programme of action and overall contribution to post conflict situations. [23528/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The UN Peacebuilding Commission was formally established by parallel resolutions of the UN General Assembly and Security Council in December 2005, on foot of a recommendation from the UN World Summit in September 2005. The Commission became operational in June 2006. Its purpose is to enhance the coherence and impact of the international community’s activities by advising on and proposing integrated strategies for post-conflict peacebuilding and recovery.

The work of the Peacebuilding Commission is assisted by the Peacebuilding Support Office, which acts as a secretariat to the Commission and works to identify lessons learned and best practice, and to ensure that the Commission’s advice is implemented in the UN system. A Working Group on Lessons Learned is also active, and seeks to examine good practices and practical lessons in peacebuilding drawn from comparative experiences in different countries and regions.

The World Summit in 2005 also agreed to establish a Peacebuilding Fund to support the work of the Commission and to address countries’ immediate needs as they emerge from conflict. The Peacebuilding Fund receives voluntary contributions from UN Member States which are used to initiate critical peacebuilding interventions. As of 31 May 2008, the Fund had received US\$238,467,125 including US\$12.6 million or €10 million from Ireland.

The first countries on the agenda of the Commission were Sierra Leone and Burundi. Guinea-Bissau was added in December 2007 and on 12 June the Central African Republic became the fourth country to be placed on the agenda of the Commission. In addition to our financial support, Ireland contributes actively to the deliberations of the Commission both through our Permanent Mission to the United Nations in New York and the Irish Aid Office in Freetown, Sierra Leone.

### **Overseas Development Aid.**

91. **Deputy Deirdre Clune** asked the Minister for Foreign Affairs when the Inter-Departmental Committee on Development was established; the number of times that it has met; the date of its most recent meeting; and if he will make a statement on the matter. [23740/08]

**Minister of State at the Department of Foreign Affairs (Deputy Peter Power):** The White Paper on Irish Aid included a commitment to establish a new Inter-Departmental Committee on Development to strengthen coherence in the Government’s approach to development and to make best use of the expertise and skills available across the public service. I am pleased to say that, in line with that commitment, an Inter-Departmental Committee on Development has been established. The Committee held its first meeting in April 2007, chaired by Mr. Conor Lenihan, T.D., the then Minister of State for Overseas Development. Four subsequent meetings

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have been held with his successor, Mr. Michael Kitt, T.D., as Chairman. The last meeting was held on the 16th April and the next meeting is planned for the 19th June.

The Committee aims to strengthen coherence on development policy across Government. Development cooperation does not take place in isolation from other Government policies and the need for greater coherence in policies across sectors that affect developing countries is recognised. Government Departments are represented on the Inter-Departmental Committee by senior level officials who are actively engaging in the work.

Two Sub Groups of the Committee have been established, one to look at developing a more coherent policy in our relationships with Multilateral Organisations and the second focusing on making best use of the expertise and skills available across the public service in our development aid programme. The Committee will report annually to the Minister for Foreign Affairs outlining its activities and making recommendations as appropriate. The Committee's first report is due by the end of this month.

*Question No. 92 answered with Question No. 89.*

### **Foreign Conflicts.**

93. **Deputy Willie Penrose** asked the Minister for Foreign Affairs his view on the abolition of the monarchy in Nepal; and if he will make a statement on the matter. [23525/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** I congratulate the people of Nepal on the successful establishment of the Constituent Assembly following elections on 10 April 2008 and welcome the fact that the transition to a new form of Government in Nepal has taken place in a largely peaceful and orderly manner. The people of Nepal have shown, after ten years of internal disturbances and war, their commitment to democracy and their determination to build a new future. The EU has been actively engaged in promoting peace, development and reconciliation efforts in Nepal, and an EU Election Observation Mission, to which Ireland contributed, was deployed to monitor the recent elections.

The recent declaration of a federal democratic republic in Nepal reflects the will of the people of Nepal, as expressed in the mandate given by them to the Constituent Assembly. As such, we and our EU partners fully respect and support this decision.

Despite the peace process and the holding of Constituent Assembly elections, the political situation in Nepal remains fragile and there are significant challenges for the new government once it is formed. The Constituent Assembly also faces the task of drafting a new constitution – one that secures peace, democracy, respect for human rights and addresses the legitimate aspirations of ethnic groups.

Ireland is fully supportive of the people of Nepal and their political leaders in their efforts to achieve these goals. Our Embassy in Delhi is accredited to Nepal and our officials continue to monitor events closely and maintain contact with the Nepalese authorities. Ireland has fully supported the UN role in Nepal in monitoring the ceasefire and providing election assistance. In 2008, Irish Aid has provided some €719,000 in assistance to Nepal to fund the work of the Office of the High Commissioner for Human Rights (OHCHR), as well as other international organisations and NGOs operating in Nepal in areas such as human rights, health, education and livelihood support.

### **Overseas Development Aid.**

94. **Deputy Emmet Stagg** asked the Minister for Foreign Affairs his views on the impact Irish owned vessels of an unacceptable size and insufficiently accountable practices are having on

the coastal communities of African countries including those to whom Irish Aid has a relationship. [23527/08]

**Minister of State at the Department of Foreign Affairs (Deputy Peter Power):** Ireland has a special relationship with seven countries in Africa. These are Ethiopia, Uganda, Malawi, Lesotho, Zambia, Mozambique and Tanzania and they are referred to as Programme Countries. Only two of these countries have a coastline, namely Mozambique and Tanzania. In our present partnership programmes with Mozambique and Tanzania the focus is more on the agricultural sector with no involvement in the maritime sector.

All fishing vessels on the Irish Sea Fishing Boat Register, and indeed all European Union-registered sea fishing boats, are subject to regulation of their activities under the provisions of the Common Fisheries Policy, wherever in the world they are fishing, whether within the territorial waters of a third country or on the high seas.

The European Union has Fisheries Partnership Agreements with a number of developing countries worldwide, including a number of east and west African states. With the adoption of the Council Conclusions of July 2004, the European Commission's bilateral fisheries relations are now based on an international legal act between the European Commission and the concerned coastal state, known as a Fisheries Partnership Agreement (FPA).

Inter alia, these agreements are structured to contribute to sustainable fishing activities in the waters of the partner third country in accordance with the principles of the Common Fisheries Policy, as well as to enhance coherence with development cooperation policy and with other related policies, such as environment, trade and health. A crucial element is a financial contribution from the Community to the partner state.

European Union vessels availing of fishing opportunities under these Agreements must apply for a licence through the Commission and the relevant partner state, and must comply with the conditions set out in the particular Fisheries Partnership Agreement. Vessels that breach any of the licence conditions are of course subject to sanction.

Historically, very few Irish vessels have participated in such fisheries due to a lack of freezer capacity. There is no freezer vessel on the Irish Sea-Fishing Boat Register at present. The distance from home waters, high fuel and other costs, lack of adequate shore-based facilities and other difficulties have made such expeditions unattractive for the Irish pelagic fleet.

The Mauritanian authorities have recently approved a licence application for one Irish pelagic vessel under the European Union/Mauritania Fisheries Partnership Agreement. There are no other Irish registered vessels fishing under this or any other agreement at present.

On a related theme, the European Union is currently preparing strengthened measures to combat illegal, unregulated and unreported fishing by rogue vessels and vessels fishing under flags of convenience. Together with my colleague the Minister for Agriculture, Fisheries and Food, I am strongly supporting these measures at European Union level.

### **Diplomatic Representation.**

95. **Deputy Phil Hogan** asked the Minister for Foreign Affairs the diplomatic channels available to assist Irish troops serving in Chad; and if he will make a statement on the matter. [23734/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** In the context of Ireland's participation in the EU military mission, EUFOR Tchad/RCA, the Government decided to establish diplomatic relations with Chad. The Ambassador designate of Ireland to Chad, Kyle



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O’Sullivan, is resident in Abuja, Nigeria, and has already visited Chad on a number of occasions. He is expected to present his credentials shortly.

I am confident that the establishment of relations with Chad will provide an important channel for raising, as necessary, any bilateral issues arising in relation to Ireland’s role in EUFOR Tchad/RCA. Our commitment of some 400 troops will be accompanied by humanitarian aid, which should also help relations.

My predecessor as Minister for Foreign Affairs, Mr Dermot Ahern T.D., visited Chad in November 2007 and my colleague, the Minister for Defence, Mr Willie O’Dea T.D., is returning from Chad today where he held meetings in relation to the EUFOR mission and visited the headquarters of the Irish contingent. In addition, issues relating to the Irish participation in EUFOR are regularly discussed through other diplomatic channels, particularly through our missions to the EU in Brussels and to the UN in New York.

### **Human Rights Issues.**

96. **Deputy Joanna Tuffy** asked the Minister for Foreign Affairs the plans he has to work towards calling a special session of the Commission on Human Rights to meet in Geneva in August 2008 to consider the situation of human rights in China. [23512/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** Special sessions of the Human Rights Council can only be requested by members of the Council with the support of one third of the membership. Ireland is currently not a member of the Human Rights Council. I am not aware that any member of the Council intends to call for a special session on China

I would note, however, that General Assembly resolution 60/251 of 15 March 2006, which established the Human Rights Council, replacing the Commission on Human Rights, mandates the Council to “undertake a universal periodic review, based on objective and reliable information, of the fulfilment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all State.”

This is a significant measure, subjecting each member State to a thorough review of its human rights performance every fourth year. It is based on an interactive dialogue, with the full involvement of the country concerned, and ensures that each member State is subjected to the same standards of review. I understand that China will be subject to universal periodic review early in 2009. Ireland, with our EU partners, will take a keen interest, and actively participate, in this review.

The EU has raised the situation in Tibet in statements at the Human Rights Council on 25 March and 6 June. The Government continues to take concerns about human rights in China very seriously. Our concerns are raised on a regular basis in political and official bilateral contacts with the Government of China. Discussions in this regard also take place at official level in Dublin and in Beijing.

Ireland also actively contributes to the EU-China Human Rights Dialogue, which is the agreed formal framework through which the EU raises human rights issues with China. The Dialogue, the most recent round of which took place in Ljubljana on 15 May, has allowed the EU to engage with China on such issues as freedom of expression, the death penalty, the independence of the judiciary, reform of the criminal justice system, freedom of religion and minority rights, and ratification of such international instruments as the International Covenant on Civil and Political Rights (ICCPR). The EU also continues to use the Dialogue to raise significant individual human rights cases. Ireland will continue to address serious our concerns

regarding the human rights situation in China through open and frank engagement with the Chinese authorities, as well as through appropriate EU and UN mechanisms.

### **Diplomatic Representation.**

97. **Deputy Michael D’Arcy** asked the Minister for Foreign Affairs when the Honorary Council of Ireland in Lebanon was first appointed; and if he will make a statement on the matter. [23643/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The Honorary Consul General of Ireland in Beirut, Lebanon, is Mr. Khaled Daouk. He was appointed as Honorary Consul in 1988 and as Honorary Consul General in 1995.

*Question No. 98 answered with Question No. 74.*

### **World Trade Organisation.**

99. **Deputy Seán Barrett** asked the Minister for Foreign Affairs the situation regarding the World Trade Organisation talks; and if he will make a statement on the matter. [23727/08]

106. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the extent to which the World Trade Organisation is expected to affect the conduct of business within the EU; and if he will make a statement on the matter. [23702/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** I propose to take Questions Nos. 99 and 106 together.

Intensive discussions are continuing in the current round of the WTO negotiations. There remain many issues to be resolved, not alone on the agriculture dossier, but also on the issues of non-agricultural market access, trade in services, rules and trade facilitation.

The Government wants to see a successful outcome to the negotiations that is fair to all sides. However, we remain very concerned at the lack of balance in the negotiations at this stage in the process. It continues to be our view that a disproportionate burden is being placed on European agriculture.

As it is not possible to predict how the negotiations will progress or whether a breakthrough can be achieved, it is not clear how developments in the WTO negotiations will impact on the conduct of business within the EU’s enterprise sector. The Director General of the WTO, Mr. Pascal Lamy, hopes to organise a ministerial meeting in Geneva in the coming weeks to try to resolve outstanding differences and to achieve the breakthrough necessary to move the negotiations forward. However, no date has been set for the proposed meeting, and the prospects of it taking place remain uncertain.

The Government’s approach to the WTO negotiations remains constant. We will continue to focus our efforts on securing a balanced outcome which takes account of the particular circumstances and challenges facing our agriculture sector, the opportunities presented for exports of our goods and services, and our commitment to promoting the interests of the world’s poorest countries.

The Tánaiste and Minister for Enterprise, Trade and Employment, together with the Minister of State with responsibility for Trade and Commerce, have overall responsibility for coordinating Ireland’s policy with regard to the WTO and are very engaged in promoting our interests. My Department continues to work very closely with the Department of Enterprise, Trade and Employment and the Department of Agriculture, Fisheries and Food in ensuring that Ireland’s interests are promoted and protected in the negotiations.

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In the critical period ahead, the Government will continue to use every opportunity to press home Ireland's concerns and to insist that the negotiations provide an agreement that is fair and balanced to all sides. We will spare no effort in our defence of Ireland's interests.

### **International Agreements.**

100. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs if he will report on the recent convention on cluster munitions in Croke Park; and if he will make a statement on the matter. [23717/08]

114. **Deputy Eamon Gilmore** asked the Minister for Foreign Affairs the timescale he envisages for the implementation of the proposals of the recent international conference on cluster munitions held in Dublin. [23521/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** I propose to take Questions Nos. 100 and 114 together.

The programme for Government of June 2007 committed us to campaign for a complete ban on the use of cluster munitions and to seek agreement on an immediate freeze on their use pending the establishment of effective international instruments to address humanitarian concerns. In implementation of this commitment, Ireland hosted and chaired a Diplomatic Conference in Croke Park from 19-30 May 2008 to negotiate a treaty to prohibit the use, production, transfer and stockpiling of cluster munitions that cause unacceptable harm to civilians. On 30 May, over 100 States adopted a Convention on Cluster Munitions, which effectively bans all cluster munitions which have ever been used and provides ground-breaking provisions for victim assistance and clearance of contaminated areas. It represents a major advance in international humanitarian law.

The heart of the Convention is an immediate and unconditional ban on all cluster munitions which cause unacceptable harm to civilians. Each State Party undertakes never in any circumstances to use, develop, produce, acquire, stockpile, retain or transfer cluster munitions, or to assist another party in doing so. By adopting a wide and encompassing definition, the Convention effectively prohibits all cluster munitions that have ever been used in armed conflict. It does not provide for any exceptions, with all weapons banned that have the effect and characteristics of cluster munitions and that cause unacceptable harm to civilians. It was also a very important achievement that the Convention provides for no transition periods during which the cluster weapons outlawed could still be used. In addition, States who sign up to the Convention will undertake to ensure the destruction of all their cluster munitions within 8 years, with short extensions possible in case of difficulty. Areas containing cluster munition remnants must be cleared within 10 years.

I am very pleased that the language in the new Convention on victim rights and assistance is the most advanced on these issues ever included in an international instrument.

The maintenance of commitments to military alliances and joint military activities with States which do not sign up to the Convention was a particular concern to a number of States participating in the Conference. While Ireland, as a significant contributor to UN-mandated peace keeping operations, understood the concerns of these States, we were careful to develop a Convention which deals with this issue in a satisfactory way while committing all States to end the use of cluster munitions and to work actively towards universal acceptance of a ban on these weapons.

The budget allocation for the Conference was €2,700,000, which included provision for the running of the conference, participation by civil society and sponsorship through UNDP to

enable delegates from developing countries to participate. This ensured that the negotiations were representative and inclusive. While figures for total expenditure are not yet available, I expect this to be within budget.

The Convention will be opened for signature in Oslo in December 2008 and will enter into force on the first day of the sixth month after the month in which the thirtieth instrument of ratification, acceptance, approval or accession has been deposited. It is not possible at this time to anticipate how long this process may take. Before Ireland can ratify the new Convention it will be necessary to enact implementing legislation to make provision for the obligations we will assume under it, and most States will have to do likewise.

Ireland expects to be in a position to sign and ratify the Convention in December as a further demonstration of the Government's continuing and strong support for this important new instrument of international humanitarian law. The Government will work to ensure its full implementation at the earliest possible date, and the greatest possible number of accessions to the Convention.

### **Diplomatic Representation.**

101. **Deputy Dinny McGinley** asked the Minister for Foreign Affairs the diplomatic relations between Ireland and Burma since 1997 to date in 2008; and if he will make a statement on the matter. [23722/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** As my predecessor, Deputy Dermot Ahern, outlined in his response to a parliamentary question on 17 April, in the context of our EU Presidency, diplomatic relations with Burma were established on 10 February 2004 through the issue of a Joint Communiqué in the names of the two Governments. However, due to the deterioration in the political situation which followed shortly afterwards, including the arrest of Aung San Suu Kyi, it was decided not to proceed with an exchange of non-resident Ambassadors. The Government subsequently made it clear to the Burmese authorities that diplomatic relations will not be advanced, including and in particular the accreditation of Ambassadors, until positive developments in that country have taken place, in particular the release of Aung San Suu Kyi.

*Question No. 102 answered with Question No. 78.*

### **International Agreements.**

103. **Deputy Frank Feighan** asked the Minister for Foreign Affairs the situation with regard to the exhaustion of the Irish seabed; and if he will make a statement on the matter. [23718/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** I understand that the Deputy is referring to the legal regime governing the exploration and exploitation of Ireland's continental shelf.

The regime governing the exploration and exploitation of the continental shelf in international law is set down by the 1982 United Nations Convention on the Law of the Sea. Under that Convention a coastal state is entitled to a continental shelf 200 nautical miles (approx. 370 km) in breadth regardless of whether its continental shelf physically extends that far, subject only to the similar rights of its coastal neighbours. It may also claim a broader shelf where it can show that the natural prolongation of its land territory under water actually extends beyond that limit. A claim to extended shelf must be supported by scientific and technical data and be established to the satisfaction of the UN Commission on the Limits of the Continental Shelf, which was created by the Convention for this purpose.

[Deputy Micheál Martin.]

Ireland's shelf naturally extends beyond 200 nautical miles both to the west and the south of the country. For the purposes of our claims we have divided our shelf into three sectors.

The first sector is to the south-west of the country on the edge of an area known as the Porcupine Abyssal Plain. This sector (which is approximately half the size of the State's land territory) is not disputed by any other state and was therefore the subject of Ireland's first submission to the Commission, made in May 2005. The Commission issued its recommendations in April 2007 concerning the limits of this claimed area. The Government has accepted these recommendations and work is now in hand to designate the additional seabed enclosed by these limits as areas to which the Continental Shelf Act 1968 will apply.

The second sector of claimed extended continental shelf is in the Celtic Sea and the Bay of Biscay where there are unresolved boundary issues with the UK, France and Spain. This sector was the subject of a joint submission by the four countries in May 2006. It covers an area of approximately 80,000 square kilometres, which is slightly larger than the State's land territory. The joint submission remains under consideration by the subcommission established to examine the evidence submitted in support of it. The four states most recently met with the subcommission in New York in April. It is hoped that the subcommission will be in a position to formulate its draft recommendations before the end of this year. These recommendations must in turn be approved by the full Commission. The question of division of the area between the four states concerned will be considered after the recommendations have been made.

Ireland also claims continental shelf in the part of the North-East Atlantic Ocean known as the Hatton-Rockall Area, which extends up to 500 nautical miles from the coast. Ireland and the UK agreed a maritime boundary on the continental shelf here in 1988 but this is not accepted by Iceland or Denmark (on behalf of the Færoe Islands), which also make extensive overlapping claims. The four countries have met regularly since 2001 in an effort to resolve the issues arising from overlapping claims but have recently concluded that they are unable to reach agreement at the present time. Nevertheless, the four intend to keep the matter under regular review and, in the meantime, Ireland will proceed to make a national submission to the Commission in respect of the Hatton-Rockall Area by the deadline of May 2009.

#### **Overseas Development Aid.**

104. **Deputy John O'Mahony** asked the Minister for Foreign Affairs the plans he has to improve governance in the use of Irish aid; and if he will make a statement on the matter.  
[23704/08]

**Minister of State at the Department of Foreign Affairs (Deputy Peter Power):** Weak governance is a major challenge in many developing countries. Irish Aid is helping to strengthen governance in many of these countries by supporting democratic systems of government and effective, accountable institutions for the delivery of key services. Irish Aid is also helping to build robust public financial management systems, effective oversight bodies and a strong civil society.

For example, in Tanzania and Lesotho, Irish Aid is helping to strengthen the capacity of the National Assemblies. In Ethiopia assistance is provided to build audit capacity within Government. In Uganda and Timor-Leste, we are supporting reform of the justice system.

Irish Aid funding is subject to rigorous accounting and audit controls. Its programmes are regularly audited and evaluated by independent audit firms, by Irish Aid's Evaluation and Audit Unit and by the independent Audit Committee of the Department. Programmes are evaluated to ensure that funds are used for the purposes intended, in particular in respect of

outcomes and value for money. These checks are essential in ensuring a transparent, effective and high quality programme in which funding is directed to those who are most in need.

Good governance is a prerequisite for reducing poverty. As Ireland's programme of overseas aid grows, Irish Aid will continue to prioritise support to this important area and help to ensure effective and accountable governance in the countries in which it works.

### **Energy Prices.**

105. **Deputy Richard Bruton** asked the Minister for Foreign Affairs the role he has in addressing concerns regarding the increasing price of oil; and if he will make a statement on the matter. [23745/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The June European Council will consider the issue of higher food and oil prices. Ireland and its EU partners recognise that this issue presents significant challenges to Ireland, the EU and the world economy. The global upward trend in oil prices moreover reinforces the imperative for Ireland to reduce its oil dependency and to use energy wisely and efficiently.

While the above concerns all Ministers to a greater or lesser degree, the primary responsibility in this area rests with the Minister of Communications, Energy and Natural Resources.

*Question No. 106 answered with Question No. 99.*

*Question No. 107 answered with Question No. 74.*

### **Human Rights Issues.**

108. **Deputy Ciarán Lynch** asked the Minister for Foreign Affairs the efforts he is making in the fight against child labour in view of the fact that the world day against child labour took place on 12 June 2008. [23511/08]

**Minister of State at the Department of Foreign Affairs (Deputy Peter Power):** More than 200 million children in the world today are involved in child labour, doing work that is damaging to their mental, physical and emotional development. While child labour is a very serious problem worldwide, it is particularly stark in sub-Saharan Africa and Asia. According to the International Labour Organisation (ILO), 26% of children, representing close to 50 million child workers, are engaged in economic activities in sub-Saharan Africa.

Child labour is inextricably linked to poverty and the need for all family members to contribute economically to the family's survival. It results in reduced primary school enrolment and low literacy levels. Rural working children, particularly girls, tend to be among the most disadvantaged.

The third phase of the ILO-Irish Aid Partnership Programme seeks to address the issue of child labour. Under this partnership, we are contributing to the ILO's International Programme on the Elimination of Child Labour and also providing support to combating bonded labour. We work with the ILO at the policy level, supporting the development of legislative and policy frameworks to tackle child labour, as well as through programmes specifically aimed at withdrawing children from – and preventing children from engaging in — child labour. The Programme has activities in 90 countries worldwide.

I would like to acknowledge the contributions made by the social partners, both the ICTU and IBEC, to the development of the latest phase of Irish Aid's Partnership Programme with the ILO.

[Deputy Peter Power.]

As well as our specific programme targeting child labour, we also address the issue more holistically through our more general support to education in our aid programme. We are supporting countries to provide basic education services for all children, with a particular focus on the most vulnerable groups, including children engaged in child labour. A key priority is to ensure that all children have the opportunity to attend primary school. Since 2000, Ireland has contributed approximately €360 million to advancing education in our partner countries, especially in Africa and millions of children are at school as a result.

Over the past decade we have seen encouraging progress. For example, in two of our Programme Countries, Mozambique and Ethiopia, enrolments during the 6 year period 2000 – 2006 almost doubled, increasing from 2.5 million to over 4 million in Mozambique and from 6.4 million to 11.2 million in Ethiopia.

109. **Deputy Pat Rabbitte** asked the Minister for Foreign Affairs if he is satisfied that the human rights mission in Kosovo as a separate but related project to peace keeping has been successful; and if the minorities involved in the region have had their human rights protected. [23522/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** Along with our partners in the EU, Ireland's position on the Kosovo final status issue has been that a final settlement for Kosovo must provide for a multi-ethnic, secure and democratic Kosovo, consistent with EU values and standards and contributing to the stability of the region. The EU has consistently highlighted the protection of minorities and the right to return of refugees and internally displaced persons as key priorities in this regard.

In this context, Ireland strongly supported the final status proposal by the UN Secretary General's Special Envoy on Kosovo, former Finnish President Martti Ahtisaari, which provided for internationally supervised independence for Kosovo with strong guarantees for the highest level of internationally recognized human rights and fundamental freedoms and which made the protection and promotion of the rights of minorities a central element of the proposal.

The Kosovo Assembly declared independence on 17 February, stated that it accepted fully the obligations for Kosovo contained in the Ahtisaari proposal, and undertook to implement its provisions through priority adoption of legislation, particularly those that protect and promote the rights of communities and their members. The Assembly subsequently adopted a Constitution on 9 April, which came into force on 15 June. This states that the Republic of Kosovo protects and guarantees human rights and fundamental freedoms as provided by the Constitution. It adds that communities and their members shall have specific rights in addition to those human rights and fundamental freedoms, including the right to express, maintain and develop their culture and preserve the essential elements of their identity, namely their religion, language, traditions and culture.

In the report of the UN Secretary-General on the United Nations Interim Administration Mission in Kosovo (UNMIK) dated 28 March 2008, covering the period 16 December 2007 to 1 March 2008, UNMIK noted that overall compliance with the Prime Minister's Administrative Instructions regarding the establishment of Human Rights Units (HRUs) within ministries reached approximately 70 per cent in late 2007. However, it added that many ministries still lacked appropriate levels of human and other resources in HRUs to ensure their effective operations.

The report further noted that the Human Rights Advisory Panel has held three working sessions since its inaugural session in November 2007. The Panel elected its Presiding Member,

adopted Rules of Procedure and continued with its examination of complaints, dealing with issues such as property rights and access to courts.

As regards the issue of returns of refugees and IDPs, the report noted that, while these remained disappointingly low, UNHCR estimates that 1,756 minority community members returned in 2007 as opposed to 1,668 in 2006. The report adds that the Ministry of Communities and Returns (MCR) budget for returns is €7.14 million for 2008, an increase from €5.2 million in 2007, although lack of funding remains an important obstacle to returns. The Ministry has proposed to allocate this amount for Community Development and Stabilization projects, construction of social housing for IDPs, organised return projects and individual returns. The Government, through Irish Aid, has been pleased to support return projects in Kosovo in recent years.

I note the recent comment by the UN Secretary General that there remains scope for further improvement in certain areas, in particular in the field of the return of refugees and IDPs. The Government strongly believes that there should be robust mechanisms to safeguard the human rights of all citizens in Kosovo and that deficiencies in this regard should be urgently addressed. I welcome the clear commitment of Kosovo to the full implementation of all obligations contained in the Ahtisaari proposal, as outlined firstly in the Declaration of Independence and as provided for now in the Constitution. The EU will continue to urge the authorities in Kosovo to step up their efforts to ensure promotion and protection of human rights for all, with a particular focus on the continued problems faced by minorities, refugees and internally displaced persons.

110. **Deputy Willie Penrose** asked the Minister for Foreign Affairs the discussions he has had with Chinese authorities in relation to Tibet. [23524/08]

115. **Deputy Olivia Mitchell** asked the Minister for Foreign Affairs when he last met with a member of the Chinese authority or its representative; if the issue of Tibet was raised; and if he will make a statement on the matter. [23724/08]

123. **Deputy Mary Upton** asked the Minister for Foreign Affairs his views on whether our participants at the Beijing Olympics should boycott the opening ceremony in protest at the crackdown by the Chinese Government in Tibet and its neighbouring provinces; and if he will make a statement on the matter. [17666/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** I propose to take Questions Nos. 110, 115 and 123 together.

I called on the Chinese Ambassador on 15 May to personally convey my condolences and those of the people of Ireland to those bereaved by the recent earthquake in Sichuan Province.

My Department maintains regular contact with the Chinese Embassy in Dublin to convey the Government's ongoing concerns at the situation in Tibet and to seek further information about developments there.

Through these contacts, we continue to underline the importance Ireland attaches to the right of freedom of expression and peaceful protest; to urge the Chinese authorities to allow greater access by the media and independent observers to Tibet in order to facilitate an assessment of what has been happening there; to seek assurance that detained protesters will be treated in due accordance with international standards, including in relation to a fair trial; and to encourage dialogue between the Chinese authorities and the Dalai Lama. These issues were raised directly by my predecessor, Deputy Dermot Ahern, in his meeting with the Chinese Ambassador on 16 April.



[Deputy Micheál Martin.]

It is my strong view that dialogue is the only peaceful and sustainable way of ensuring the preservation of Tibetan religious and cultural identity, as well as addressing Chinese concerns regarding its territorial integrity. In this context, I welcome the meeting on 4 May between the Chinese authorities and representatives of the Dalai Lama, and their agreement to a further substantive round over the summer. I hope that these meetings can move quickly to remove any remaining impediments to more substantial talks which could address the issue of autonomy, within the framework of the Chinese constitution, as called for by the Dalai Lama.

The decision to participate in the opening ceremony is for the athletes themselves. My Department, and our Embassy in Beijing, are in close touch with the Olympic Council of Ireland in regard to preparations for the Olympic Games. The Department would be happy to respond to any queries the Council, or individual athletes, may have about human rights in China, or indeed other concerns, including the issue of Tibet.

However, the Government does not in general support a boycott of the Games. Past experience has shown that these are unfair to athletes and have little real effect. Equally, the Dalai Lama has also been clear in his support for the success of these Games.

Ultimately, it is only through open and frank dialogue, both on a bilateral basis as well as through the EU, that we can best impress our concerns on the Chinese authorities. In this regard, we continue to stress the importance of their making every effort possible to facilitate freedom of movement and expression, including the right to peaceful protest, in the run-up to – and during – the Beijing Games.

The Government will continue to raise its concerns regarding human rights in China in bilateral contacts with the Government of China.

111. **Deputy Michael D. Higgins** asked the Minister for Foreign Affairs if the suspension of freedom to operate on the part of non-governmental organisations including those dealing with food aid in Zimbabwe has been considered by him; and if the issue has been considered at European level by the general and External Affairs Council. [23505/08]

**Minister of State at the Department of Foreign Affairs (Deputy Peter Power):** I utterly condemn the recent attempts by the Zimbabwean Government to suspend the operations of non-governmental organisations in the country. There are an estimated four million people at risk from the effects of weakened social services and the erosion of livelihoods in Zimbabwe. Non-governmental organisations provide a life line to these poor and vulnerable sections of the population and are valued partners in Ireland's development cooperation programme there.

We have allocated over €25 million to tackle poverty in all its manifestations in Zimbabwe since 2006. Of this, almost €7 million has been directed to long-term development programmes undertaken by missionaries and non-governmental organisations. Over €7 million has been provided to support a number of HIV/AIDS programmes and €11 million has been allocated for humanitarian aid, primarily for food relief, school feeding programmes, livelihoods programmes and healthcare provision. We have also provided support to those displaced by government urban clearance programmes. All of this assistance is channelled through non-governmental organisations, missionaries or UN agencies.

In the face of the collapse of the Zimbabwean economy and the descent of that country into abject poverty, it is essential that every possible pressure be brought to bear on the Mugabe regime, and Ireland has worked actively to keep this issue high on the EU agenda. Of course, it is Zimbabwe's neighbours who have the most influence, and therefore the greatest responsibility, to press for a democratic and peaceful outcome. Multilateral approaches and pressure are particularly important, especially through the Southern African Development Community

(SADC) and the African Union. I also welcome the fact that UN Assistant Secretary General for Political Affairs Haile Menkerios will visit Zimbabwe in the coming days, to raise concerns regarding recent humanitarian and political developments.

The issue of Zimbabwe was raised at the General Affairs and External Relations Council on Monday 16 June. We will continue to monitor the situation closely in conjunction with other donor partners and we will do whatever we can to ensure the recommencement of operations by NGOs in Zimbabwe.

*Question No. 112 answered with Question No. 89.*

*Question No. 113 answered with Question No. 70.*

*Question No. 114 answered with Question No. 100.*

*Question No. 115 answered with Question No. 110.*

116. **Deputy Phil Hogan** asked the Minister for Foreign Affairs his views on the situation in Zimbabwe; and if he will make a statement on the matter. [23732/08]

121. **Deputy Brendan Howlin** asked the Minister for Foreign Affairs his views on the recent imprisonment of the leader of the opposition who is contesting the final stage of the presidential elections in Zimbabwe. [23504/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** I propose to take Questions Nos. 116 and 121 together.

The situation in Zimbabwe continues to be both shocking and deeply disturbing. With voting in the second round of the Presidential election due to take place on 27 June, the situation remains violent and unstable. At least 50 people have been killed since March, and targeted violence has resulted in thousands being displaced, rendering it impossible for them to vote. Opposition Movement for Democratic Change (MDC) activists have repeatedly been arrested and detained. Political meetings have been banned. Suspected MDC supporters are being sacked from their jobs, and in many cases have been beaten and tortured. Most recently, and very worryingly, the decision by President Mugabe to suspend NGO activities – including the delivery of humanitarian aid and the provision of health services – will potentially threaten lives.

Since MDC leader Morgan Tsvangirai returned to Zimbabwe to campaign, he has been arrested numerous times, including two arrests in one day on 14 June. He has not been charged with any offence. The Secretary General of the MDC, Tendai Biti, has been arrested and will be charged with treason. Police have said that he faces a possible death sentence if convicted. Buses used by the MDC leadership to travel around the country and reach voters are reported to have been confiscated by the police. The opposition has no access to the state controlled media. President Mugabe and many of his senior supporters have threatened to take up arms if the opposition should win the election.

Clearly a free and fair election is impossible as long as these circumstances exist. Since the current phase of the Zimbabwe crisis began after the 29 March elections, Ireland has conveyed our concerns about Zimbabwe directly to our partner countries in Africa. We have encouraged the countries of the Southern African region to continue to take the lead in pressurizing the Mugabe regime to respect the democratic verdict of the Zimbabwean people. There are few effective levers for pressure on Zimbabwe, so the influence which Zimbabwe's neighbours bring to bear is crucial in securing change. There are also continuing reports of efforts at mediation, possibly with a view to establishing a Government of National Unity.

[Deputy Micheál Martin.]

At the meeting of the General Affairs and External Relations meeting in Brussels on 26 May, Ireland urged that strong political pressure on the Mugabe regime be maintained until the crisis is resolved. Following that discussion, EU Foreign Ministers again called on the Government of Zimbabwe to ensure a level playing field and a secure environment, so that the results of the second round will reflect the free and democratic will of the Zimbabwean people. EU Foreign Ministers again discussed the situation in Zimbabwe on Monday 16 June, as will European Heads of State and Government at the European Council later this week. I am glad to note that UN Assistant Secretary General for Political Affairs, Haile Menkerios, will visit Zimbabwe this week to raise concerns regarding recent humanitarian and political developments.

Ireland and the EU have strongly supported monitoring of the Zimbabwean election by the Southern African Development Community (SADC) and by the African Union, and we have encouraged both organisations to increase their number of monitors and to ensure that they adhere to the highest standards. SADC monitors began to deploy on 12 June, well in advance of polling day. We believe that their presence on the ground could help deter both fraud and violence. The Irish Ambassador travelled to Zimbabwe to witness the election on 29 March, and will do so again on 27 June.

#### **Overseas Development Aid.**

117. **Deputy Ulick Burke** asked the Minister for Foreign Affairs the funding Ireland gives to organisations in Nepal; and if he will make a statement on the matter. [23713/08]

**Minister of State at the Department of Foreign Affairs (Deputy Peter Power):** Assistance to development organisations operating in Nepal has totalled €3,686,140 since 2004, as follows:

- 2004: €448,468
- 2005: €596,620
- 2006: €671,940
- 2007: €1,250,058
- 2008: €719,054

The funding has been provided under a number of different schemes, including funding for missionary organisations, volunteer programmes, and funding for long term development under the Civil Society Fund in the areas of human rights, health, education and livelihood support. Funds were also allocated for emergency assistance dealing with flooding. In 2005, €200,000 was made available as a contribution to the establishment of a field office of the UN Office of the High Commissioner for Human Rights.

118. **Deputy Jimmy Deenihan** asked the Minister for Foreign Affairs if he will increase the budget allocated to the Defence Forces for humanitarian aid in respect of future missions abroad; and if he will make a statement on the matter. [20220/08]

**Minister of State at the Department of Foreign Affairs (Deputy Peter Power):** From time to time, Irish Aid has provided the Defence Forces with small but effective amounts of funding to assist with small scale development activities, while on peacekeeping missions. For example, funding totalling €242,000 was provided for micro-projects carried out by Irish troops serving with United Nations Mission in Liberia (UNMIL) between November 2003 and May 2007. This

funding was used, *inter alia*, to assist the Sisters of Charity in renovating a hospice in Monrovia. One of my predecessors, Minister of State, Deputy Conor Lenihan, visited this worthwhile project in March 2006. Similar funding has also been provided to the Irish Defence Forces during other peacekeeping missions, such as their current mission in Kosovo.

Irish Aid is also collaborating extensively with the Department of Defence and the Defence Forces in relation to the development of the Rapid Response Initiative. We are, for example, working closely with the Defence Forces UN Training School in the development and delivery of part of the pre-departure training course for the Rapid Response Corps. This training course focuses on personal security issues and aims to prepare members of the Corps for deployments to difficult and challenging environments.

There is also a small number of serving Defence Forces members who are members of the Rapid Response Corps, while several Corps members are also former Defence Forces members. The Department of Defence has also made available a Defence Forces officer to participate as one of Ireland's members of the UN Disaster Assessment and Coordination (UNDAC) process. That officer, together with an Irish Aid staff member, was deployed in February 2008 on his first UNDAC mission to the Democratic Republic of the Congo.

The Department of Defence and the Defence Forces have also made warehouse space available in the Curragh Camp, Co. Kildare for the purposes of our pre-positioned humanitarian supplies. As recently as last week, a large shipment of supplies from this store was, with the assistance of the Defence Forces, airlifted to Burma/Myanmar, where they were to be distributed by Concern to those most affected by the recent cyclone.

As the Defence Forces are not primarily a humanitarian or development organisation, they do not attract a specific humanitarian budget allocation. However, Irish Aid will continue to appraise any proposals submitted by the Defence Forces and will allocate funding according to the accepted criteria of need.

### **Humanitarian Assistance.**

119. **Deputy Fergus O'Dowd** asked the Minister for Foreign Affairs the aid he has given to deal with the recent earthquake in China; and if he will make a statement on the matter.  
[23648/08]

**Minister of State at the Department of Foreign Affairs (Deputy Peter Power):** On 12 May 2008, a major earthquake measuring 8.0 on the Richter scale struck Wenchuan County in the Sichuan Province in China. According to official statistics there have been approximately 69,000 deaths, over 366,000 injured and more than 18,000 still missing. A total of 45 million people were affected, including 15 million people evacuated from their homes. Five million people are still in temporary shelters.

Ireland pledged €1 million in an immediate response to the disaster in China. This was channelled through the International Federation of the Red Cross. The International Federation has established water and sanitation emergency response units in affected areas, while over 35,000 staff and volunteers from the Red Cross Society of China have provided assistance to those in the affected areas, mobilising medical teams, psychosocial support teams and relief vehicles. Overall, the Chinese authorities responded effectively and efficiently to the disaster, thus saving many more lives which could have been lost.

Irish Aid also organised a special airlift of 6000 blankets and 180 tents, which arrived in China on 24 May. These items were identified as priority requirements by the Chinese Government.

The Central Emergency Response Fund of the UN allocated US\$8 million to relief efforts following the earthquake. Once again, this Fund has proven its value in providing international

[Deputy Peter Power.]

donor funds rapidly and efficiently to those in need. Ireland was one of the driving forces behind the establishment of this Fund in 2006 and has contributed a total of €52.6 million since its inception.

### **Foreign Conflicts.**

120. **Deputy Joan Burton** asked the Minister for Foreign Affairs if he will make a statement on the status of the peace talks in relation to Somalia. [23507/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** I remain very concerned at the situation in Somalia. The country has been without an effective government since 1991, and despite an initial period of stability after Ethiopian troops and Transitional Federal Government (TFG) forces defeated the Union of Islamic Courts (UIC) in December 2006, the situation has worsened catastrophically in recent months. Fighting in Mogadishu since October 2007 has prompted hundreds of thousands to flee the capital, adding to the humanitarian crisis. In total, approximately one million people have been displaced since the start of 2007, while up to two million need humanitarian aid.

The newly appointed Prime Minister in the TFG, Nur Hassan Hussein, has committed himself to internal dialogue and pursuing a reconciliation process with the political opposition. Contacts were initiated with members of the opposition based in Asmara, and talks, facilitated by the Special Representative of UN Secretary General, Ahmedou Ould Abdallah, between the Transitional Federal Government and opposition groups got underway in Djibouti in late May. The TFG and the opposition Alliance for the Re-liberation of Somalia (ARS) signed an agreement on 9 June, calling for a cessation of hostilities between the two sides, and the eventual withdrawal of Ethiopian troops from Somalia and the deployment of a UN force.

The Djibouti agreement is good news, but many armed groups remain outside the process. Re-establishing security and the rule of law remains a major challenge. The security situation in Moghadishu and surrounding areas remains extremely poor, with further large-scale civilian casualties as a result of fighting between government and Ethiopian forces and opposition militias in recent weeks.

The first troops from an African Union-mandated peace support force (AMISOM) were deployed to Mogadishu in March 2007 but with less than a quarter of the planned 8,000 troops on the ground, AMISOM has not been able to bring any significant measure of stability. AMISOM's current mandate runs until next August and some consideration has taken place regarding a UN peacekeeping mission to succeed it. In May 2008 a UN Security Council Resolution was adopted in which the possibility of a UN peacekeeping mission in follow-up to AMISOM was mentioned — the first time in some years that the possibility has been on the table. However, UN Secretary General Ban has made it clear to the Security Council that, due to the prevailing political and security situation, the deployment of a UN peacekeeping force to Somalia is not a realistic option for the time being.

The EU, including Ireland, will continue to extend whatever assistance it can to support the promotion of internal dialogue and national reconciliation within Somalia.

*Question No. 121 answered with Question No. 116.*

*Question No. 122 answered with Question No. 74.*

*Question No. 123 answered with Question No. 110.*

### International Agreements.

124. **Deputy Seán Sherlock** asked the Minister for Foreign Affairs the outcome of the OECD's council at Ministerial level which took place on 4 and 5 June 2008; and the details of Ireland's contribution at that meeting, in view of the participation of candidate and enhanced engagement countries at all sessions of the Ministerial Council meeting. [23509/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The meeting of the OECD Council at Ministerial level in Paris on 4 and 5 June was attended by the Minister of State at the Department of Finance, Dr. Martin Mansergh. The Minister of State at the Department of Enterprise, Trade and Employment, Mr. John McGuinness, attended the session on the multi-lateral trading system.

The theme of the meeting was Outreach, Reform and the Economics of Climate Change. Ministers from the candidate countries for accession to the OECD, Chile, Estonia, Israel, Russia and Slovenia, and the countries with which the Organisation is pursuing a policy of enhanced engagement, Brazil, China, India, Indonesia and South Africa, also participated.

Ireland contributed to a wide-ranging discussion on the current economic situation. Ministers took note of the recent rises in food and commodity prices, in particular oil prices, and agreed on the need to monitor closely the social and economic impact of such trends. Ministers were concerned about inflationary pressures and agreed that attention needs to be paid to fiscal balances, especially where inflationary pressures persist.

Ministers focused in particular on the urgent policy challenges arising from food-price inflation, including its linkages to broader issues such as alternative fuels and climate change. They also stressed the need for improved information, education and skill development in the field of agriculture. Ireland also contributed to an extensive discussion on the role that climate change would play in determining the growth of the world economy in coming decades.

Ministers addressed the OECD Secretary General's report on strategic orientations for the Organisation. Ireland joined in welcoming progress in the Ministerial mandates, particularly those in relation to enlargement and enhanced engagement.

OECD Ministers adopted a Declaration on Sovereign Wealth Funds and Recipient Country Policies and were joined by Ministers from Chile, Estonia and Slovenia who adhered to the Declaration. This Declaration is further evidence of the OECD's capacity to set international standards.

OECD Ministers also agreed on a reform of financing that, in the context of enlargement, will ensure that the Organisation has a solid financial footing in the long term.

### Child Care Services.

125. **Deputy Pat Breen** asked the Minister for Finance the reason a facility (details supplied) in County Clare is closing; if he will reconsider this decision; and if he will make a statement on the matter. [24100/08]

**Minister for Finance (Deputy Brian Lenihan):** In Budget 2001, the Minister for Finance allocated €12.7m for the provision of crèches for the children of civil servants throughout Ireland. The Board of the Civil Service Childcare Initiative operates the Initiative on behalf of the Minister. It advises the Minister on the provision of crèches, on the allocation of contracts to operators to run the crèches and retains an overall supervisory role in relation to the crèches, on behalf of the Minister. The Board is chaired by the Department of Finance and has representatives from the Department of Finance, the staff unions and a childcare expert.

[Deputy Brian Lenihan.]

Ennis Crèche opened in October 2003 under an initial operator whose two year contract was not renewed. Despite the holding of two tendering processes in November 2005 and February 2007, it was not possible to appoint a permanent operator. To facilitate the persons using the crèche, the Board maintained the crèche in operation in this period through a number of temporary arrangements. However, in the view of the Board, it is vital to the long term viable future of the crèche and for maintenance of standards and quality of childcare, that a permanent operator is appointed.

To that end a third tendering process took place in January 2008. The Board is in continuing discussions with a potential operator with a view to their taking over operation of the crèche for a five year period with effect from 1 October 2008.

As the current temporary arrangement comes to an end on 30 June 2008 parents of children in the crèche were individually advised that the Ennis crèche will close from 30 June 2008, and of the discussions to appoint a permanent operator from October. Two of the support team have also been in place at the crèche to offer support and advice to both parents and staff.

### Regulatory Impact Analysis.

126. **Deputy Leo Varadkar** asked the Minister for Finance the occasions on which he did not carry out any form of regulatory impact analysis on statutory instruments, Bills and EU directives for the years 2006, 2007 and to date in 2008; the reason for this decision; and if he will make a statement on the matter. [23868/08]

**Minister for Finance (Deputy Brian Lenihan):** As a result of a Government decision on the 21st June 2005 Regulatory Impact Analysis must be conducted on all proposals for primary legislation involving changes to the regulatory framework (subject to some exceptions), significant Statutory Instruments and proposals for EU Directives and significant EU regulations when they are published by the European Commission.

During the years 2006, 2007 and 2008 Regulatory Impact Analyses were not carried out on the Statutory Instruments listed below. The reasons RIA's were not carried out range from the Statutory Instruments not "being categorised as 'significant', to being technical in nature or giving effect to legal provisions" already contained within the primary legislation. Regulatory Impact Analysis does not apply to Statutory Instruments made under the European Communities Act 1972, Financial Transfers Act 1992 and the Criminal Justice Terrorist Offences Act 2005 where those Statutory Instruments give effect to EU sanctions against persons and entities designated by EC Regulations as being associated with terrorist organisations or repressive regimes.

Year	SI No.	Details
2006	110	Superannuation (Designation of Approved Organisations) Order 2006
2006	195	Superannuation (Designation of Approved Organisations) Regulations 2006
2006	220	Criminal Justice (Terrorist Offences) Act 2005 (Section 42(2)) (Counter Terrorism) (Financial Sanctions) Regulations 2006
2006	222	Criminal Justice (Terrorist Offences) Act 2005 (Section 42(2)) (Usama Bin Laden, Al-Qaida and the Taliban of Afghanistan) (Financial Sanctions) Regulations 2006
2006	224	Criminal Justice (Terrorist Offences) Act 2005 (Section 42(6)) (Usama Bin Laden, Al-Qaida and the Taliban of Afghanistan) (Financial Sanctions) Regulations 2006
2006	272	Global Valuations Utility — Hutchinson 3G Ireland Limited
2006	297	FOI Act 1997 (Prescribed Bodies) Regulations 2006

Year	SI No.	Details
2006	363	Civil Service Regulation (Amendment) Act 2005 (Commencement of Certain Provisions) Order 2006
2006	365	Civil Service Regulation Act 1956 (Section 1A) (Revenue Commissioners) Order 2006
2006	417	Financial Transfers (International Criminal Tribunal for the former Yugoslavia (ICTY)) (Prohibition) Order 2006
2006	418	European Communities (International Criminal Tribunal for the former Yugoslavia (ICTY)) (Financial Sanctions) Regulations 2006
2006	419	Financial Transfers (Democratic Republic of Congo) (Prohibition) Order 2006
2006	420	European Communities (Democratic Republic of Congo) (Financial Sanctions) Regulations 2006
2006	421	Financial Transfers (Ivory Coast)(Prohibition) Order 2006
2006	422	European Communities (Ivory Coast) (Financial Sanctions) Regulations
2006	423	Financial Transfers (Iraq) (Prohibition) Order 2006
2006	424	European Communities (Iraq) (Financial Sanctions) Regulations 2006
2006	425	Financial Transfers (Belarus) (Prohibition) Order 2006
2006	426	European Communities (Belarus) (Financial Sanctions) Regulations 2006
2006	427	Financial Transfers (Slobodan Milosevic and Associated Persons) (Prohibition) Order 2006
2006	428	European Communities (Slobodan Milosevic and Associated Persons) (Sanctions) Regulations 2006
2006	429	Financial Transfers (Sudan) (Prohibition) Order 2006
2006	430	European Communities (Sudan) (Financial Sanctions) Regulations 2006
2006	431	Criminal Justice (Terrorist Offences) Act 2005 (Section 42(2)) (Usama Bin Laden, Al-Qaida and the Taliban of Afghanistan) (Financial Sanctions) Regulations (No. 2) 2006
2006	432	Criminal Justice (Terrorist Offences) Act 2005 (Section 42(6)) (Usama Bin Laden, Al-Qaida and the Taliban of Afghanistan) (Financial Sanctions) Regulations (No. 2) 2006
2006	433	Criminal Justice (Terrorist Offences) Act 2005 (Section 42(2)) (Counter Terrorism)(Financial Sanctions) Regulations (No. 2) 2006
2006	434	Criminal Justice (Terrorist Offences) Act 2005 (Section 42(6)) (Counter Terrorism) (Financial Sanctions) Regulations (No. 2) 2006
2006	447	Civil Service Regulation Act 1956 (Section 1A) (Office of the Ombudman) Order 2006
2006	448	Civil Service Regulation Act 1956 (Section 1A) (Office of the DPP) Order 2006
2006	449	Civil Service Regulation Act 1956 (Section 1A) (Office of the Comptroller & Auditor General) Order 2006
2006	450	Public Service Management Act 1997 (Section 1) (Revenue Commissioners) Order 2006
2006	453	Credit Union Act, 1997 (Alteration of Financial Limits) Order, 2006
2006	523	Superannuation (Designation of Approved Organisations) (No. 2) Regulations 2006
2006	546	Credit Union Act, 1997 (Alteration of Financial Limits) Regulations 2006
2006	587	Global Valuations Utility- Chorus
2006	588	Global Valuations Utility- RTE
2006	589	Global Valuations Utility- NTL
2006	599	Commission for Public Service Appointments (Additional Function) Order 2006.
2006	600	Commission for Public Service Appointments (Additional Function) (No. 2) Order 2006
2006	601	Commission for Public Service Appointments (Additional Function) (No. 3) Order 2006.



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Year	SI No.	Details
2006	602	Public Service Management (Recruitment and Appointment) Act 2004 (Additional Function for Licence Holders) Order 2006
2006	613	European Communities (Financial Transparency)(Amendment) Regulations 2006
2006	677	Ethics in Public Office (Designated Positions In Public Bodies) (Amendment) Regulations 2006
2006	678	Ethics In Public Office (Prescribed Public Bodies, Designated Directorships Of And Positions In Public Bodies) (Amendment) Regulations 2006
2007	17	Superannuation (Designation of Approved Organisations) Order 2007
2007	27	Superannuation (Designation of Approved Organisations) Regulations 2007
2007	40	Commencement order of the British –Irish Agreement (Amendment) Act 2006- in relation to EU Programme Body
2007	107	Credit Union Act, 1997 (Exemption from Additional Service Requirements) Regulations, 2007
2007	108	Economic and Monetary Union Act 1998 (Design of Coins) (Amendment) Order 2007
2007	195	Credit Union Act 1997 (Alteration of Financial Limits) Regulations, 2007
2007	205	Criminal Justice (Terrorist Offences) Act 2005 (Section 42(2) (Usama Bin Laden, Al-Qaida and the Taliban of Afghanistan) (Financial Sanctions) Regulations 2007
2007	206	Criminal Justice (Terrorist Offences) Act 2005 (Section 42(6) (Usama Bin Laden, Al-Qaida and the Taliban of Afghanistan) (Financial Sanctions) Regulations 2007
2007	237	Global Valuations Utility- Hutchinson 3G Ireland Limited
2007	238	Superannuation (Designation of Approved Organisations) (No. 2) Regulations 2007
2007	410	Criminal Justice (Terrorist Offences) Act 2005 (Section 42(2)) (Counter Terrorism) (Financial Sanctions) Regulations 2007
2007	411	Criminal Justice (Terrorist Offences) Act 2005 (Section 42(6)) (CounterTerrorism) (Financial Sanctions) Regulations 2007
2007	522	European Communities (Iran) (Financial Sanctions) Regulations 2007
2007	523	Financial Transfers (Iran) (Prohibition) Order 2007
2007	534	Criminal Justice (Terrorist Offences) Act 2005 (Section 42(2) (Usama Bin Laden, Al-Qaida and Taliban of Afghanistan) (Financial Sanctions) Regulations (No. 2) 2007
2007	535	Criminal Justice (Terrorist Offences) Act 2005 (Section 42(6) (Usama Bin Laden, Al-Qaida and Taliban of Afghanistan) (Financial Sanctions) Regulations (No. 2) 2007
2007	547	Criminal Justice (Terrorist Offences) Act 2005 (Section 42(2)) (Counter Terrorism) (Financial Sanctions (Financial Sanctions) Regulations (No. 2) 2007
2007	548	Criminal Justice (Terrorist Offences) Act 2005 (Section 42(6)) (Counter Terrorism) (Financial Sanctions) Regulations (No. 2) 2007
2007	595	Criminal Justice (Terrorist Offences) Act 2005 (Section 42(2) (Usama Bin Laden, the Al-Qaida network and the Taliban ) (Financial Sanctions) Regulations (No. 3) 2007
2007	596	Criminal Justice (Terrorist Offences) Act 2005 (Section 42(6) (Usama Bin Laden, the Al-Qaida network and the Taliban) (Financial Sanctions) Regulations (No. 3) 2007
2007	642	Financial Transfers (Burma/Myanmar) (Prohibition) Order 2007
2007	643	European Communities (Burma/Myanmar) (Financial Sanctions) Regulations 2007.
2007	644	Financial Transfers (Democratic People's Republic of Korea) (Prohibition) Order 2007

Year	SI No.	Details
2007	645	European Communities (Democratic People's Republic of Korea) (Financial Sanctions) Regulations 2007
2007	646	Financial Transfers (Lebanon) (Prohibition) Order 2007
2007	647	European Communities (Lebanon) (Financial Sanctions) Regulations 2007
2007	652	Superannuation (Designation of Approved Organisations) (No. 3) Regulations 2007
2007	757	Financial Transfers (Somalia) (Prohibition) Order 2007
2007	758	European Communities (Somalia) (Financial Sanctions) Regulations 2007
2007	759	Criminal Justice (Terrorist Offences) Act 2005 (Section 42(2) (Usama Bin Laden, the Al-Qaida network and the Taliban) (Financial Sanctions) Regulations (No. 4) 2007
2007	760	Criminal Justice (Terrorist Offences) Act 2005 (Section 42(6) (Usama Bin Laden, the Al-Qaida network and the Taliban) (Financial Sanctions) Regulations (No. 4) 2007
2007	800	European Communities (Sudan) (Financial Sanctions) Regulations 2007
2007	801	Financial Transfers (Sudan) (Prohibition) Order 2007
2007	838	Credit Union Act, 1997 (Exemption from Additional Service Requirements) (Amendment) Regulations, 2007
2008	9	Criminal Justice (Terrorist Offences) Act 2005 (Section 42(2)) (Counter Terrorism) (Financial Sanctions) Regulations 2008
2008	10	Criminal Justice (Terrorist Offences) Act 2005 (Section 42(6)) (Counter Terrorism) (Financial Sanctions) Regulations 2008
2008	38	Criminal Justice (Terrorist Offences) Act 2005 (Section 42(2) (Usama Bin Laden, the Al-Qaida network and the Taliban) (Financial Sanctions) Regulations 2008
2008	39	Criminal Justice (Terrorist Offences) Act 2005 (Section 42(6) (Usama Bin Laden, the Al-Qaida network and the Taliban) (Financial Sanctions) Regulations 2008
2008	64	European Communities (Democratic People's Republic of Korea) (Financial Sanctions) Regulations 2008
2008	65	Financial Transfers (Democratic People's Republic of Korea) (Prohibition) Order 2008
2008	66	Financial Transfers (Iran) (Prohibition) Order 2008
2008	67	European Communities (Iran) (Financial Sanctions) Regulations 2008
2008	99	Central Bank and Financial Services Authority of Ireland Superannuation Scheme 2008
2008	109	Criminal Justice (Terrorist Offences) Act 2005 (Section 42(2) (Usama Bin Laden, the Al-Qaida network and the Taliban (Financial Sanctions) Regulations (No. 2) 2008
2008	110	Criminal Justice (Terrorist Offences) Act 2005 (Section 42(6) (Usama Bin Laden, the Al-Qaida network and the Taliban (Financial Sanctions) Regulations (No. 2) 2008
2008	111	European Communities (Belarus) (Financial Sanctions) Regulations 2008
2008	112	Financial Transfers (Belarus) (Prohibition) Order 2008
2008	145	Ethics in Public Office (Designated Positions In Public Bodies) (Amendment) Regulations 2008
2008	146	Ethics In Public Office (Prescribed Public Bodies, Designated Directorships Of And Positions In Public Bodies) (Amendment) Regulations 2008
2008	158	Global Valuations Utility- Eirgrid

In addition to the Statutory Instruments there were a number of EU Directives and Regulations during the period 2006 to 2008 which did not require a Regulatory Impact Analysis carried out on them. Details of these are follows: 2006 Capital Requirements Directive (Comprising Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006 relating

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to the taking up and pursuit of the business of credit institutions (recast) and Directive 2006/49/EC of the European Parliament and of the Council of 14 June 2006 on the capital adequacy of investment firms and credit institutions (recast) as transposed by S.I. Nos. 660 and 661 of 2006. There was no need to perform a full RIA, as the Capital Requirements Directive had been the subject of extensive consultation at both national and EU level. 2006/07 Reinsurance Directive and Transposing Statutory Instruments. The negotiation process for the Reinsurance Directive (2005/68/EC) was concluded in mid 2005, and it was published in late 2005. The negotiation phase had concluded prior to the introduction of the RIA process. The Directive was transposed by a series of SIs in 2006/2007. 2007 Directive 2007/44/EC of the European Parliament and of the Council amending Council Directive 92/49/EEC and Directives 2002/83/EC, 2004/39/EC, 2005/68/EC and 2006/48/EC as regards procedural rules and evaluation criteria for the prudential assessment of acquisitions and increase of holdings in the financial sector. There was no need to perform a full RIA, as this largely technical Directive had been the subject of extensive consultation at both national and EU level. 2008 European Communities (Settlement Finality) Regulations 2008. This was a technical legal recast. No specific significant implications were identified under RIA Guidelines to warrant undertaking a full regulatory impact analysis.

#### **Tax Code.**

127. **Deputy Tom Hayes** asked the Minister for Finance when the exemption for family partnerships in farming from capital gains tax as announced in budget 2008 will come into effect. [23884/08]

**Minister for Finance (Deputy Brian Lenihan):** This exemption came into effect on the enactment of the Finance Act 2008 on 13 March 2008.

128. **Deputy Ciarán Lynch** asked the Minister for Finance the guidelines relating to charitable donations made by self employed workers and by PAYE workers; the amounts involved in each category for 2006 and 2007; and if he will make a statement on the matter. [23896/08]

**Minister for Finance (Deputy Brian Lenihan):** The operation of the scheme for tax relief on donations to eligible charities and other approved bodies is governed by the provisions of section 848A of the Taxes Consolidation Act 1997.

To avail of the donations scheme, a charity must be specifically authorised by Revenue for the purposes of the scheme. Other bodies, including schools, colleges, universities, bodies approved for education in the arts as well as a number of other specified organisations are defined as approved bodies for the purposes of the scheme by virtue of schedule 26A of the Taxes Consolidation Act 1997. The list of those charities which are approved for the purposes of the donations scheme is available on the Revenue website at [www.revenue.ie](http://www.revenue.ie).

Tax relief applies to donations which:

- Are €250 or greater in one year
- Are in the form of money or publicly quoted securities, or a combination of money and such securities
- Are not repayable
- Do not confer a benefit on the donor or any person connected with the donor, and

- Are not conditional on, or associated with, any arrangement involving the acquisition of property by the charity or approved body.

The full details of the terms and conditions of the scheme are available in Leaflet CHY 2 which can also be accessed on the Revenue website.

The precise arrangements for allowing tax relief on donations depends on whether the donor is a PAYE taxpayer, a person who is subject to self-assessment or a company. For a PAYE donor, the relief is given on a “grossed up” basis to the eligible charity or approved body, as the case may be, rather than by way of a separate claim to tax relief by the donor. In this instance the claim for refund is made to Revenue by the eligible charity or approved body.

In the case of a self-assessed donor, that individual claims the relief and there is no grossing up arrangement. In the case of a company, it will claim a deduction for the donation as if it were a trading expense.

The following table sets out the refunds of tax made by Revenue to Charities and Approved Bodies relating to qualifying donations made by individual PAYE donors only for 2006 and 2007:

Year	Amount Refunded	Number of PAYE Donors	Amount of PAYE donations
2006	€28.50m	84,373	€58.4m
2007	€25.31m	80,974	€46.8m

The most recent year for which detailed statistical data is available on donations to Charities and Approved Bodies by self-assessed donors, is 2005. Preliminary information available for that year indicates that self-assessed donors donated approximately €48 million and claimed tax relief of approximately €18 million.

#### **Health Service Allowances.**

129. **Deputy Michael McGrath** asked the Minister for Health and Children the position in relation to an appeal for domiciliary care allowance by a person (details supplied) in County Cork. [23875/08]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** The Deputy’s question relates to the management and delivery of health and personal services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

#### **Health Service Staff.**

130. **Deputy Pat Breen** asked the Minister for Health and Children the number of social workers employed in the health services in County Clare; the number of vacancies which remain unfilled in the service; if there are plans to employ extra social workers in County Clare; and if she will make a statement on the matter. [23824/08]

131. **Deputy Pat Breen** asked the Minister for Health and Children the number of physiotherapists employed in the health services in County Clare; the number of physiotherapist positions which remain unfilled in County Clare; if there are plans to recruit staff to fill vacant positions; and if she will make a statement on the matter. [23825/08]

132. **Deputy Pat Breen** asked the Minister for Health and Children the number of staff employed in occupational therapy and disability services in the health service in County Clare; the number of unfilled positions in the service; if there are plans to recruit staff to fill vacant positions; and if she will make a statement on the matter. [23826/08]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 130 to 132, inclusive, together.

Almost 130,000 people work full-time or part-time in our public health services. In recent years, the Government's ongoing high level of investment in health has achieved and maintained significant increases in the numbers of doctors, nurses and other healthcare professionals employed in the public health services. The Government has also invested heavily in the education and training of such personnel in order to secure a good supply of graduates to provide for the healthcare needs of the population into the future.

Subject to overall parameters set by Government, the Health Service Executive has the responsibility for determining the composition of its staffing complement. In that regard, it is a matter for the Executive to manage and deploy its human resources to best meet the requirements of its Annual Service Plan for the delivery of health and personal social services to the public. The Executive is the appropriate body to consider the matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

#### **Health Action Plan.**

133. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if changes have been made in funding commitments to primary healthcare centres in the Health Service Executive Capital Programme 2006 to 2010; and if she will make a statement on the matter. [23829/08]

134. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the position regarding the proposed primary healthcare centres for Corduff and Mulhuddart, Dublin 15, specifically detailing site location, funding allocated and proposed time-frame. [23830/08]

135. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if she will clarify the primary healthcare strategy for Dublin 15, specifically identifying the location of primary healthcare centres. [23831/08]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 133 to 135, inclusive, together.

Under the Health Act 2004, the management and delivery of health and personal social services is the responsibility of the Health Service Executive. This includes operational responsibility for the establishment of Primary Care Teams with the funding provided and the recruitment of additional front-line professionals for these teams. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have these matters investigated and to have a reply issued directly to the Deputy.

#### **Departmental Properties.**

136. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if she will make a statement on the proposed use of lands owned by Health Service Executive at Blackcourt Road, Corduff, Dublin 15; and if negotiations have taken place to develop these lands for residential usage. [23832/08]

**Minister for Health and Children (Deputy Mary Harney):** Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. Therefore the Executive is the appropriate body to consider the particular matter raised by the Deputy.

My Department has requested that the Parliamentary Affairs Division of the Executive investigate the matter and issue a reply directly to the Deputy.

#### **Health Service Reform.**

137. **Deputy Denis Naughten** asked the Minister for Health and Children the remit that has been provided to consultants (details supplied); if the Hanly report forms part of the background to the review; the cost and duration of the contract; the specific skills the organisation has to carry out such a review; if it has performed similar reviews in other countries; and if she will make a statement on the matter. [23834/08]

**Minister for Health and Children (Deputy Mary Harney):** Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular issue raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

#### **Hospital Charges.**

138. **Deputy James Reilly** asked the Minister for Health and Children the annual amount of hospital fees collected and the corresponding amount which remains uncollected for 2006 and 2007; the breakdown of the reason for and the value of uncollected fees; and if she will make a statement on the matter. [23840/08]

**Minister for Health and Children (Deputy Mary Harney):** Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular issue raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

139. **Deputy James Reilly** asked the Minister for Health and Children if she will provide details of uncollected hospital charges in each hospital as at 31 December 2007; the steps being taken to recover these moneys; and if she will make a statement on the matter. [23841/08]

**Minister for Health and Children (Deputy Mary Harney):** Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular issue raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

#### **Nursing Home Subventions.**

140. **Deputy Michael McGrath** asked the Minister for Health and Children if the maximum nursing home subvention supports will be made available for a person (details supplied) in County Cork. [23844/08]

**Minister of State at the Department of Health and Children (Deputy Máire Hackett):** Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. Therefore, the Executive is the appropriate body to consider the particular matter raised by the Deputy.

My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matters investigated and to have a reply issued directly to the Deputy.

#### **Hospital Services.**

141. **Deputy Joanna Tuffy** asked the Minister for Health and Children if her attention has been drawn to a decision to withdraw the hospital taxi transport service in the Dublin mid-west area, which provided transport to and from hospital and clinic appointments for patients with no alternative means of transport; if she will take steps to reverse this decision; and if she will make a statement on the matter. [23879/08]

**Minister for Health and Children (Deputy Mary Harney):** Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular issue raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

#### **Food Supplements.**

142. **Deputy Tony Gregory** asked the Minister for Health and Children her views on the concerns raised in correspondence (details supplied) regarding the proposed reduction of ingredients in vitamins and minerals; and if she will make a statement on the matter. [23883/08]

**Minister of State at the Department of Health and Children (Deputy Mary Wallace):** The Food Supplements Directive, 2002/46/EC, has been transposed into Irish law by Statutory Instrument No. 506 of 2007. That legislation is implemented by the Health Service Executive, under a Service Contract Agreement with the Food Safety Authority of Ireland (FSAI). This ensures that consumers in Ireland are protected by the harmonised EU rules on the sale of food supplements, in particular the labelling of food supplements and chemical form of vitamins and minerals they contain.

One of the objectives of the Food Supplements Directive (2002/46/EC) was to make provision for the European Commission to determine maximum and minimum levels of vitamins and minerals in food supplements. The European Commission published a Discussion Paper on determining maximum and minimum levels of vitamins and minerals in June 2006.

The Irish response to this paper, issued in November 2006, gave Ireland's view that the Commission should proceed on a cautious basis, setting maximum limits for as many vitamins and minerals as possible. It was considered vital that the safety of the general population and the needs of particular subgroups such as pregnant women, children, older people and those on various specialist diets be taken into account in formulating the position on this issue.

Discussions are ongoing at European level on the development of a methodology under which maximum safe levels for vitamins and minerals in food supplements will be set. Those discussions will permit the European Commission and Member States to further develop future direction on this issue.

**Health Service Staff.**

143. **Deputy Michael McGrath** asked the Minister for Health and Children if she will assist in the human resource case of a person (details supplied) in County Cork. [23890/08]

**Minister for Health and Children (Deputy Mary Harney):** Subject to overall parameters set by Government, the Health Service Executive is responsible for managing its human resources. As a result, the Executive is the appropriate body to consider the matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

**Ambulance Service.**

144. **Deputy Michael D'Arcy** asked the Minister for Health and Children when the review being carried out by the National Ambulance Service will be concluded; when the findings will be published; and the time schedule for any recommendations to be implemented. [23893/08]

**Minister for Health and Children (Deputy Mary Harney):** Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular issue raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

**Hospital Services.**

145. **Deputy Mary Upton** asked the Minister for Health and Children the reason children suffering from cystic fibrosis and who are patients in Our Lady's Hospital Crumlin are moved from the dedicated CF wards at weekends; if she is satisfied that the dedicated nursing expertise required by CF patients is available in the wards to which the children are moved; and if she will make a statement on the matter. [23899/08]

**Minister for Health and Children (Deputy Mary Harney):** Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the particular issues raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

**Nursing Homes Repayment Scheme.**

146. **Deputy Michael Ring** asked the Minister for Health and Children if a contract (details supplied) will be extended; if so, the cost of same; and if she will make a statement on the matter. [23904/08]

**Minister for Health and Children (Deputy Mary Harney):** The Health Service Executive (HSE) has responsibility for administering the health repayment scheme in conjunction with the appointed scheme administrator K.P.M.G. and McCann Fitzgerald.

The HSE has advised my Department that the contract between the HSE and the Scheme Administrator (KPMG and McCann Fitzgerald) expires on 29th June 2008 and will not be extended. However, the HSE is exercising its right under the contract to require the Scheme Administrator to complete the claims and services that are outstanding on the expiry date.



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It is not possible at this time to estimate exactly the cost of the completion of the work-in-progress.

147. **Deputy Michael Ring** asked the Minister for Health and Children the amount of money paid to date to private companies pursuant to an Act (details supplied). [23910/08]

**Minister for Health and Children (Deputy Mary Harney):** The Health Service Executive (HSE) has responsibility for administering the health repayment scheme in conjunction with the appointed scheme administrator K.P.M.G. and McCann Fitzgerald.

The HSE has advised that the following payments were made since the scheme was introduced.

Company	2008 (Up to 31st May)	2007	2006	Total
Scheme Administrator (KPMG & McCann/Fitzgerald)	3,391,537.00	2,274,000.00	1,118,000.00	6,783,537.00
<i>IT Consultancy Services</i>				
Client Solutions	20,216.00	0.00	0.00	20,216.00
I B M	0.00	34,000.00	27,866.00	61,866.00
Iron Mountain(USA)	0.00	1,467.00	2,378.00	3,845.00
<i>Advertising</i>				
Drury Communications	17,000.00	19,000.00	96,800.00	132,800.00
BBDO	0.00	416,753.00	726,547.00	1,143,300.00
Legal Expenses	435,248.00	770,000.00	485,700.00	1,690,948.00
Contract Consultancy — Accenture	0.00	0.00	12,342.00	12,342.00
<i>Appeals Office</i>				
<i>IT Consultancy</i>				
Complete Network Technology	7,000.00	7,260.00	5,000.00	19,260.00
IT Force	24,180.00	9,500.00	44,247.00	77,927.00
Printing				
Brunswick Press Ltd (Printing Costs)	4,906.00	0.00	0.00	4,906.00
Annual Totals	3,900,087.00	3,531,980.00	2,518,880.00	
Total to 31st May 2008				9,950,947.00

148. **Deputy Michael Ring** asked the Minister for Health and Children when she expects a scheme pursuant to an Act (details supplied) to be finalised. [23906/08]

**Minister for Health and Children (Deputy Mary Harney):** The Health Service Executive (HSE) has responsibility for administering the health repayment scheme in conjunction with the appointed scheme administrator K.P.M.G. and McCann Fitzgerald.

The HSE has informed my Department that the Scheme Administrator is working to complete as many claims as possible by the time the contract expires on 29th June 2008. As per

the terms of the contract, the Scheme Administrator has been instructed to complete all claims and services that are outstanding on the expiry date. On that date, the nature and extent of such work-in-progress will be known, and it should be possible to give an estimate of when all claims under the scheme will be finalised.

#### **Health Services.**

149. **Deputy Jack Wall** asked the Minister for Health and Children the number of home helps employed in the Kildare west Wicklow areas of the Health Service Executive in each of the past five years; the rate of pay per hour that is applicable for each home help; the number of home help hours allocated by the HSE for the Kildare west Wicklow areas for each of the past five years; and if she will make a statement on the matter. [23915/08]

**Minister of State at the Department of Health and Children (Deputy Máire Hctor):** Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. Therefore, the Executive is the appropriate body to consider the particular matter raised by the Deputy.

My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matters investigated and to have a reply issued directly to the Deputy.

#### **Health Service Staff.**

150. **Deputy Jack Wall** asked the Minister for Health and Children the reason that the P-PARS computer system was and is not being used to calculate the travel expenses and the arrears due to the home help employees of the Health Service Executive in the Kildare-west Wicklow areas of the HSE in view of the fact that it has taken over a year to date without the matter being resolved; and if she will make a statement on the matter. [23916/08]

151. **Deputy Jack Wall** asked the Minister for Health and Children the number of staff employed by the Health Service Executive in calculating the travel expenses and the travel expenses arrears due to the home helps in the Kildare-west Wicklow areas of the HSE; and if she will make a statement on the matter. [23917/08]

**Minister of State at the Department of Health and Children (Deputy Máire Hctor):** I propose to take Questions Nos. 150 and 151 together.

Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. Therefore, the Executive is the appropriate body to consider the particular matters raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have these investigated and to have a reply issued directly to the Deputy.

#### **Health Services.**

152. **Deputy Jack Wall** asked the Minister for Health and Children the number of home care packages issued to applicants in the Kildare-west Wicklow areas of the Health Service Executive for each year since the inception of the scheme; the number of home care packages that have been withdrawn from successful applicants in each year; and if she will make a statement on the matter. [23918/08]

**Minister of State at the Department of Health and Children (Deputy Máire Hctor):** Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. Therefore, the Execu-

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tive is the appropriate body to consider the particular matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matters investigated and to have a reply issued directly to the Deputy.

#### **National Treatment Purchase Fund.**

153. **Deputy Jack Wall** asked the Minister for Health and Children if a person (details supplied) in County Kildare is entitled to treatment under the National Treatment Purchase Fund in view of the fact that they had their operation cancelled four times to date; and if she will make a statement on the matter. [23919/08]

**Minister for Health and Children (Deputy Mary Harney):** Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy. Patients waiting more than three months on a surgical waiting list may qualify for treatment under the National Treatment Purchase Fund. It is open to the person in question or anyone acting on their behalf to contact the Fund directly in relation to their case.

#### **Hospital Services.**

154. **Deputy Edward O’Keeffe** asked the Minister for Health and Children if an admission date will be arranged for surgery for a person (details supplied) in County Cork. [23983/08]

**Minister for Health and Children (Deputy Mary Harney):** Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

155. **Deputy Billy Timmins** asked the Minister for Health and Children the position in relation to a person (details supplied) in County Carlow; if they will be seen as a matter of urgency; and if she will make a statement on the matter. [23987/08]

**Minister for Health and Children (Deputy Mary Harney):** Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive (HSE) and funding for all health services has been provided as part of its overall Vote. I understand that the HSE issued a letter to the Deputy explaining the details concerning this case on the 26th May.

#### **National Treatment Purchase Fund.**

156. **Deputy Billy Timmins** asked the Minister for Health and Children the position in relation to a person (details supplied) in County Wicklow; if they will be seen as a matter of urgency; and if she will make a statement on the matter. [23989/08]

**Minister for Health and Children (Deputy Mary Harney):** The primary remit of the National Treatment Purchase Fund is to facilitate patients who are longest on waiting lists for surgery.

The scheduling of admissions is a matter for the relevant Consultant and is determined on the basis of medical priority and having regard to available capacity.

In the event that treatment is not readily available and should the medical condition of the person in question disimprove, their General Practitioner would be in the best position to emphasise the urgency of her case to the Consultant directly. My Department has asked the Parliamentary Affairs Division of the Health Service Executive to examine the particular case and to respond directly to the Deputy.

#### **Regulatory Impact Analysis.**

157. **Deputy Leo Varadkar** asked the Minister for Transport the occasions on which he did not carry out any form of regulatory impact analysis on statutory instruments, Bills and EU directives for the years 2006, 2007 and to date in 2008; the reason for this decision; and if he will make a statement on the matter. [23874/08]

**Minister for Transport (Deputy Noel Dempsey):** The information requested by the Deputy is being compiled and will be forwarded to the Deputy as soon as possible.

#### **Road Network.**

158. **Deputy Pat Breen** asked the Minister for Transport if he will report on the progress to date of a project (details supplied); and if he will make a statement on the matter. [23914/08]

**Minister for Transport (Deputy Noel Dempsey):** The provision of regional and local roads, including bridges, in its area is a function of the relevant road authority to be funded from its own resources supplemented by State grants. Clare, Limerick and North Tipperary County Councils have undertaken the development of a proposal for a new Shannon Crossing.

From 2004 to the end of 2007, State road grants totalling approximately €460,000 have been provided to the authorities to develop proposals for a new Shannon Crossing Bridge. Clare County Council is now the lead authority for the project and this year a grant of €400,000 was allocated to the Council for the scheme.

In February this year, Clare County Council, in association with North Tipperary County Council, appointed consultants to carry out a constraints study, route selection and preliminary design for the scheme. Further progression of the project is a matter for Clare County Council.

#### **Regulatory Impact Analysis.**

159. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs the occasions on which he did not carry out any form of regulatory impact analysis on statutory instruments, Bills and EU directives for the years 2006, 2007 and to date in 2008; the reason for this decision; and if he will make a statement on the matter. [23869/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** My Department engages fully with the 'Regulatory Impact Analysis' (RIA) process which has been in place since 2005. The RIA process assesses the impact a body of legislation could have in changing existing regulatory obligations for business. Since the introduction in June 2005 of Regulatory Impact Analysis (RIA), my Department has carried out two RIA screenings on:

- the British-Irish Agreement (Amendment) Act 2006, which related to the mandate and functions of the Special EU Programmes Body;

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- the Passports Act 2008, which sets out specific legislative basis for the regulation and issuing of passports, and

In addition to the legislation detailed above, my Department also sponsored a number of European Union related legislation during the period in question:

- the European Communities Act 2006, which provided for our ratification of the accession of Romania and Bulgaria to the EU;
- the European Communities Act 2007, which improved and modernised the way EU legislation is transposed into Irish law; and
- the Twenty-Eighth Amendment of the Constitution Bill 2008, in relation to the ratification process for the Lisbon Reform Treaty.

In these instances, because of their technical nature, it was considered that RIAs were not required. As the Deputy will be aware, RIAs are only required for proposed legislation involving a change to the regulatory environment.

#### **Overseas Development Aid.**

160. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs if he is satisfied that Irish aid to Africa is reaching its intended targets; and if he will make a statement on the matter. [23937/08]

**Minister of State at the Department of Foreign Affairs (Deputy Peter Power):** I would like to assure the Deputy that it is of particular importance to me that Ireland's overseas aid to African countries is efficiently used for the benefit of the poor. In our bilateral Programme Countries, support is planned in close consultation with national Governments and other partners at country level. We support our partner countries' national poverty reduction plans. These plans are developed to respond to the needs of the poorest people and have a strong focus on providing basic social services such as health and education.

Monitoring of programmes and projects is carried out by national governments, donors and civil society groups on a regular basis. Particular attention is paid to progress in relation to reducing the number of people living below the poverty line and increasing access to basic health, education and water and sanitation.

In addition, Irish Aid has in place rigorous accounting and audit controls. These are essential to ensure a transparent, effective and high quality programme. Programmes are regularly audited and evaluated by independent audit firms and by the Department of Foreign Affairs' Evaluation and Audit Unit. Programmes are evaluated to ensure that funds are used for the purpose for which they are intended and provide value for money.

I am satisfied that the methods used by Irish Aid for planning and monitoring programmes, together with the audit and evaluation systems we have in place, serve to protect the funding provided. Such methods are in accordance with international best practice and the highest standards in this area.

161. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the extent to which he is satisfied that both the bi-lateral and multi-lateral aid programme is adequately efficient in terms of reaching its intended targets; and if he will make a statement on the matter. [23938/08]

**Minister of State at the Department of Foreign Affairs (Deputy Peter Power):** Accountability is one of the most integral elements of the Irish Aid programme. Ensuring that Irish tax payers' money benefits the most vulnerable and poorest people of the countries in which we operate is paramount to my Department.

Irish Aid funding is protected by rigorous monitoring, accounting and audit controls which are in place in all countries where we provide development assistance and such controls and systems mean that funding is directed to those areas most in need. In our programme countries, Country Strategy Papers (CSPs) are developed in consultation with the national government and in support of their poverty reduction strategy. These papers outline the programmes and projects that Irish Aid will support over a three to five year period. The strategies have a monitoring framework with indicators and targets to measure improvements in basic services. In addition, there are regular audits carried out by independent audit firms whilst Irish Aid has also its own Evaluation and Audit Unit which monitors the assistance provided.

With regard to multilateral support, Ireland is a member of, or observer on, the Boards of the main funds and programmes and participates actively in policy formulation and in the Boards' audit and evaluation activity. On the multi-donor level we increasingly work with likeminded countries such as Sweden, Denmark and the UK in the development of joint oversight arrangements.

Irish Aid is restructuring its relationship with its main UN partners through Multi-annual Framework Agreements which link Irish funding to agreed development objectives and targets. Progress is assessed annually by means of a bilateral consultation, at which staff from Irish field missions participate. These staff have direct experience of the partner organisation's performance at country level. Irish Aid has also introduced additional reporting requirements for its field missions in relation to the UN, as a means to improve oversight of our partners' country level activity.

### **Foreign Conflicts.**

162. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the extent to which he and his EU colleagues have addressed the issues in the western Balkans; and if he will make a statement on the matter. [23939/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The December 2007 European Council reaffirmed that the future of the Western Balkans lies within the European Union and the countries of the region (Albania, Bosnia and Herzegovina, Croatia, Kosovo, the former Yugoslav Republic of Macedonia, Montenegro and Serbia) continue to feature on the agenda of the General Affairs and External Relations Council. On 18 February last, EU Foreign Ministers recalled the Union's longstanding commitment to strengthening stability in the region. Foreign Ministers also reaffirmed their commitment to support fully the European perspective for the Western Balkans and asked the Commission to use community instruments to promote economic and political developments in the region.

The European Union's Stabilisation and Association Process for South-East Europe aims to bring the countries of the region closer to EU standards and principles. The Process involves the negotiation of Stabilisation and Association Agreements (SAAs) with each of the countries which focus mainly on trade liberalisation in goods and other trade-related issues, political dialogue, legal approximation, and cooperation in sectors such as industry, environment and energy.

SAAs have been signed with Croatia, the former Yugoslav Republic of Macedonia, Albania and Montenegro. The SAA with Serbia was signed on 29 April 2008. An Interim Agreement

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dealing with economic and trade matters was signed at the same time. The Council welcomed the signature of the SAA and the Interim Agreement as an important step on Serbia's path towards the EU. The Council decided that the ratification process of the SAA by Member States and implementation of the Interim Agreement will begin as soon as the Council decides unanimously that Serbia is cooperating fully with the ICTY. In this context, the arrest in Belgrade on 11 June of Stojan Župljanin, one of the four remaining war crime fugitives, charged with crimes committed in Bosnia-Herzegovina, marks a welcome and significant step towards fulfilling the condition of full cooperation with ICTY. The Presidency hopes that the authorities of the Republic of Serbia will strengthen their efforts to that end, also in order for Serbia to be able to advance further on its path of approach to the EU.

Negotiations on an SAA with Bosnia and Herzegovina concluded late last year. Signature of the agreement was linked to key reform priorities being advanced. In the light of progress made by Bosnia and Herzegovina in its reform programme, the SAA was signed in Luxembourg on 16 June 2008.

In addition to the Stabilisation and Association Process, the European Union opened negotiations on accession with Croatia in 2005. The former Yugoslav Republic of Macedonia has obtained candidate status, although its negotiations on accession have not yet commenced.

Recent developments in the Western Balkans have largely focused on Kosovo and the decision of the Kosovo Assembly to declare independence on 17 February 2008. At the General Affairs and External Relations Council on 18 February, EU Foreign Ministers agreed a common response to Kosovo's declaration of independence, noting the uniqueness of Kosovo's situation, arising from the conflict of the 1990s and the eight years of UN administration which followed, and reaffirming the EU's willingness to play a leading role in strengthening stability in the region including by means of the planned ESDP rule of law mission, EULEX KOSOVO. The Council also agreed that Member States will decide, in accordance with national practice and international law, on their relations with Kosovo. Since then, 20 EU Member States, including Ireland, have recognised Kosovo's independence.

With the coming into force of the new Kosovo constitution on 15 June, the focus for the EU is to ensure a smooth transition from the current UN mission (UNMIK) to the EU's EULEX KOSOVO mission, and to ensure that the international presence can operate effectively throughout Kosovo, including Serb majority areas in the North. In this context, we welcome the decision of UN Secretary General Ban Ki-Moon to proceed with reconfiguration of the UNMIK mission. The EU will work closely with the UN to help ensure that the planned reconfiguration takes place in a way which allows for the progressive deployment throughout Kosovo of an autonomous EULEX mission.

### **International Agreements.**

163. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the extent to which he and his EU colleagues have established a working relationship with the new Russian Presidency; and if he will make a statement on the matter. [23940/08]

176. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the extent to which the EU is establishing and improving contacts with the Ukraine, Russia and other former USSR countries; and if he will make a statement on the matter. [23953/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** I propose to take Questions Nos. 163 and 176 together.

The President of the European Council, assisted by the President of the Commission and the High Representative for the Common Foreign and Security Policy, will meet President Medvedev, together with Premier Putin and Foreign Minister Lavrov at the next EU Russia Summit in Khanty-Mansiisk, Siberia on 26-27 June. This will be the first EU contact with Russia at the highest level since the political transition there was completed and President Medvedev took office on 7 May. Reflecting the great importance which EU member States generally attach to the next phase of relations with Russia, Germany and the incoming Presidency, France, have recently made high level bilateral visits to Moscow. President Medvedev for his part has visited Germany.

Negotiations for a new EU-Russia agreement are expected to be formally launched at the Summit on 26-27 June. The EU aims to put in place a new legally binding framework for wide ranging cooperation with Russia in the areas of interest to the Union and to Russia. Early signals that President Medvedev has an appreciation of the fundamental importance of the rule of law to Russia's continued modernisation have been noted positively. Ireland and the EU will do what we can to encourage follow through.

EU engagement with Ukraine and other countries of the former USSR has developed rapidly since the 2004 enlargement. However, notwithstanding the road map agreed in 2005 for the "common space of external security," the EU has not yet succeeded in eliciting ongoing cooperation from Russia, which tends still to view EU engagement in terms of a competition for influence in this context.

Using joint Action Plans under the European Neighbourhood Policy, the EU has supported economic and political reform in Ukraine and Moldova since February 2005 and in the South Caucasus countries (Armenia, Azerbaijan and Georgia) since November 2006. The first EU Strategy for the countries of Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan) was agreed one year ago; progress in the implementation of the Strategy in its first year will be the subject of a report to the European Council later this week. In addition, through its designated Special Representatives for Moldova, the South Caucasus and Central Asia, the EU maintains continuous contact with the authorities of the nine countries in question. This has enabled the EU to play a useful role with others, including the USA and the Organisation for Security and Cooperation in Europe (OSCE), in containing and defusing periodic political tensions in, for example, Georgia — a young, fragile democracy in a difficult region.

In a number of elections since the people of Ukraine chose the path of democracy and human rights in the Orange Revolution of 2004, Ukraine has broadly met the standards for democratic elections. Periods of political uncertainty in Ukraine have not prevented steady progress in deepening EU-Ukraine relations. Ukraine recently joined the World Trade Organisation (WTO). There have been eight rounds of negotiations for a New Enhanced Agreement between the EU and Ukraine. The next EU-Ukraine Summit, in Kiev on 9 September, will review the outcome to date and give further guidance with a view to concluding a new agreement next year.

### **Debt Relief.**

164. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the extent to which promised aid in terms of debt write off has been delivered to the various countries; if delivery has been completed in full; the donors still outstanding; the extent of same; and if he will make a statement on the matter. [23941/08]



**Minister of State at the Department of Foreign Affairs (Deputy Peter Power):** There are two main international instruments which address the problem of the debt burden in the developing world, the Heavily Indebted Poor Countries (HIPC) initiative and the Multilateral Debt Relief Initiative (MDRI). The HIPC Initiative, which was launched in 1996 and strengthened and enhanced in 1999, seeks to reduce the debt burden of qualifying countries to sustainable levels but does not entail cancellation. Progress on the implementation of HIPC is slow but positive and to date US\$49 billion in debt-service relief has been approved for 33 countries, 27 of them in Africa. Eight additional countries are eligible for relief but have not yet reached their decision points. Ireland has contributed €30m towards the cost of implementing HIPC. A further contribution of €6m has been pledged by Ireland towards HIPC debt relief and it is expected this will be paid later this year.

The Multilateral Debt Relief Initiative (MDRI), agreed by the G8 Countries at Gleneagles in July 2005 and which came into effect on 1 July 2006, provides for 100% relief on eligible debt from the World Bank, the African Development Bank and the International Monetary Fund to many of the poorest and most indebted countries in the World. Most of these countries are in Africa. The initiative is intended to help them advance toward the United Nations Millennium Development Goals (MDGs), which are focused on halving poverty by 2015 by freeing up resources that would otherwise have been used to service their debt burden. In 2007, the Inter-American Development Bank also decided to provide similar debt relief to the five poorest countries in Latin America and the Caribbean .

All countries that reach the completion point under HIPC, as well as those with yearly per capita income below US\$380 and outstanding debt to the three institutions at end-2004, are eligible for the MDRI. To date 25 countries have benefited from relief at a cost of approximately \$37.6 billion. The total cost of implementing MDRI is estimated at US\$47.9 billion. Ireland's share of the total cost of the MDRI debt relief to be provided by the World Bank is €58.6m. As a gesture of support and to underline our strong commitment to 100% debt relief for the poorest countries, this amount has already been paid over in full in 2006.

### **Foreign Conflicts.**

165. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the steps taken by he and his EU colleagues to address the ongoing issue of human rights abuses in Africa; and if he will make a statement on the matter. [23942/08]

166. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs if he will report on the worst locations of war and strife, starvation, ethnic cleansing, corruption, genocide and general human rights abuses on the continent of Africa; the action taken at EU or UN level to address these issues; and if he will make a statement on the matter. [23943/08]

172. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the initiatives he has in mind to address the ever increasing problem of famine and strife in the various African countries through the UN or the EU; and if he will make a statement on the matter. [23949/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** I propose to take Questions Nos. 165, 166 and 172 together.

The reduction of poverty, hunger, conflict and human rights abuses in Africa is one of the most important tasks of the international community in the 21st century. Conflict has many causes and many manifestations, but poverty, inequality and exclusion have proved to be the most fertile breeding grounds for violence, ethnic hatred and human rights abuse. Most wars occur in poor countries, and the causes and effect of conflict are exacerbated by poverty and

corruption. My department closely monitors developments in the human rights situation throughout the world and, where the situation warrants, we make known our concerns to the governments in question, bilaterally, through the EU, or through action at the UN General Assembly or the UN Human Rights Council.

The risk of corruption, strife and famine is of course greater where political, economic and administrative systems are weak. Development is essential to allow people the full enjoyment of their human rights, and Africa is the main focus of Ireland's development co-operation programme. Irish Aid supports specific actions designed to promote human rights, and combat corruption, including by strengthening government systems and in-country human rights institutions. Irish Aid has a specific focus on governance in several programme countries. In relation to famine and hunger in Africa, the then Minister of State for Overseas Development, Conor Lenihan T.D., last year established the Hunger Task Force. The aim of this Task Force is to identify the additional, appropriate and effective contributions that Ireland can make to international efforts to reduce hunger, and thus contribute to achieving the Millennium Development Goal of halving hunger and poverty by 2015.

The importance of the promotion and protection of human rights throughout the world is a cornerstone of the European Union's external action. In its political dialogue with individual African countries under Article 8 of the Cotonou Agreement, the EU regularly raises issues which arise in the development of democracy and the need for protection and promotion of human rights. This year, the EU is beginning a structured dialogue with the African Union specifically on human rights issues. UN bodies such as the UN High Commission for Refugees and the UN Office for the Co-ordination of Humanitarian Affairs will continue to play a key role in ensuring the security of those most vulnerable to abuse. UN authorised peacekeeping missions also have a major role in stabilising former and current conflict zones throughout Africa, and in protecting vulnerable populations. Such protection is a key part of the mandate of the current EU-led military mission to Chad and the Central African Republic, EUFOR Tchad/RCA, in which the Irish contingent is playing a prominent role.

African leadership and responsibility are crucial in addressing these issues, and the African Union represents an important strategic partner for the European Union and the international community generally. Since 2004, the EU has supported the development of African-led peacekeeping in Darfur and elsewhere through its African Peace Facility. Peace and security, good governance and development were among the themes which European leaders discussed with their African counterparts at the EU-Africa Summit in December 2007 which agreed a comprehensive EU-Africa Strategy to address these and other common challenges. The aims of the African Union include the promotion and protection of human rights, in accordance with the African Charter on Human and People's Rights. The emergence of African standards in this area is a very welcome development.

The challenges facing Africa are enormous. But there is some encouraging news. Many African economies are growing. The work of the International Criminal Court marks a real effort to end impunity for war crimes, ethnic cleansing and crimes against humanity, and it is investigating four situations in Africa. Many suspects have already been tried, while several others are awaiting trial. While there are exceptions such as Somalia, Zimbabwe, the Darfur area of Sudan and others, many African countries now have less violence and civil strife than for many years. There is relative peace in Sierra Leone, Liberia, Angola, and southern Sudan.

Developments so far this year in the Democratic Republic of the Congo, Burundi and northern Uganda have been very encouraging, although international engagement will be needed for some time. Through our growing aid programme, Ireland will continue to address

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needs and build on progress to make a real and lasting difference in the lives of those most in need of assistance in Africa.

### **Overseas Development Aid.**

167. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the further initiatives he proposes to take at EU or UN level to address the HIV/Aids and other health issues on the African continents; and if he will make a statement on the matter. [23944/08]

**Minister of State at the Department of Foreign Affairs (Deputy Peter Power):** As outlined in the White Paper on Irish Aid, the Government's commitment to tackling HIV and AIDS and other diseases of poverty will remain a priority for our aid programme. We are committed to developing programmes that address the key causes of illness and ill health among the poorest and most vulnerable people, and to strengthening health systems in the poorest countries.

Following the commitment made by the previous Taoiseach in his speech to the United Nations in 2005, funding for HIV and AIDS and other communicable diseases has reached over €100 million per year. This is an enormous achievement. Ireland now leads the way within the European Union in terms of the proportion of its overseas development assistance allocated to HIV and other diseases of poverty.

Our assistance is directed at programmes at country, regional and international levels and is ensuring that increasing numbers of people are accessing quality HIV and AIDS and other health services. The target countries for most of Ireland's bilateral assistance – Uganda, Tanzania, Ethiopia, Mozambique, Lesotho, Zambia and Malawi — continue to bear the highest disease burden in the world. Our approach is saving lives.

The United Nations and the European Union play a critical role in addressing the main diseases of poverty, including HIV and AIDS through setting global policy, guidance on best practice, providing specialist technical assistance and funding specific interventions aimed at tackling these diseases. We will continue to work closely with a range of UN Funds and Programmes as well as the European Commission and Member States to advocate for a sustained and resourced global response to health and HIV and AIDS and strengthened leadership at all levels.

This year Ireland assumed a leadership role in steering UN reform. This year Ireland assumed a leadership role in steering UN reform. The theme 'Delivering as One' provides the opportunity to build a more effective inter-UN agency response to HIV and AIDS. Ireland will work closely with the Joint UN Programme on AIDS, UNAIDS, in this regard. Sitting on the board of UNAIDS this year provides Ireland with the opportunity not only to advocate for increased effectiveness and efficiency within the UN system, but also to advance some of its key priorities including the need for a stronger focus on children and women, and ensuring that health and HIV and AIDS are addressed in the context of humanitarian and emergency situations.

Ireland has prioritised the needs of children in its work on HIV and AIDS. It is the only country to target 20% of its increased funding to interventions that will benefit children. In recognition of Ireland's leadership in this area, it has been requested to host the fourth Global Partners Forum on Children affected by HIV and AIDS. Working in cooperation with UNICEF and scheduled for October, this forum will bring together high level decision makers from both developed and developing countries to debate the best approaches to ensuring the protection of children living in a world with HIV and AIDS.

Ireland's leadership on HIV and AIDS was recognised last year during the visit of the Executive Director of UNAIDS to Dublin. He said that Ireland has taken on the kind of leadership role that will help bring us closer to a world without AIDS. This year Ireland will continue to work with the international community and its programme countries in advocating for a sustained and resourced global response to HIV and AIDS and other communicable diseases, strengthened leadership at all levels, and improved coordination of resources for effective disease prevention and control.

### **Foreign Conflicts.**

168. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the degree to which he and his EU or UN colleagues continue to monitor the situation in Chad, Darfur, and neighbouring countries with particular reference to addressing war, strife, starvation and human rights abuses; and if he will make a statement on the matter. [23945/08]

174. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs if he will report on the ongoing situation in Sudan; and if he will make a statement on the matter. [23951/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** I propose to take Questions Nos. 168 and 174 together.

The situation in Darfur remains of grave concern, and the suffering of its people continues unabated. The fracturing of the main rebel groups over the past year, and the apparent determination of the Government of Sudan to pursue a military solution, at a high price in suffering for ordinary people, makes the search for peace even more difficult, and has also had negative impacts on neighbouring countries such as Chad and the Central African Republic.

In Darfur, ongoing conflict, including targeted attacks against aid workers and their assets, continues to constitute a major obstacle to humanitarian operations. In 2007, the EU collectively contributed some €320 million in funding to humanitarian endeavours across Sudan. Since 2006, the Irish Government has committed over €46 million in assistance to the people of Sudan, including Darfur. Through the military mission, EUFOR Tchad/RCA under the operational command of Irish Lieutenant General Pat Nash, the EU is also helping provide security for those Darfuris who have fled across the border into neighbouring Chad.

The international community must of course go beyond alleviating the symptoms of this humanitarian crisis, and the EU and Ireland fully support UN and African Union efforts to bring about a lasting peace. So far, the process has been disappointingly slow, and a lack of political will is apparent on all sides. Despite these discouraging developments, there is no alternative to a political solution. Bilaterally, Ireland has contributed €500,000 to the UN Trust Fund in support of the peace talks.

Although peace will not come to Darfur until a political accommodation has been reached, UNAMID, the AU/UN hybrid force, has a role to play in re-establishing a secure environment for the people of Darfur. However, UNAMID is being hampered by the obstructive attitude of the Sudanese authorities to non-African participation. UN Secretary General Ban is working hard on force generation for UNAMID, and I hope that his efforts will bear further fruit.

The 2005 north-south Comprehensive Peace Agreement is currently under stress. The main issues causing tension in the Government of National Unity are troop deployment, border demarcation and the population census, and the status of the oil-rich Abyei region, where Sudan People's Liberation Army (SPLA) and Sudanese troops clashed in May 2008, displacing almost 50,000 people.

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The problems of Sudan and Chad are interlinked, with each accusing the other of supporting rebel groups to undermine state stability. There is evidence that Sudan supported rebels attacking the Chadian capital N'djamena in February 2008, and Sudan accuses Chad of supporting a rebel attack on the outskirts of Khartoum in May 2008. The severe deterioration in Chad-Sudan relations is very disturbing, although I believe the deployment of EUFOR Tchad/RCA has the potential to be increasingly a stabilising factor in the region.

On Monday the General Affairs and External Relations Council in Luxembourg discussed the situation in Sudan. The Council expressed its support for the pursuit and implementation of political solutions in Darfur and between north and south Sudan, while also calling for full co-operation with the International Criminal Court and urging Sudan and Chad to refrain from incursions into each other's territory and support for rebel groups.

### **Diplomatic Representation.**

169. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the number of Irish embassies open; the extent to which he proposes to increase this number; and if he will make a statement on the matter. [23946/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** Ireland has a network of 75 resident diplomatic and consular Missions abroad (57 Embassies, 6 multilateral missions and 12 Consulates General and other offices), as well as the British-Irish Intergovernmental Secretariat in Belfast and the North-South Ministerial Council Joint Secretariat in Armagh.

The White Paper on Irish Aid, published in September 2006, designated Malawi as Ireland's ninth programme country. Based on this recommendation, the Government decided to establish an Embassy in Lilongwe and Ireland's first resident Ambassador to Malawi took up duty in October of last year.

The successful trade mission, led by the then Taoiseach in January 2007, to Saudi Arabia and the United Arab Emirates underlined the potential value to Ireland of having a second resident Embassy in the Gulf region. Accordingly, and in order to take advantage of this potential, the Government in March 2007 agreed that an Embassy be established in the United Arab Emirates. However, the timing of the establishment of such a resident Embassy must take account of the wider budgetary context, in particular the availability of the necessary resources.

While the opening of new Embassies abroad is considered by the Government on an ongoing basis, any expansion of our diplomatic network can only be undertaken having regard to clear priorities and available resources. Apart from the United Arab Emirates, there are no plans at present to establish any other new Embassies.

### **Emigrant Support Services.**

170. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs if progress is expected to be made in the matter of undocumented Irish in the US; and if he will make a statement on the matter. [23947/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The Government continues to attach the highest importance to resolving the plight of our undocumented citizens in the United States. My predecessor raised this issue repeatedly on his many visits to the US and the former Taoiseach highlighted it during his address to the Joint Houses of Congress on 30 April.

In the absence of comprehensive immigration reform, which would legalise most of the 11 million undocumented in the US, we have advocated a bilateral solution. This would put in

place reciprocal immigration arrangements which would reflect the traditionally close relationship between Ireland and the US, and would also offer a solution for our undocumented citizens.

The Taoiseach and I had some very useful exchanges on how to take this proposal forward with a number of senior US Senators during their visit to Dublin at the end of May. Making progress on any immigration related issue, particularly the element related to the undocumented, in an election year in the United States will be very challenging indeed. However, I am determined that we will try and advance the proposal in every way possible. In this regard, our Ambassador in Washington has been instructed to continue to prioritise the issue and to maintain the closest contact with key Members of Congress in its pursuit.

The Government also continues to work closely with the Irish Lobby for Immigration Reform (ILIR). The Taoiseach had a very constructive meeting last month with the ILIR's Chairman, Niall O'Dowd, and our Embassy and Consulates will maintain very close contact with the organisation in the period ahead.

### **International Agreements.**

171. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the extent of discussions that have taken place at EU level with a view to discouraging the drug trade in Latin America; the extent to which incentives have been offered in this regard; and if he will make a statement on the matter. [23948/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** Cooperation between the European Union and Latin America in combating the trade in illicit drugs takes place within a well-defined framework, both in terms of policy and institutional mechanisms. EU policy toward illicit drugs is founded on the basic principles adopted under the 1998 Political Declaration of the Special Session of the United Nations General Assembly (UNGASS), the current EU Drugs Strategy for 2005-2012, and the EU Action Plan for 2005-2008. The comprehensive approach adopted by the EU focuses on all aspects of combating trade in illicit drugs, including through demand reduction, supply reduction, counter-trafficking and alternative development.

At the 1996 EU-Rio Group Ministerial Meeting in Cochabamba, Bolivia, both sides confirmed their intentions to seek a balanced and integrated approach to the problem of illicit drugs, based on the principle of shared responsibility. In 1998, the EU-Latin America and Caribbean (LAC) Co-ordination and Co-operation Mechanism on Drugs was established, providing a formal framework for increased contact and dialogue between the regions. The Mechanism on Drugs meets annually, with regular inter-sessional technical meetings.

In 1999, the EU-LAC Co-ordination and Co-operation Mechanism on Drugs adopted the Panama Action Plan, which provides for joint action on demand reduction, alternative development, money laundering and maritime cooperation. Subsequent High Level Meetings of the Mechanism on Drugs have reaffirmed the commitment to the Panama Action Plan in joint declarations emanating from successive annual meetings in Lisbon, Cochabamba (Bolivia), Madrid, Cartagena de Indias (Colombia), Dublin, Lima, Vienna, Port of Spain (Trinidad and Tobago) and, most recently, in Vienna in March 2008. In addition to this Mechanism, the EU-Andean Community (CAN) High Level Specialised Dialogue on Drugs was established in 1995. This Specialised Dialogue on Drugs, which meets annually, provides a unique forum for co-operation and dialogue.

Combating the drugs trade is a major focus in the European Commission's regional programming for Latin America for 2007-2013, as well as in the regional plan for the Andean region and in specific country strategy papers. The total financial assistance provided by the Com-

[Deputy Micheál Martin.]

mission and Member States to Latin America in this area exceeds €230 million and is second only to the amount provided to Afghanistan to support its counter-narcotic efforts.

*Question No. 172 answered with Question No. 165.*

### **Climate Change.**

173. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs if his attention has been drawn to the clearing of rainforests in Nigeria at a time of major concern about global warming and carbon emissions; his plans to address such issues; and if he will make a statement on the matter. [23950/08]

**Minister of State at the Department of Foreign Affairs (Deputy Peter Power):** Global warming is a serious concern to everyone. We are all increasingly aware of the threat this now poses to humanity. The Government remains committed to fulfilling its international obligations to reduce the level of carbon dioxide emissions worldwide.

Global warming cannot be solved by one country alone — it requires the commitment of all nations in the world. Rain forests play a very important role in preventing global warming. They help to remove large amounts of carbon dioxide from the air. They also release oxygen into the environment. In doing so, they provide benefits not just to the countries where they are located, but to all nations and peoples.

Most of the world's rain forest is located in the developing countries, including Nigeria. There are reports of significant industrial logging taking place in Cross River State, the location of the last remaining rain forests in Nigeria. Rain forests once covered about 30% of the earth's land surface but this figure has now fallen to about 6%. Preserving the remaining rain forest presents a serious challenge, but it cannot be left to individual countries alone. It requires a concerted international effort. One way to encourage poorer countries to avoid further deforestation is to reward those that protect rain forests through the provision of economic incentives.

Ireland will continue to play its part in supporting international efforts to preserve the rain forests and the rights of those who live there. The Irish Aid Environmental Policy commits Ireland to addressing global environment problems through our engagement with bodies such as the United Nations and the Development Assistance Committee of the OECD. It also commits Ireland to supporting the efforts of partner governments and civil society at country level and to work closely with other donors in ensuring a coordinated response to environmental challenges.

Ireland, through Irish Aid, supports a number of organisations involved in climate change. This includes the Consultative Group on International Agricultural Research (CGIAR) which has launched a strategic initiative on climate change. The CGIAR is a network of 15 institutions dedicated to pro poor agricultural research and the transfer of the results as rapidly as possible to those working on the ground. This initiative, which Ireland supports, assigns climate change a central place in their work.

Irish Aid also supports, in cooperation with the Department of the Environment, the United Nations Framework Convention for Climate Change which manages two funds, the Least Developed Countries Fund and the Special Climate Change Fund. Both of these are assisting countries to adapt to the impact of climate change. Irish Aid also supports a number of key international institutions including the International Institute for Environment and Development (IIED), the World Conservation Union (IUCN) and the World Resources Institute (WRI) all of which are active in policy and advocacy on climate change including the issue of reducing emissions from deforestation and degradation.

*Question No. 174 answered with Question No. 168.*

### **International Terrorism.**

175. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs if he has had recent discussions with his EU colleagues in the matter of combating terrorism; and if he will make a statement on the matter. [23952/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** My colleague, the Minister for Justice, Equality and Law Reform, has primary responsibility for policy matters relating to the security of the State. As a member of the European Union's Justice and Home Affairs Council, he participates in the taking of decisions and the adoption of measures aimed at dealing with terrorism and the terrorist threat within the European Union.

International terrorism is a phenomenon which carries potentially deadly consequences for the lives of people everywhere and has grave implications for diplomatic relations and the maintenance of international peace and security. As such, it is a subject of serious concern to me and to my colleague Ministers in the European Union.

In 2005, the EU adopted the Counter-Terrorism Strategy and comprehensive Action Plan. This Counter-Terrorism Strategy will next be the subject of high-level discussions at the European Council to be held in Brussels on 19 and 20 June, when the Council will consider the recommendations contained in the six-monthly report submitted by the EU Counter-Terrorism Coordinator, Mr. Giles de Kerchove.

International cooperation is essential for the success of efforts to combat terrorism. In this regard, Ireland, together with our EU partners, is committed to seeking agreement on a Comprehensive Convention on International Terrorism during the 62nd General Assembly of the United Nations.

In all engagements within and outside the European Union, Ireland has stressed that terrorism can never be justified no matter the cause or the reason. At the same time, the Government maintains that respect for human rights, fundamental freedoms and the rule of law must be observed at all times in the fight against terrorism. It is not enough to simply look to the security dimension of the fight against terrorism. Political, social and economic solutions are needed to the underlying problems that give rise to or can give rise to terrorism.

*Question No. 176 answered with Question No. 163.*

### **Northern Ireland Issues.**

177. **Deputy Billy Timmins** asked the Minister for Foreign Affairs the number of people born in Northern Ireland who have applied for Irish citizenship since the signing of the Good Friday Agreement to 31 May 2008; and if he will make a statement on the matter. [23888/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The Good Friday Agreement recognises the birthright of all the people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirms their right to hold both British and Irish citizenship.

In addition, persons born on the Island of Ireland before 1 January 2005 are automatically entitled to Irish citizenship. In the case of persons born after that date, their citizenship is determined by the citizenship or residency status on the island of one parent, in accordance with the Irish Nationality and Citizenship Act, 2004. In qualifying for Irish citizenship, a person is then entitled to apply for an Irish Passport.



[Deputy Micheál Martin.]

Some 400,000 passports have been issued, since the signing of the Good Friday agreement on 10 April, 1998, to applicants born in Northern Ireland.

Such applications have been increasing year on year, with some 60,000 passports issuing to persons born in Northern Ireland in 2007 compared to some 30,000 in 2002. The majority of Northern Ireland applications are made using the Northern Ireland Express Post Service (NIPX) which is available in some 70 Post Offices throughout the area.

### **Business Regulation.**

178. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she has calculated the administrative burden to businesses of regulations emanating from her Department or agencies within her Department; the cost if it has been calculated; if she has not calculated the cost, if she will do so; and if she will make a statement on the matter. [23851/08]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** In March 2008, the Government decided to reduce the administrative burden of domestic regulation on business by 25% by 2012.

Initially, all Government Departments will be required to list the Information Obligations which their regulations impose on business. From that listing, Departments will assess which requirements are the most burdensome and will then measure the actual cost to business of the most burdensome requirements. At that point the most appropriate approach to achieving the overall 25% target will be re-examined.

My Department is responsible for devising the approach and methodology to be used across Government, for coordinating the work across Government Departments and Agencies and for reporting to Government on progress.

### **Regulatory Impact Analysis.**

179. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment the occasions on which she did not carry out any form of regulatory impact analysis on statutory instruments, Bills and EU directives for the years 2006, 2007 and to date in 2008; the reason for this decision; and if she will make a statement on the matter. [23866/08]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The information requested by the Deputy is set out in the following tabular statement.

The information below does not include Commencement Orders.

Year 2006

Title of statutory instruments, bills and EU directives on which the Dept did not carry out any form of regulatory impact analysis on	The reason for this decision	Additional Information
<p>S.I. No. 574 of 2006 European Communities (Restrictive Measures) (Lebanon) Regulations 2006 A</p> <p>S.I. No. 473 of 2006 European Communities (Restrictive Measures)(Burma/Myanmar) Regulations 2006</p> <p>S.I. No. 186 of 2006 European Communities (Restrictive Measures against Certain Persons and Entities Associated with Usama bin Laden, the Al-Qaida Network and the Taliban) Regulations 2006</p> <p>S.I. No. 130 of 2006 European Communities (Trade with Iraq) Regulations 2006</p> <p>S.I. No. 62 of 2006 European Communities (Restrictive Measures)(Uzbekistan) Regulations 2006</p> <p>S.I. No. 264 of 2006. Personal Injuries Assessment Board (Fees) (Amendment) Regulations 2006</p> <p>Industrial Relations Act 1990 (Code of Practice on Access to Part-time Working (Declaration) Order 2006 (S.I. No. 8 of 2006)</p>	<p>The S.I. provides for penalties for breach of a Council Regulation which was not considered significant in accordance with RIA guidelines</p> <p>The S.I. provides for penalties for breach of Council Regulation which was not considered significant in accordance with RIA guidelines</p> <p>The S.I. provides for penalties for breach of Council Regulation which was not considered significant in accordance with RIA guidelines</p> <p>The S.I. provides for penalties for breach of Council Regulation which was not considered significant in accordance with RIA guidelines</p> <p>The S.I. provides for penalties for breach of Council Regulation which was not considered significant in accordance with RIA guidelines</p> <p>The S.I. provides for penalties for breach of Council Regulation which was not considered significant in accordance with RIA guidelines</p> <p>RIA unnecessary</p> <p>This Code of Practice was introduced in accordance with section 42 of the Industrial Relations Act 1990. That Section provides that the Labour Relations Commission shall prepare draft codes of practice concerning industrial relations for submission to the Minister, either on its own initiative or at the request of the Minister. Before submitting a draft code of practice to the Minister, the Commission must seek and consider the views of organisations representative of employers and organisations representative of workers, and such other bodies as the Commission considers appropriate. In these circumstances, given that the draft Code of Practice had been agreed by the Social Partners, it was not considered necessary to undertake a separate RIA.</p>	

Year 2006 — continued

Title of statutory instruments, bills and EU directives on which the Dept did not carry out any form of regulatory impact analysis on	The reason for this decision	Additional Information
Safety, Health and Welfare at Work (Work at Height) Regulations 2006 (S.I. No. 318 of 2006)	When assessed in accordance with Department of the Taoiseach RIA Guidelines it was found that these Regulations were not considered significant enough to warrant a RIA being carried out.	These Regulations were subsequently revoked and repealed by Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. 299 of 2007) and a screening RIA was carried out prior to the introduction of those General Application Regulations.
Safety, Health and Welfare at Work (Control of Vibration) Regulations 2006 (S.I. No. 370 of 2006)	When assessed in accordance with Department of the Taoiseach RIA Guidelines it was found that these Regulations were not considered significant enough to warrant a RIA being carried out.	These Regulations were subsequently revoked and repealed by Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. 299 of 2007) and a screening RIA was carried out prior to the introduction of those General Application Regulations.
Safety, Health and Welfare at Work (Control of Noise) Regulations 2006 (S.I. No. 371 of 2006)	When assessed in accordance with Department of the Taoiseach RIA Guidelines it was found that these Regulations were not considered significant enough to warrant a RIA being carried out.	These Regulations were subsequently revoked and repealed by Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. 299 of 2007) and a screening RIA was carried out prior to the introduction of those General Application Regulations.
S.I. No. 25 of 2006 European Communities (Classification, Packaging, Labelling and Notification of Dangerous Substances) (Amendment) Regulations 2006	Not significant	Transposing Directive 2004/73/EC
S.I. No. 74 of 2006 European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2006	Updating existing rules	Transposing Directive 2003/105/EC, amending Directive 96/62/EC
S.I. No. 364 of 2006 European Communities (Dangerous Substances and Preparations) (Marketing and Use) (Amendment) Regulations 2006	Not significant	Transposing Directives 2005/59/EC, 2005/69/EC, 2005/84/EC and 2005/90/EC.

## Year 2006 — continued

Title of statutory instruments, bills and EU directives on which the Dept did not carry out any form of regulatory impact analysis on	The reason for this decision	Additional Information
S.I. No. 386 of 2006 Safety, Health and Welfare at Work (Exposure to Asbestos) Regulations 2006	Updating existing rules.	Transposing Directive 2003/18/EC on the protection of workers from the risks related to exposure to asbestos at work
S.I. No. 405 of 2006 Carriage of Dangerous Goods by Road Regulations 2006	Updating existing rules.	Transposing Directives 2004/111/EC on the transport of dangerous goods by road and 2004/112/EC [Road checks on transport of dangerous goods by road]
S.I. No. 406 of 2006 European Communities (Carriage of Dangerous Goods by Road) (ADR Miscellaneous Provisions) Regulations 2006	Updating existing rules.	
S.I. No. 407 of 2006 Carriage of Dangerous Goods by Road Act (Appointment of Competent Authorities) Order 2006	Updating existing rules.	
S.I. No. 408 of 2006 Carriage of Dangerous Goods by Road Act (Fees) Regulations 2006	Updating existing rules.	
S.I. No. 630 of 2006 Dangerous Substances (Retail and Private Petroleum Stores) (Amendment) Regulations 2006	Stakeholder consultation indicated no significant likely impacts	This has been agreed as Directive 2007/51/EC relating to restrictions on the marketing of certain measuring devices containing mercury. A screening RIA has been carried out on the draft transposing Statutory Instrument.
Proposal for a Directive of the European Parliament and of the Council amending Council Directive 76/769/EEC relating to restrictions on the marketing of certain measuring devices containing mercury	Proposal to replace existing regulation, due to incorrect legal base – not significant	Known as “Rotterdam PIC” Regulation
Draft Council Directive adapting Directive 67/548/EEC on the classification, packaging and labelling of dangerous substances, by reason of the accession of Bulgaria and Romania [Com(2006)527]	Not significant	
Proposal for a Directive of the European Parliament and of the Council on the protection of workers from the risks related to exposure to asbestos at work (codified version).[COM(2006)664]	Not significant, only codifies existing rules	

Year 2006 — continued

Title of statutory instruments, bills and EU directives on which the Dept did not carry out any form of regulatory impact analysis on	The reason for this decision	Additional Information
<p>The European Communities (European Public Limited-Liability Company) (Employee Involvement) Regulations 2006 (S.I. No. 623 of 2006).</p>	<p>An RIA was not carried out in relation to these Regulations as they were not deemed to be significant in accordance with published guidelines on RIA. The social partners and relevant bodies were consulted in advance of the Regulations being finalised.</p>	<p>These Regulations were signed into law on 14 December 2006. They transpose EU Directive 2001/86/EC of 8 October 2001 supplementing the Statute for a European Company with regard to the involvement of employees.</p>
<p>SI No. 683 of 2006 Employment Permits Act 2006 (Prescribed Fees &amp; Miscellaneous Procedures) Regulations 2006</p>	<p>The purpose of this SI was to give effect to standard administrative arrangements for the implementation of requirements of the legislation. As such, it was not considered appropriate, to conduct a RIA on this SI</p>	<p>This Act amended the Patents Act, 1992 to bring Intellectual Property Law into compliance with our obligations under International agreements.</p>
<p>Patents (Amendment) Act 2006 No. 31 of 2006</p>	<p>Government approved the drafting of Patents (Am) Bill on 27 April 1999 before need for RIA</p>	<p>These Regulations transposed Article 10.6 of Directive 2001/83/EC (amended by Directive 2004/27/EC) and Article 13.6 of Directive 2001/82/EC (amended by Directive 2004/28/EC</p>
<p>European Communities (Limitation of Effect of Patent) Regulations 2006 (S.I. No. 50 of 2006)</p>	<p>The Regulations transposed two Directives predating need for RIA.</p>	<p>These Regulations made in order to allow a qualified person, established in another Member State of the European Communities to act as a patent agent, to act for another person in relation to patent matters before the Controller of Patents, Designs and Trade Marks</p>
<p>European Communities (Patent Agents) Regulations 2006 (S.I. No. 141 of 2006)</p>	<p>Need to respond to Commission legal action on Irish legislation as contrary to Article 49 of EU Treaty.</p>	<p>The Regulations outlined in the previous column necessitated consequential amendments to the Patent Rules.</p>
<p>Patent (Amendment) Rules 2006 (S.I. No. 142 of 2006)</p>	<p>Need to respond to Commission legal action on Irish legislation as contrary to Article 49 of EU Treaty.</p>	<p>Gave effect to Directive 2001/84/EC</p>
<p>European Communities (Artists Resale Right) Regulations 2006 (S.I. No. 312 of 2006)</p>	<p>Government approved the drafting before need for RIA</p>	

Year 2006 — continued

Title of statutory instruments, bills and EU directives on which the Dept did not carry out any form of regulatory impact analysis on	The reason for this decision	Additional Information
European Communities (Enforcement of Intellectual Property Rights) Regulations, 2006 (S.I. No. 360 of 2006)	Not of major significance for RIA purposes.	These Regulations transpose aspects of Directive 2004/48/EC on the Enforcement of Intellectual Property Rights which were not, at that time, available under Irish law. The majority of the directive provisions were not novel and already existed under Irish law for some considerable time.
European Communities (Enforcement of Community Judgments on Trade Marks and Designs) Regulations 2006 (S.I. No. 646 of 2006)	Not of major significance for RIA purposes.	The purpose of these Regulations is to ensure that decisions, accompanied by an Order for costs, made by the EU Trade Mark and Industrial Design (OHIM), can be executed in Ireland. The regulations nominate the High Court as the competent authority before which such orders should be brought for execution.
S.I. No. 547 of 2006 — European Communities (Human Blood and Blood Components traceability Requirements and Notification of Serious Adverse Reactions and Events) Regulations 2006	Not considered necessary to carry out an RIA	
S.I. No. 655 of 2006 — Industrial Development Act 1995 (Authorisation of Enterprise Ireland) Order	A Regulatory Impact Analysis was not considered proportionate when compared to the impact and scope of the S.I.	S.I. No. 655 of 2006 authorises Enterprise Ireland (EI) to carry out certain functions in respect of the County and City Enterprise Boards (CEBs) on behalf of the Minister.
Industrial Development Bill 2006	Formal RIA unnecessary.	The purpose of the Bill was to facilitate the transfer of staff from Shannon Development to Forfas. It had no impact on the regulatory framework and accordingly a formal RIA was deemed unnecessary.
S.I. No. 241 of 2006 — European Communities (Noise Emission by Equipment for Use Outdoors) (Amendment) Regulations 2006	This Statutory Instrument transposes a technical amendment to Council Directive 2005/88/EC and is of limited significance.	

Year 2006 — continued

Title of statutory instruments, bills and EU directives on which the Dept did not carry out any form of regulatory impact analysis on	The reason for this decision	Additional Information
<p>Council Directive 2006/96/EC of 20 November 2006, adapting certain Directives in the field of free movement of goods, by reason of the accession of Bulgaria and Romania.</p> <p>Council Directive 2006/42/EC of 17 May 2006 on Machinery and amending Directive 95/16/EC</p> <p>S.I. No. 290 European Communities (Cooperation between National Authorities Responsible for the Enforcement of Consumer Protection Laws) Regulations, 2006</p>	<p>This Directive is a technical amendment to Directive 71/316/EEC (setting common provisions for measuring instruments and methods of metrological control) and is of limited significance.</p> <p>A screening RIA of the Directive was not completed before adoption but was completed in respect of the draft Statutory Instrument transposing the Directive.</p> <p>This Regulation did not amend or introduce new policy. It merely required the designation of existing competent authorities for the purpose of intra-community application of consumer law.</p>	<p>These Regulations implement Regulation (EC) No. 2006/2004 of the European Parliament and of the Council on cooperation between national authorities responsible for the enforcement of consumer laws. The main purpose of the Regulations is the designation of competent authorities for the specific consumer measures outlined in the annex to the Regulation.</p>
<p>Directive 2006/43/EC of the European Parliament and of the Council of 17 May 2006 on statutory audits of annual accounts and consolidated accounts, amending Council Directives 78/660/EEC and 83/349/EEC and repealing Council Directive 84/253/EEC</p>	<p>Proposal for this Directive pre-dated requirement for RIA</p>	
<p>Directive 2006/46/EC of the European Parliament and of the Council of 14 June 2006 amending Council Directives 78/660/EEC on the annual accounts of certain types of companies, 83/349/EEC on consolidated accounts, 86/635/EEC on the annual accounts and consolidated accounts of banks and other financial institutions and 91/674/EEC on the annual accounts and consolidated accounts of insurance undertakings</p>	<p>Proposal for this Directive pre-dated requirement for RIA</p>	
<p>S.I. No 57 of 2006 – Companies (Auditing and Accounting) Act 2003 (Prescribed Accountancy Bodies) Regulations 2006</p>	<p>Not considered necessary. The Act which predated the requirement for RIA provided for the prescription of bodies.</p>	

Year 2006 — continued

Title of statutory instruments, bills and EU directives on which the Dept did not carry out any form of regulatory impact analysis on	The reason for this decision	Additional Information
<p>S.I. No 502 of 2006 – Companies (Fees) Order 2006</p> <p>S.I. No. 619 of 2006 Companies (Auditing and Accounting) Act 2003 (Prescribed Bodies for Disclosure of Information) Regulations 2006</p>	<p>Not considered necessary. The order introduced a “nil” fee for the electronic filing of Form B73 (nomination of the Registrar of Companies of a new annual return date for a company).</p> <p>Not considered necessary. These Regulations prescribe bodies to which the Irish Auditing and Accounting Supervisory Authority may disclose information for the purpose of Section 31 (3) of the 2003 Act. The bodies are named in the Act.</p>	
<p>S.I. No. 255 of 2006 Directive 2004/25/EC of the European Parliament and of the Council of 21 April 2004 on takeover bids.</p> <p>Investment Funds, Companies and Miscellaneous Provisions Bill, 2006</p>	<p>Proposal for this Directive pre-dated requirement for RIA</p> <p>While a formal RIA was not undertaken, all appropriate considerations arising were brought to the attention of Government relating to each of the provisions contained in the Act.</p>	
<p>S.I. No. 287 of 2006 European Communities (Undertakings for Collective Investment in Transferable Securities)(Amendment) Regulations, 2006</p>	<p>This S.I. completed the transposition of an earlier EU Directive, agreed in 2002, which predated the requirement to undertake a RIA</p>	



Year 2007

Title of statutory instruments, bills and EU directives on which the Dept did not carry out any form of regulatory impact analysis on	The reason for this decision	Additional Information
<p>S.I. No. 8 of 2007 European Communities (Names AND Labelling of Textile Products) (Amendment) Regulations 2007</p>	<p>This was a minor technical amendment to the existing regulation</p>	<p>Labelling of textiles is governed by the Principal Regulations [S.I. No. 245 of 1998 which transposed EU Directive 96/74/EC]. Commission Directive 2006/3/EC of 9 January 2006, amends the Principal Regulations by adding a new textile called “elastomultiester”.</p>
<p>S.I. No. 9 of 2007 European Communities (Quantitative Analysis of Binary Textile Fibre Mixtures) Regulations 2007</p>	<p>This was a minor technical amendment to the existing regulations</p>	<p>This Statutory Instrument transposes Directive 96/73/EC of the European Parliament and of the Council of 16 December 1996 and Directive 2006/2/EC of the European Parliament and of the Council of 6 January 2006. This S.I. is a companion to Directive 96/74/EC of the European Parliament and of the Council of 16 December 1996. Directive 96/74/EC covers the names and definitions of various textile products whereas Directive 96/73/EC covers the methods for testing these textiles. Commission Directive 2006/2/EC amends Directive 96/73/EC by changing certain methods of testing of textiles.</p>
<p>Directive 2007/63/EC of the European Parliament and of the Council of 13th November 2007 amending Council Directives 78/855/EEC and 82/891/EEC as regards the requirement of an independent expert's report on the occasion of merger or division of public limited liability companies</p> <p>Directive 2003/58/EC of the European Parliament and of the Council of 15th July 2003. S.I. No 49 of 2007 – European Communities (Companies) (Amendment) Regulations 2007</p>	<p>Not considered necessary as this was a measure to lighten the regulatory burden emerging from the EU Commission's Strategic Review of Better Regulation.</p> <p>Proposal for this Directive pre-dated requirement for RIA.</p>	<p>Directive 2003/58/EC of the European Parliament and of the Council of 15th July 2003. S.I. No 49 of 2007 – European Communities (Companies) (Amendment) Regulations 2007</p>

Year 2007 — continued

Title of statutory instruments, bills and EU directives on which the Dept did not carry out any form of regulatory impact analysis on	The reason for this decision	Additional Information
<p>Directive 2004/109/EC of the European Parliament and of the Council of 15 December 2004 on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market and amending Directive 2001/34/EC Statutory Instrument No. 277 of 2007 European Communities (Admissions to Listing and Miscellaneous Provisions) Regulations 2007 S.I. Number 832 of 2007. European Communities (Undertakings for Collective Investment in Transferable Securities) (Amendment) Regulations 2007</p>	<p>Proposal for this Directive pre-dated requirement for RIA</p>	
<p>Directive No. 2007/16/EC implementing Council Directive 85/611/EEC on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) as regards the clarification of certain definitions.</p>	<p>Not considered necessary. This S.I. transposed EU Directive 2007/16/EC mentioned below.</p>	
<p>European Communities (Implementation of the Rules on Competition laid down in Articles 81 and 82 of the Treaty) (Amendment) Regulations 2007 SI 525 of 2007</p>	<p>Not considered necessary. This Directive clarified the definitions relating to the types of instruments that UCITS could invest in. It was not seen therefore as introducing any significant new regulatory requirements.</p> <p>Not considered sufficiently significant to warrant a RIA</p>	

Year 2007 — *continued*

Title of statutory instruments, bills and EU directives on which the Dept did not carry out any form of regulatory impact analysis on	The reason for this decision	Additional Information
<p>Competition Act 2002 (Section 18 (5) and (6)) Order 2007 SI 122 of 2007</p> <p>Consumer Protection (Fixed Payment Notice) Regulations 2007 (S.I. No. 689 of 2007)</p>	<p>Not considered sufficiently significant to warrant a RIA</p> <p>This statutory instrument prescribes the form of fixed payment notices to be issued under section 85 of the Consumer Protection Act 2007 and, as such, simply gives procedural effect to the substantive provision in the Act. A screening Regulatory Impact Analysis was undertaken for the Consumer Protection Bill 2006, including the provision on fixed payment notices.</p>	<p>Consumer Protection (Fixed Payment Notice) Regulations 2007 (S.I. No. 689 of 2007)</p>
<p>European Communities (Misleading and Comparative Marketing Communications) Regulations 2007 (S.I. No. 774 of 2007).</p>	<p>This statutory instrument gives effect to Directive 2006/114/EC concerning misleading and comparative advertising. That Directive is a codified version of Directive 84/450/EEC on misleading advertising as amended by Directive 97/55/EC on comparative advertising and Directive 2005/29/EC on unfair commercial practices. Codified Directives consolidate the contents of the Directives being codified with only such formal amendments as are required by the process of codification. As the statutory instrument brings together provisions that have been part of Irish and EU law for some time, a regulatory impact analysis was considered to be unnecessary.</p>	<p>European Communities (Misleading and Comparative Marketing Communications) Regulations 2007 (S.I. No. 774 of 2007).</p>

180. **Deputy Leo Varadkar** asked the Minister for Arts, Sport and Tourism the occasions on which he did not carry out any form of regulatory impact analysis on statutory instruments, Bills and EU directives for the years 2006, 2007 and to date in 2008; the reason for this decision; and if he will make a statement on the matter. [23861/08]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** My Department has not carried out any regulatory impact assessment since the policy was introduced.

The government approved a number of specific actions to be taken in relation to the key recommendations of the Dalton Report which was an independent assessment of certain corporate governance and anti-doping issues affecting Bord Na gCon. No formal regulatory impact assessment was carried out in relation to the drafting of the legislation required to implement these specific recommendations.

However, a regulatory impact assessment will be carried out at a future date in the context of the root and branch review of the Greyhound Industry Acts 1958-1993 decided upon by the government with a view to bringing legislation dealing with the greyhound industry into line with best current practice.

#### **Departmental Services.**

181. **Deputy Jack Wall** asked the Minister for Social and Family Affairs the procedure available to a person to report what in their opinion is an unacceptable situation (details supplied); and if she will make a statement on the matter. [23913/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The provision of a quality service to the public is a core objective for this Department. A formal Comments and Complaints procedure is in operation which deals with complaints relating to delays, mistakes or poor customer service. A Comments and Complaints leaflet (SW104) is available on the Department's website and in the Department's local offices. This sets out the procedures for making a complaint.

If the person concerned wishes to make a formal complaint she should provide details to the Customer Service section in Social Welfare Services office, Sligo.

#### **Social Welfare Benefits.**

182. **Deputy Michael Ring** asked the Minister for Social and Family Affairs if there is financial help available towards the cost of a course for a person (details supplied) in County Mayo. [23985/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The Department has a programme of initiatives designed to assist social welfare recipients including lone parents to return to the active labour force. The back to education allowance (BTEA) facilitates people on certain social welfare payments to improve their skills and qualifications and, therefore, their prospects of returning to the active work force. The scheme enables qualified people who have been getting a social welfare payment to continue to receive a payment while pursuing an approved full-time education course.

To qualify for participation an applicant must be in receipt of a relevant social welfare payment and must be at least 21 years of age prior to commencing an approved course of study. A person must have been in receipt of a social welfare payment for at least six months (156 days) for a second level option course and 12 months (312 days) for a third level option course immediately prior to commencing an approved course of study.

[Deputy Mary Hanafin.]

The person concerned should contact her local Social Welfare Office to arrange to meet with a facilitator who will be able to advise her on eligibility for participation in the BTEA scheme and explore possible alternative supports through linkages with other agencies and organisations at local level.

### **Foreshore Licences.**

183. **Deputy Joanna Tuffy** asked the Minister for Agriculture, Fisheries and Food the parts of the foreshore for which his Department is responsible for leasing and licensing arrangements; if there are plans to change this with the move of certain foreshore responsibilities from the Department of Agriculture, Food and Fisheries to the Department of Environment, Heritage and Local Government; and if he will make a statement on the matter. [23978/08]

188. **Deputy Joanna Tuffy** asked the Minister for Agriculture, Fisheries and Food the parts of the foreshore he is responsible for in relation to licensing and leasing arrangements; the responsibilities regarding foreshore being transferred from his Department to the Department of Environment, Heritage and Local Government; when this transfer is scheduled; and if he will make a statement on the matter. [23980/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I propose to take Questions Nos. 183 and 188 together.

The Government decided on 2 October 2007 that responsibility for foreshore licensing functions under the Foreshore Act 1933 in respect of port companies and harbour authorities governed by the Harbours Acts 1946, 1996 and 2000 and any other harbour or harbour related developments intended for commercial trade, and for all energy developments (including oil, gas, wave, wind and tidal energy) and aggregate and mineral extraction developments on the foreshore would transfer to the Department of the Environment, Heritage and Local Government.

My Department will carry forward responsibility for all other foreshore licensing functions under the Foreshore Act 1933, including in respect of all aquaculture developments and piers and harbours, other than in respect of port companies and harbour authorities governed by the Harbours Acts 1946, 1996 and 2000 and any other harbour or harbour related developments intended for commercial trade.

My Department is currently putting in place the necessary arrangements to ensure the efficient and effective transfer of the appropriate legislation and associated functions. In conjunction with the Department of the Environment, Heritage and Local Government, every effort is being made to expedite this process.

184. **Deputy Joanna Tuffy** asked the Minister for Agriculture, Fisheries and Food if his Department is required to take steps regarding the giving of foreshore licences and leases; and if he will ensure that the procedures are in keeping with the European Union Public Participation Directive; and if he will make a statement on the matter. [23979/08]

189. **Deputy Joanna Tuffy** asked the Minister for Agriculture, Fisheries and Food his plans to update the Foreshore Acts; what the planned changes to the legislation are intended to achieve; if these changes will address Ireland's need to comply with the European Union Public Participation Directive; and if he will make a statement on the matter. [23981/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I propose to take Questions Nos. 184 and 189 together.

The Government decided on 2 October 2007 that responsibility for foreshore licensing functions under the Foreshore Act 1933 in respect of port companies and harbour authorities governed by the Harbours Acts 1946, 1996 and 2000 and any other harbour or harbour related developments intended for commercial trade, and for all energy developments (including oil, gas, wave, wind and tidal energy) and aggregate and mineral extraction developments on the foreshore would transfer to the Department of the Environment, Heritage and Local Government.

My Department is currently putting in place the necessary arrangements to ensure the efficient and effective transfer of the appropriate legislation and associated functions. In the interim, all foreshore functions under the Foreshore Acts 1933 to 2005 rest with my Department.

My Department will carry forward responsibility for all other foreshore licensing functions under the Foreshore Act 1933, including in respect of all aquaculture developments and piers and harbours, other than in respect of port companies and harbour authorities governed by the Harbours Acts 1946, 1996 and 2000 and any other harbour or harbour related developments intended for commercial trade.

The Statement of Strategy 2005-2007 of the former Department of Communications, Marine and Natural Resources indicated that procedures would be developed for enhanced coordination and cooperation between the wide range of public bodies responsible for management of the coastal zone. This was in response to the increasing demands and pressures on coastal areas and their resources.

A consolidation and streamlining of the Foreshore Acts has also been proposed. This is intended to provide a modern, effective and integrated legal framework for the management of the State's foreshore estate in the future. Preparation of these proposals will take account, among other things, of the EU Public Participation Directive, the principles in the EU Recommendation on Integrated Coastal Zone Management, the outcome of the EU Maritime Green Paper and the EU Marine Strategy Directive.

The Department of the Environment, Heritage and Local Government will clearly assume a critical role in these proposals. My Department will continue to work closely with the Department of the Environment, Heritage and Local Government in the context of progressing the various elements required to develop the appropriate coastal zone legislative framework.

### **Aquaculture Licences.**

185. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food further to Parliamentary Question No. 355 of 13 May 2008, when he will make a determination on applications; and if he will make a statement on the matter. [23843/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** As indicated in my response to Dail Question No. 18292 of 13 May 2008, assessments of the applications referred to by the Deputy are near completion. It is not possible to give the Deputy a precise date for final determinations due to the nature of the assessment process. This process includes publication of the Ministerial decisions and allowing a one month period for appeal of any decision. Any such appeal must then be considered by the independent Aquaculture Licences Appeals Board.

### **Regulatory Impact Analysis.**

186. **Deputy Leo Varadkar** asked the Minister for Agriculture, Fisheries and Food the occasions on which he did not carry out any form of regulatory impact analysis on statutory instruments, Bills and EU directives for the years 2006, 2007 and to date in 2008; the reason for this decision; and if he will make a statement on the matter. [23860/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The Government decision in June 2005 to introduce Regulatory Impact Analysis (RIA) in the decision making processes of government Departments stated that it should be applied to all proposals for primary legislation involving changes to the regulatory framework, significant Statutory Instruments and proposals for EU Directives and significant EU regulations.

My Department introduces a very considerable amount of legislation every year in particular secondary legislation, transposing EU Directives and Regulations. These statutory instruments are mostly of a technical nature, or deal with enforcement, prosecution and penalty procedures and as such do not involve significant policy changes to the various client sectors affected and therefore such statutory instruments would not have required the application of a RIA.

A proposal for the Fish Health Directive was introduced in late 2005. My officials felt that a RIA was not warranted, as the changes proposed were not sufficiently significant. However, extensive consultations with the industry were carried out during the negotiation period and the transposition of the Directive.

At the moment Screening RIAs are currently being prepared in my Department in relation to the Forestry Bill, the Foreshore Bill and the EU proposals in relation to the CAP “Health Check”.

My officials are very aware of the RIA process and are reminded regularly on the need to consider whether or not a RIA should be applied to any secondary legislation being introduced by my Department.

### **Bovine Disease Controls.**

187. **Deputy Edward O’Keefe** asked the Minister for Agriculture, Fisheries and Food if he will consider removing the locked up status from the herd of a person (details supplied) in County Cork where the animal in question was declared clear of tuberculosis following slaughter. [23877/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** A reactor animal was disclosed in the herd of the person concerned on 3 May 2008 following a TB skin test. The herd was restricted from that date and the official TB status of the herd remains withdrawn until all animals over six weeks of age have reacted negatively to at least two consecutive tuberculin tests, carried out at 60 day intervals, the first no less than 60 days after the removal of the last positive reactor and the second no less than four months after the removal of the last positive reactor.

With regard to the suggestion that a lump in the animal’s neck resulted from an injury, the veterinary practitioner who performed the test did not report anything unusual to my Department. Any suggestion that the lump appearing, following the TB skin test, was not a response to the tuberculin would have been addressed at the time. I am advised also that it would be highly unusual for an injury, such as that described, to cause a reaction in the animal’s neck precisely in the area of the bovine tuberculin injection and that such an injury could be mistaken by a qualified and experienced veterinary practitioner as a normal tuberculin response.

With regard to the suggestion that the animal concerned cleared all tests at the factory, I am advised that no such declaration of clearance occurs at the factory because the check at the point of slaughter is in fact a routine fitness for human consumption examination conducted in slaughter plants under Regulation 854/2004/EC and is not, and is not designed to be, an absolute bovine TB diagnostic instrument. The TB skin test is considered to be a highly accurate test, is the approved test for the detection of TB and my Department's veterinary service is satisfied that, on the basis of the test carried out, the animal in question is correctly treated as a reactor.

I understand also that the person concerned has queried my Department as to why the process followed for certain cases of singleton reactors which provides for de-restriction after a full herd test at 42 days provided such cases meet certain criteria was not applied in this instance. The position is that on the basis of an assessment by my Department's veterinary service, the herd in question did not fulfil the qualifying criteria necessary to be eligible for that process.

On the basis of the foregoing, I am satisfied that the action taken in this case is appropriate.

*Question No. 188 answered with Question No. 183.*

*Question No. 189 answered with Question No. 184.*

### **Food Industry.**

190. **Deputy Joanna Tuffy** asked the Minister for Agriculture, Fisheries and Food if he will provide in tabular form the recommendations of the National Seafood Strategy Report that have been implemented to date; the recommendations that have been partly implemented; the recommendations that have not been implemented at all; and if he will make a statement on the matter. [23982/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The Seafood Strategy Implementation Group (SSIG) was set up in March 2007 under the chairmanship of Dr Noel Cawley to oversee implementation of the recommendations of the report of the Seafood Industry Strategy Review Group: Steering a New Course.

Dr Cawley presented a progress report on the implementation of the recommendations to my predecessor in February in accordance with the terms of reference of the SSIG. The progress report covers the period up to 31 December 2007. The appendix to this reply contains a tabular representation of the progress reported. Since January 2008 additional progress has been made including:

- tendering process in train to appoint consultants to carry out benchmarking for Step Up Programme,
- a number of seafood companies took part in BIM trade mission to Italy,
- lobster management plan Managing Access to the Irish Lobster Fishery published and put out for consultation.

Substantial progress was also made with the launch in February of the whitefish decommissioning scheme for boats over 18 meters in length. Applications have now been processed and the first payments are expected to be made in the next few weeks.



## Appendix: Implementation of Core Themes Progress to 31.12.2007

Recommendations	Leader	Implemented	Progress to date
<p><i>Core Theme 1: Market Development</i></p> <p>1.1 Invest further in market research and intelligence</p> <p>1.2 BIM to focus marketing support in a targeted fashion on key export markets in addition to the domestic market</p> <p>1.3 Establish a “Seafood Island” identity for Irish seafood.</p>	<p>BIM</p> <p>BIM</p> <p>BIM</p>		<p>UK market development well advanced</p> <p>Italian market being explored, possibility of organising trade fair being examined. Competitor/product analysis being undertaken. Market report bulletins issue monthly</p> <p>Planning to launch Seafood brand at an early date</p>
<p><i>Core Theme 2: Market Led Innovation</i></p> <p>2.1 Adopt a structured approach to providing services for commercially focused R&amp;D/NPD effectively through BIM’s Seafood Development Centre</p> <p>2.2 Adopt a twin-track approach to innovation in the pelagic sector</p> <p>2.3 Invest in identifying the potential usage of fish and marine biodiversity in functional foods</p>	<p>BIM</p> <p>BIM</p> <p>BIM</p>		<p>Expertise within and outside industry being used to develop Seafood Development Centre</p> <p>Tender process has taken place</p> <p>Contract negotiations underway. Research programme underway</p>
<p><i>Core Theme 3: Processing Sector Restructuring and Development</i></p> <p>3.1 Processing Restructuring &amp; Development – prioritise support for businesses with good potential</p> <p>3.2 Encourage investment in seafood processing from the wider food processing sector</p> <p>3.3 Increase State and industry focus on improving competitiveness and performance</p> <p>3.4 Co-ordinate State support to the processing sector</p>	<p>EI, BIM &amp; UnaG</p> <p>EI, BIM &amp; UnaG</p> <p>EI, BIM &amp; UnaG</p> <p>DAFF</p>		<p>Benchmarking tender parameters drawn up, document will go to tender by end of January</p> <p>Food companies being engaged</p> <p>Joint (BIM, EI and UnaG) call for submissions for Seafood Processing</p>

Appendix: Implementation of Core Themes Progress to 31.12.2007 — *continued*

Recommendations	Leader	Implemented	Progress to date
<i>Core Theme 4: Fleet Restructuring and Development</i>			
4.1 Extend and develop whitetfish decommissioning scheme for >18m vessels	BIM & DAFF		State Aid Approval granted by EU Commission. Tax implications being decided by Dept of Finance
4.2 Investigate the need for a targeted decommissioning scheme for vessels under 18m	BIM & FIF		
4.3 Pelagic RSW Fleet Restructuring	Not Assigned		
4.4 Undertake restructuring of polyvalent pelagic fleet	FIF, IFO		Pelagic capacity being addressed under decommissioning scheme
4.5 Review entry/exit regime for all fleet segments	Not Assigned		
4.6 Establish a Register of Commercial Sea Fishermen	BIM		
<i>Core Theme 5: Fisheries Management</i>			
5.1 Implement a new and devolved fisheries management regime	FIF in consultation with Inshore		FIF are taking a lead role. Proposals being developed for submission to Minister
5.2 Establish an industry based legal entity to oversee quota management	FIF in consultation with relevant parties		
5.3 Update fisheries management objectives	Not Assigned		
5.4 Update Fleet Management Policies	Not Assigned		
5.5 Enhance institutional support for inshore fisheries	DAFF & BIM		
<i>Core Theme 6: Aquaculture Development</i>			
6.1 A sustained, fact based communications programme, run by State development agencies with industry support to engender greater acceptance of aquaculture	IFA Aquaculture		
6.2 Review the current licensing and regulatory regime	DAFF & IFA		
6.3 Implement an Aquaculture Industry Development Programme	BIM		Being developed as part of OP

Appendix: Implementation of Core Themes Progress to 31.12.2007 — *continued*

Recommendations	Leader	Implemented	Progress to date
<i>Core Theme 7: Enhancing Competitiveness</i>			
7.1 Establish efficient (i) landing and (ii) distribution infrastructure	DAFF		(i) Harbour User Forums in place, business plans drawn up
7.2 Implement more effective and co-ordinated arrangements for first-point-of sale (FPOS) for seafood	BIM, FPOS, IFPEA and FIF		Being progressed as part of Step Up Programme
7.3 Proactively support cost reduction and performance improvement	BIM in consultation with FPOS and FIF		Ongoing programme of onboard technologies in place
7.4 Enhance onboard improvements	BIM in consultation with FPOS		Programme in place aimed at supply chain (onboard and auction centres)
7.5 Substantially enhance quality throughout the full food chain	BIM in consultation with FPOS		
7.6 Engage in succession planning and attract and retain new entrants	BIM in consultation with FPOS		
7.7 Introduce a tax incentive for commercial sea fishermen	Dept of Finance		
7.8 Introduce a tax life for qualifying fishing vessels	Dept of Finance		
7.9 Publish and adhere to a grant-aid decisions timetable	DAFF, BIM, MI & Údarás		
<i>Core Theme 8: Marine Environment and Conservation</i>			
8.1 Increase awareness and response to environmental policies	BIM		Ongoing
8.2 Promote local area management and the Coastal Zone Management	Not Assigned		Will be bringing forward proposals in line with Natura 2000 for aquaculture etc in 2008
8.3 Promote the introduction of Environmental Management Systems (EMS)	MI & BIM		Beaufort Awards in conjunction with MI for research on ecosystem approach to Marine management
8.4 Ireland to take a lead role on Regional Advisory Councils (RACs) and DAFF and industry to improve performance on conservation	BIM		Irish industry at forefront of RACs

Appendix: Implementation of Core Themes Progress to 31.12.2007 — *continued*

Recommendations	Leader	Implemented	Progress to date
<p>8.5 Develop management strategies that specifically aim to reduce discarding in fisheries</p> <p>8.6 Promote the development and uptake of environmentally friendly and fuel-efficient fishing gear</p> <p>8.7 The industry and DAFF to take a joint proactive approach at EU level to ensure EU wide compliance is enforced</p>	<p>BIM</p> <p>DAFF &amp; BIM</p> <p>DAFF &amp; Industry</p>		<p>A number of projects are being implemented under Science/Industry partnership focusing on discards Environmentally friendly pelagic net being trialled</p> <p>Electronic logbook critical tool in promoting a level playing field. Minister continues to push this agenda in EUNew provisions in place on frozen fish</p>
<p><i>Core Theme 9: Education and Training</i></p> <p>9.1 Increase investment in education and training for the seafood industry and others directly interacting with it and improve industry participation in commercially focused training programmes</p> <p>9.2 Increase the focus on training and qualifications in the inshore and costal sectors</p> <p>9.3 Provide increased training to the aquaculture sector</p> <p>9.4 Provide increased training to the shore-based sector and establish a Graduate Placement Programme</p> <p>9.5 Make grant aid conditional on a training audit</p>	<p>BIM</p> <p>BIM</p> <p>BIM</p> <p>BIM</p> <p>Not Assigned</p>		<p>Business training programmes will be expanded through strategic training alliances e.g. new BASS supervisors' course run through Tallaght IT in Castletownbere.</p> <p>New mobile Engineering Costal Training Unit to be launched in Wexford in February 2008.</p> <p>New mobile Costal Training Unit delivered in 2007</p> <p>Aquaculture training increased by one third in 2007, through delivery of new FETAC training modules.</p> <p>Graduate Placement Programme being developed</p>
<p><i>Core Theme 10: Industry Relations</i></p> <p>10.1 Establish a single representative organisation for the fisheries sector</p> <p>10.2 Appropriately structure and resource DAFF</p> <p>10.3 Co-ordinate the provision of all support by the State to the industry</p> <p>10.4 Ensure effective and prompt implementation of the Strategy Review Group's recommendations</p>	<p>FIF in consultation with relevant parties</p> <p>DAFF</p> <p>DAFF</p> <p>DAFF</p>		<p>Formation of FIF</p> <p>Being pursued within DAFFSFPA established</p> <p>Being carried out</p>

### **School Transport.**

191. **Deputy Paul Kehoe** asked the Minister for Education and Science the reason a person (details supplied) in County Wexford did not receive the school transport grant; the assistance available to them; and if he will make a statement on the matter. [23827/08]

**Minister of State at the Department of Education and Science (Deputy Seán Haughey):** The case referred to by the Deputy, in the details supplied, is subject to an appeal by the Independent School Transport Appeals Board.

The School Transport Appeals Board will sit on Thursday 19th June 2008. The Family will be advised of the decision thereafter.

### **National Parents' Council.**

192. **Deputy Michael McGrath** asked the Minister for Education and Science the supports made available by his Department to the National Parents' Council on an annual basis. [23828/08]

**Minister for Education and Science (Deputy Batt O'Keeffe):** My Department provides an annual core funding grant to support the work of the National Parents' Council which in 2008 is expected to amount to €330,000. Additional funding is provided, as required, for training of parents' associations etc. which in 2008 is expected to amount to about €170,000.

### **Schools Refurbishment.**

193. **Deputy Michael Kennedy** asked the Minister for Education and Science if consideration will be given to the emergency works grant application submitted by a school (details supplied) in County Dublin in view of the condition of the school's roof, which needs to be replaced; and if he will make a statement on the matter. [23835/08]

**Minister for Education and Science (Deputy Batt O'Keeffe):** My Department has received an application for roof works at the school referred to by the Deputy.

This application is currently being assessed and a decision on the matter will be made shortly. The school authorities will be informed of the outcome as soon as possible.

### **Special Educational Needs.**

194. **Deputy Michael McGrath** asked the Minister for Education and Science the position in relation to the provision of educational supports to a child (details supplied) in County Cork. [23842/08]

**Minister for Education and Science (Deputy Batt O'Keeffe):** As the Deputy will be aware, the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENO) for allocating resource teachers and special needs assistants to schools to support children with special needs.

All schools have the names and contact details of their local SENOs. Parents may also contact their local SENO directly to discuss their child's special educational needs, using the contact details available on [www.ncse.ie](http://www.ncse.ie). I have arranged for the details supplied by the Deputy to be forwarded to the NCSE for their attention and direct reply.

### **Regulatory Impact Analysis.**

195. **Deputy Leo Varadkar** asked the Minister for Education and Science the occasions on

which he did not carry out any form of regulatory impact analysis on statutory instruments, Bills and EU directives for the years 2006, 2007 and to date in 2008; the reason for this decision; and if he will make a statement on the matter. [23865/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** On the 21st June 2005 the Government decided that Regulatory Impact Analysis (RIA) should be introduced across all Government Departments and Offices. RIAs must be conducted on:

1. all proposals for primary legislation involving changes to the regulatory framework (subject to some exceptions)
2. significant Statutory Instruments
3. proposals for EU Directives and significant EU regulations when they are published by the European Commission.

Regulatory Impact Analysis was not conducted in relation to 13 Statutory Instruments made in the years 2006, 2007 and 2008. In each case, the statutory instruments were of a technical nature to which the principles of RIA — consideration of the need to make the statutory instrument, the possibility of an alternative, non-legislative approach etc. did not apply.

The matters addressed included the commencement of certain statutory provisions or provide the establishment day for statutory bodies; the appointment or removal of officers under certain statutory powers; and the delegation by Government of powers from the Minister to a Minister of State.

The Statutory Instruments in question are as follows:

Education Act 1998 (Publication of Inspection Reports on Schools and Centres for Education) Regulations 2006 (S.I. 49/2006, PRN. A6/0100)

Education (Former Residents of Certain Institutions for Children) Finance Board (Establishment Day) Order 2006 (S.I. 77/2006)

Teaching Council Act 2001 (Commencement) Order 2006 (S.I. 184/2006)

Teaching Council Act 2001 (Establishment Day) Order 2006 (S.I. 185/2006)

Grangegorman Development Agency Act 2005 (Establishment Day) Order 2006 (S.I. 252/2006)

Education and Science (Delegation of Ministerial Functions) Order 2006 (S.I. 533/2006)

Institutes of Technology Act 2006 (Commencement) Order 2007 (S.I. 36/2007, Prn. A7/0102)

Education and Science (Delegation of Ministerial Functions) Order 2007 (S.I. 101/2007, Prn. A7/0354)

Qualifications (Education and Training) Act 1999 (Section 31) Regulations 2007 (S.I. 571/2007, Prn. A7/1513)

Appointment of Special Adviser (Department of Education and Science) Order 2007 (S.I. 585/2007, Prn. A7/1552)

[Deputy Batt O’Keeffe.]

Education and Science (Delegation of Ministerial Functions) (No. 2) Order 2007 (S.I. 638/2007, Prn. A7/1701)

Youth Work Act 2001 (Prescribed National Representative Youth Work Organisation) Regulations 2008 (S.I. 131/2008, Prn. A8/0588)

Commission to Inquire into Child Abuse Act 2000 (Section 5) (Specified Period) Order 2008 (S.I. 155/2008, Prn. A8/0692)

### **School Furniture.**

196. **Deputy Edward O’Keeffe** asked the Minister for Education and Science if he will approve funding for replacement furniture in respect of a primary school (details supplied) in County Cork; and if his attention has been drawn to the fact that the furniture which needs to be replaced was purchased in 1970. [23878/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** My Department received an application for replacement furniture from the school in question.

This application has been considered for funding. However, in light of the competing demands on the available budget, it was not possible to approve funding to replace existing furniture at this time.

It is open to the school authorities to prioritise expenditure from the school’s minor capital works grant and use it to purchase furniture.

### **Schools Building Projects.**

197. **Deputy Denis Naughten** asked the Minister for Education and Science his views on correspondence for a person (details supplied); the steps he will take to address the issue; and if he will make a statement on the matter. [23880/08]

198. **Deputy Denis Naughten** asked the Minister for Education and Science if he will confirm local media reports that a school (details supplied) in County Leitrim will be included in the forthcoming bundle of public private partnership school projects; and if he will make a statement on the matter. [23881/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 197 and 198 together.

My Department recognises the need for a new school building for the school in question to facilitate further the amalgamation of the three post primary schools in the area and has drafted a schedule of accommodation for this school.

The final legal transfer of title is currently under way in respect of a site purchased by my Department for the provision of a new school referred to by the Deputy. My Department is currently examining the feasibility of allowing this school proceed in the 3rd Bundle of Public-Private Partnership projects which I will be announcing later this year. The indicative timeframe for the delivery of a PPP schools currently stands at approximately 4 years from the date the bundle is formally announced.

199. **Deputy Denis Naughten** asked the Minister for Education and Science further to Parliamentary Question No. 327 of 29 April 2008, when the announcement will take place; the status of the application in question; and if he will make a statement on the matter. [23894/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The need for a new building for the school in question is accepted by my Department. The project required to deliver the building will be considered on an ongoing basis in the context of my Department’s multi-annual School Building and Modernisation Programme. I am in the process of reviewing with my officials the Department’s spending plans for this year and this process will not be complete for some time. I will not be making decisions on any further capital expenditure until that process is complete. When this is done the school management will be informed of the position.

#### **Schools Refurbishment.**

200. **Deputy John O’Mahony** asked the Minister for Education and Science if he will sanction funding under the emergency works grant scheme at a school (details supplied) in County Mayo; and if he will make a statement on the matter. [23897/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** My Department has received an application for works to upgrade the toilets at the school referred to by the Deputy.

This application is currently being assessed and a decision on the matter will be made shortly. The school authorities will be informed of the outcome as soon as possible.

#### **Schools Building Projects.**

201. **Deputy Brian O’Shea** asked the Minister for Education and Science when the list of accepted candidates for the position of health and safety officers on a school building project (details supplied) in County Waterford will be forwarded to the board of management in order that the project can proceed; and if he will make a statement on the matter. [23900/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** As part of the Programme for Government, a Developing Areas Unit was set up recently in my Department to focus on the school accommodation needs of rapidly developing areas, including Tramore. The main emphasis in 2008 is on providing sufficient school places in these developing areas, as well as delivering improvements in the quality of existing primary and post-primary school accommodation throughout the country.

In this context, the status of all schools in the town where the school referred to by the Deputy is located is being assessed as part of an overall delivery plan, which is currently being formulated within my Department. As is the case with all large capital projects, their progression to tender and construction, including the project in question will be considered in the context of the Department’s multi-annual School Building and Modernisation Programme. My Department will be in contact with the school authorities about the matter as quickly as possible.

#### **Special Educational Needs.**

202. **Deputy Joe Carey** asked the Minister for Education and Science further to Parliamentary Question No. 309 of 22 April 2008, when a special needs assistant will be granted to a person (details supplied) in County Clare; and if he will make a statement on the matter. [23908/08]



**Minister for Education and Science (Deputy Batt O’Keeffe):** The National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs), for allocating resource teachers and special needs assistants (SNAs) to schools to support children with special needs.

All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child’s special educational needs, using the contact details available on [www.ncse.ie](http://www.ncse.ie). I have arranged for the details supplied by the Deputy to be forwarded to the NCSE for their attention and direct reply.

#### **School Statistics.**

203. **Deputy Joanna Tuffy** asked the Minister for Education and Science if he has statistics on the numbers of nationalities represented by children in primary schools here; the type of primary schools where the largest number of nationalities are represented; and if he will provide this information in tabular form. [23976/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The information requested by the Deputy is not currently available.

However, data on the total number of children enrolled in Primary Schools who were not Irish nationals in September 2007 are being collated in respect of those schools which made a return. This information will be examined further and finalised as soon as possible.

#### **Languages Programme.**

204. **Deputy Joanna Tuffy** asked the Minister for Education and Science the supports given to schools where there are many different nationalities represented by the children in these schools to meet the needs of these schools in particular. [23977/08]

**Minister of State at the Department of Education and Science (Deputy Barry Andrews):** To meet the needs of migrant pupils for whom English is a second language, English Language Support Teachers have been appointed to primary and post-primary schools to provide additional language support for pupils. In collaboration with parents and class teachers, Language Support Teachers identify pupils requiring additional support, devise appropriate language programmes, deliver the programmes and record and monitor pupils’ progress. There are now just under 2,000 language support teachers in the schools at a cost of €120 million per annum. Schools with less than the 14 such pupils needed to qualify for one support teacher are provided with financial resources to assist them.

There are resources available specifically for English Language Support Teachers and other resources for the whole school team.

The National Council on Curriculum and Assessment (NCCA) has developed Intercultural Guidelines, one set for primary schools and one for post-primary schools, to support teachers and schools in developing a more inclusive learning environment and in providing students with the knowledge and skills they need to participate in a diverse society.

The NCCA has also published “English as an Additional Language in Irish Primary Schools – Guidelines for Teachers” to assist classroom teachers in meeting the language and learning needs of the child for whom English is an additional language in the primary school so that he/she can access all areas of the primary school curriculum.

My Department has distributed a resource book (“Up and Away”) for English language support teachers to all primary schools, which serves as the basis for induction seminars for

newly-appointed language support teachers. This was prepared by Integrate Ireland Language and Training (IILT).

IILT, in collaboration with the Southern Education and Library Board (in Armagh) published a “Toolkit for diversity in the primary school — Together towards Inclusion” in December 2007. It has been distributed to all primary schools on the island.

A language assessment kit, prepared by (IILT) has been circulated to all primary schools in recent weeks. This will enable accurate initial and on-going assessment of the language proficiency of newcomer children. It is proposed to have an assessment kit for post-primary schools available later in the year.

The Department has information on its website in six languages, which is of use to both parents and schools. These languages are Polish, Latvian, Lithuanian, Russian, Spanish and German.

The National Educational Welfare Board provides information entitled “Don’t Let Your Child Miss Out” in 18 languages, which will help schools when they are interacting with parents of different nationalities.

### **Refugee Status.**

205. **Deputy Jimmy Deenihan** asked the Minister for Justice, Equality and Law Reform when a decision will be made on the application appeal by a person (details supplied) in County Kerry regarding his or her application for refugee status; and if he will make a statement on the matter. [23833/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** It is not the practice to comment in detail on individual asylum applications.

As the Deputy will be aware, applications for refugee status in the State are determined by an independent process comprising the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal which make recommendations to the Minister for Justice, Equality and Law Reform on whether such status should be granted.

A final decision on each application is made following receipt of the recommendation of the Refugee Applications Commissioner or the decision of the Refugee Appeals Tribunal, as appropriate.

206. **Deputy Thomas Byrne** asked the Minister for Justice, Equality and Law Reform the position regarding the application for residency of a person (details supplied) in County Meath. [23839/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** It is not the practice to comment in detail on individual asylum applications.

As the Deputy will be aware, applications for refugee status in the State are determined by an independent process comprising the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal which make recommendations to the Minister for Justice, Equality and Law Reform on whether such status should be granted.

A final decision on each application is made following receipt of the recommendation of the Refugee Applications Commissioner or the decision of the Refugee Appeals Tribunal, as appropriate.

### Regulatory Impact Analysis.

207. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the occasions on which he did not carry out any form of regulatory impact analysis on statutory instruments, Bills and EU directives for the years 2006, 2007 and to date in 2008; the reason for this decision; and if he will make a statement on the matter. [23871/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** As the Deputy may be aware, the Department of the Taoiseach's Regulatory Impact Analysis (RIA) Guidelines (October 2005), provide that a formal regulatory impact analysis should be conducted in respect of proposed primary legislation, with the exception of certain emergency, criminal or security legislation. The process is also to be applied in respect of EU Directives and significant Statutory Instruments.

My response to the Deputy on this subject in Parliamentary Question No. 792 of 17 June, 2008 has already set out the instruments where a RIA process has been applied during the years in question. I have now listed below a number of instances where a RIA has not been prepared and the applicable reasons.

Title of Legislation	Why no RIA Prepared
Privacy Bill 2006	The elements of a Regulatory Impact Analysis were already dealt with in the Report of the Working Group on Privacy, chaired by Mr. Brian Murray, S.C. on which the Bill was based. It does not involve any significant negative impacts/costs.
Legal Practitioners (Irish Language) Bill 2007	The Bill partly implements a recommendation made in the 2006 report of the Competition Authority on Solicitors and Barristers which was published following public consultation. It does not involve any significant negative impacts/costs.
Legal Services Ombudsman Bill 2008	The Bill replicates provisions previously published in Part 2 of the Civil Law (Miscellaneous Provisions) Bill 2006. It does not involve any significant negative impacts/costs.
Arbitration Bill 2008	The Bill is essentially a consolidation measure that does not involve significant negative impacts/costs.

The Deputy will appreciate that the process of preparing legislation has always involved careful analysis of the issues and impacts arising as a consequence of the proposal in question, including in each of the above cases. He should further note that in a number of instances legislation has been finalised during the years referred to, having commenced prior to the introduction of the formal RIA process, or which flows from policy decisions taken previously. It is also the case that certain criminal/emergency legislation under my Department's aegis falls outside the scope of the guidelines and is not identified separately here. My Department also produces a wide range of statutory instruments which, due to their relatively minor scope and impact, do not come within the scope of the RIA guidelines.

### Residency Permits.

208. **Deputy Michael McGrath** asked the Minister for Justice, Equality and Law Reform the position regarding the residency status of a person (details supplied) in County Cork. [23885/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I have been informed by the Immigration Division of my Department, that the person referred to in the Deputy's Question, has recently been sent correspondence extending her permission to remain in the State. She should therefore present herself at her local immigration office with this

correspondence to have her passport endorsed with the appropriate permission to remain and to have a Certificate of Registration issued in respect of her.

### **Citizenship Applications.**

209. **Deputy Pat Breen** asked the Minister for Justice, Equality and Law Reform the criteria for applying and qualifying for Irish citizenship; if there are plans to reduce the fees that apply to applicants who apply for Irish citizenship as spouses of Irish-born citizens compared to the fee which applies for spouses of naturalised Irish citizens under the Irish Nationality and Citizenship (Fees) Regulations 1993; and if he will make a statement on the matter. [23891/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** Since the Deputy has not provided details of a particular case, I can only set out the position generally.

The Irish Nationality and Citizenship Act 1956, as amended, provides that the Minister for Justice, Equality and Law Reform may, in his absolute discretion, grant an application for a certificate of naturalisation provided certain statutory conditions are fulfilled. These conditions are that the applicant must:

- be of full age, or by way of exception, be a minor born in the State
- be of good character
- have had a period of one year's continuous residency in the State immediately before the date of application and, during the eight years immediately preceding that period, have had a total residence in the State amounting to four years
- intend in good faith to continue to reside in the State after naturalisation
- have made, either before a Judge of the District Court in open court or in such a manner as the Minister, for special reasons allows, a declaration in the prescribed manner, of fidelity to the nation and loyalty to the State.

The Irish Nationality and Citizenship (Fees) Regulations, 1993, as amended in 1996, sets out the fees payable by various categories of persons who obtain Irish citizenship. The standard fee for naturalisation is €634.87. Exceptions are made in certain cases including the spouse of a naturalised Irish citizen who pays €126.97.

The fees were last reviewed in 1993. My officials are due to carry out a review of fees pertaining to citizenship applications in the future. It is planned that the existing anomaly that the Deputy has highlighted will be addressed in the context of that review.

### **Garda Stations.**

210. **Deputy Joanna Tuffy** asked the Minister for Justice, Equality and Law Reform his plans to extend Ronanstown Garda station in Clondalkin; and when it is planned to complete the works. [23972/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The detailed allocation of Garda resources, including accommodation, is a matter for the Garda Commissioner to decide in accordance with his identified operational requirements. The Garda accommodation programme is based on agreed priorities established by An Garda Síochána and it is brought forward in close cooperation with the Office of Public Works (OPW), which has responsibility for the provision and maintenance of Garda accommodation.

[Deputy Dermot Ahern.]

I have been advised by the Garda Authorities that the refurbishment to Ronanstown Garda Station is due to commence shortly and work will continue into 2009.

211. **Deputy Joanna Tuffy** asked the Minister for Justice, Equality and Law Reform his plans to open an office or to have a clinic by An Garda Síochána in Palmerstown, Dublin 20. [23973/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** Arrangements are being put in place by local Garda management in the Palmerstown area to establish, on a pilot basis, a Garda clinic in the Parish Centre, Palmerstown.

It is intended that the pilot will run for a four week period commencing 26 June 2008 after which An Garda Síochána will review the initiative. The opening of the clinic will be preceded by an information campaign entailing the circulation of information leaflets within the local community by the local Garda Community Policing Unit.

212. **Deputy Joanna Tuffy** asked the Minister for Justice, Equality and Law Reform his plans for new stations in Adamstown, Lucan and Clonburris, Clondalkin where up to 25,000 new houses are expected to be built. [23974/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** In accordance with section 22 of the Garda Síochána Act 2005, proposals in relation to the opening and closing of Garda stations are a matter, in the first instance, for the Garda Commissioner in the context of the Annual Policing Plan.

The Commissioner has indicated in the current Policing Plan that an examination of Divisions and Districts within the Dublin Metropolitan Region will be conducted in 2008 for the purposes of alignment with the local authority areas and in light of demographic and infra-structural changes in the region.

#### **Planning Issues.**

213. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government when the planning and development statistics for 2007 will be available; and if he will make a statement on the matter. [24128/08]

218. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government when the planning and development statistics for 2007 will be available; and if he will make a statement on the matter. [23898/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Questions Nos. 213 and 218 together.

The 2007 Annual Planning Statistics are currently being compiled and it is expected that they will be available on my Department's website [www.environ.ie](http://www.environ.ie) by the end of the September 2008.

#### **Fire Stations.**

214. **Deputy Olwyn Enright** asked the Minister for the Environment, Heritage and Local Government when he will provide funding for lands for a new fire station (details supplied) in County Tipperary; and if he will make a statement on the matter. [23823/08]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael P. Kitt):** The provision of a fire service in its functional area, including the establishment and maintenance of a fire brigade, the assessment of fire cover needs and the provision of lands for new fire station premises, is a statutory function of individual fire authorities under section 10 of the Fire Services Act 1981. The Department has no direct role in these matters.

The Department's role is one of supporting and assisting local authorities in delivering fire services through the setting of general policy and the provision of funding under the fire service capital programme.

North Tipperary County Council submitted a proposal to my Department for the provision of a new fire station at Cloughjordan, County Tipperary in May 2005. While it has not been possible to fund this proposal to date, funding has been provided for other priority projects at Thurles and Templemore.

The provision of funding for Cloughjordan will be considered having regard to the overall availability of resources, the spread of existing facilities, and competing demands of fire authorities for available funds under the fire services capital programme.

#### **Local Authority Housing.**

215. **Deputy Dan Neville** asked the Minister for the Environment, Heritage and Local Government when finance will be transmitted from his Department to Limerick County Council in respect of a voluntary housing scheme (details supplied) in County Limerick. [23836/08]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** A grant of €2,248,446 was approved for this project in 2003, some €2,136,064 of which has been drawn down so far by Limerick County Council. The balance of funding due will be determined as soon as outstanding information, requested from the Council in April 2008, is received in my Department.

216. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government the amount of funding provided by his Department for sheltered housing units in each local authority area; the number of units that are council run; the number run by voluntary agencies financed by the local authority; the number of units vacant in each area; the assessment or admission criteria that apply; if people are excluded if they fail to meet the criteria; and if he will make a statement on the matter. [23837/08]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** Under my Department's Capital Assistance Scheme for voluntary and co-operative housing, funding of up to 100% of the approved cost is available for the provision of permanent accommodation for low-income families and persons with special housing needs, including the elderly, the homeless and persons with a disability. It is a condition of the scheme that all proposed tenants have been assessed by the housing authority as being in need of social housing.

Approved housing bodies may retain nominating rights for up to 25% of tenancies; in such cases, the terms of the Capital Assistance Scheme provide that funding is subject to a limit of 95% of the approved cost.

This year my Department is providing a record €130 million for the provision of special needs housing by approved housing bodies.

[Deputy Michael Finneran.]

The administration of the Capital Assistance Scheme, including the nomination of tenants from the local authority's housing list, is the responsibility of the relevant housing authority. Given that the special needs accommodation provided by voluntary bodies may be multi-purpose or may not be categorised specifically as sheltered housing, it is not possible to provide details of the number of units provided by approved housing bodies. Sheltered housing needs can also be met from within the main local authority housing programmes. The detailed information sought on the numbers of units, the number operated and managed by voluntary bodies and the number of vacant units is not available in my Department.

### **Regulatory Impact Analysis.**

217. **Deputy Leo Varadkar** asked the Minister for the Environment, Heritage and Local Government the occasions on which he did not carry out any form of regulatory impact analysis on statutory instruments, Bills and EU directives for the years 2006, 2007 and to date in 2008; the reason for this decision; and if he will make a statement on the matter. [23867/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Since 2006, my Department has included in its Annual Report, details of the Department's legislative activity during that year including Statutory Instruments, Bills and EU Directives, together with information on the application of Regulatory Impact Assessments (RIA) in each case. Copies of the 2006 and 2007 Annual Reports are available in the Oireachtas library.

Following the Government decision of 21 June 2005, a Regulatory Impact Analysis (RIA) must be applied to:

- i. All proposals for primary legislation involving changes to the regulatory framework (subject to some exceptions);
- ii. Significant Statutory Instruments;
- iii. Proposals for EU Directives and significant EU regulations when they are published by the European Commission.

In cases where a decision was taken not to conduct a RIA, this was either because the legislation had been initiated prior to the Government decision of 21 June 2005 or, with reference to the RIA guidelines, the legislation was not deemed sufficiently significant to warrant such an assessment.

*Question No. 218 answered with Question No. 213.*

### **Election Management System.**

219. **Deputy Niall Collins** asked the Minister for the Environment, Heritage and Local Government when the new boundaries for local electoral areas will be published. [23901/08]

220. **Deputy Niall Collins** asked the Minister for the Environment, Heritage and Local Government the level of input local authority managers have in the current review and determination of local electoral area boundaries; and if he will make a statement on the matter. [23902/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Questions Nos. 219 and 220 together.

On 16 June 2008, I received the Reports of the two Boundary Committees I established last January to review local electoral areas. The Reports were published on 17 June 2008.

I am accepting the recommendations contained in both Reports and will be making the necessary orders to give effect to them in due course. Copies of the Reports are available online at [www.electorallareacommittees.ie](http://www.electorallareacommittees.ie) and at [www.environ.ie](http://www.environ.ie) or from the Government Publications Sale Office, Molesworth Street, Dublin 2. Details of persons and organisations who made submissions to the Committees are contained in the Reports.

### **Social and Affordable Housing.**

221. **Deputy Niall Collins** asked the Minister for the Environment, Heritage and Local Government the reason applicants for local authority affordable housing are assessed on their earnings only, not including their capital and other assets; and if he will make a statement on the matter. [23903/08]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** Eligibility for the affordable housing schemes is determined on the basis that applicants are in need of housing and cannot afford to purchase a house outright on the open market. In addition, local authorities assess an eligible applicant's income to ensure that they have the ability to meet the financial commitments involved.

In the case of affordable housing provided under Part V of the Planning and Development Acts 2000-2006, the legislation provides that each local authority must draw up a scheme of allocation priorities and that it should have regard to, inter alia, the income or other financial circumstances of eligible persons. It is open to a local authority to accord a higher priority to eligible persons with lower incomes.

222. **Deputy Niall Collins** asked the Minister for the Environment, Heritage and Local Government the number of affordable housing applicants currently with each local authority; the number of applicants who have been offered and have taken up an affordable house in each local authority; and if he will make a statement on the matter. [23909/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Information on affordable housing activity up to the end of 2007 is available on my Department's website at [www.environ.ie](http://www.environ.ie). Information is also published in my Department's Housing Statistics Bulletins, copies of which are available in the Oireachtas Library. My Department is collating data on output for the first quarter of 2008, which will be published in the near future.

The timing of assessments of eligibility of applicants for affordable housing varies between local authorities. Accordingly, it is not possible to provide a definitive figure for the number of eligible applicants at a particular time.

### **Water and Sewerage Schemes.**

223. **Deputy Niall Collins** asked the Minister for the Environment, Heritage and Local Government his views on whether the bundling and grouping of multiple sewage schemes at planning stage has been a success; and if he will make a statement on the matter. [23905/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I am satisfied that the bundling of sewerage schemes, combined with Design/Build/Operate procurement, has demonstrated positive results in terms of capital cost, operation and maintenance expenditure and long-term protection of the physical assets. This approach to procurement is only adopted where detailed assessment by the local authority concerned establishes it to be



[Deputy John Gormley.]

the best overall solution from the available options. Where inclusion in a bundle would otherwise delay the advancement of an urgent scheme, my Department may, if requested by the local authority, consider allowing such a scheme to proceed independently.

### **Local Authority Housing.**

224. **Deputy Niall Collins** asked the Minister for the Environment, Heritage and Local Government if he will provide information on the proposed new incremental house/home ownership scheme; and if he will make a statement on the matter. [23911/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The Government's housing policy statement, *Building Homes, Sustaining Communities*, signalled the intention to introduce an incremental purchase scheme. The objective of the proposed scheme is to make it possible for households with incomes lower than those required for affordable housing to gain access to home ownership, through making new local authority housing available for purchase by existing social housing tenants (local authority, voluntary/co-operative and Rental Accommodation Scheme) and prospective local authority tenants.

The Housing (Miscellaneous Provisions) Bill will include provisions to give effect to the incremental purchase scheme. In parallel with this, arrangements for the introduction of the scheme, including the possible piloting of it in certain areas, are being advanced.

### **Special Areas of Conservation.**

225. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the steps he has taken to ensure the survival of the freshwater pearl mussel species; the number of these mussels there are here; the percentage of the global total of this species is calculated as being here; and if additional resources are being provided to the National Parks and Wildlife Service to ensure that this species is protected. [23975/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** My Department recently published a Report on the Status of Habitats and Species in Ireland. This is the first comprehensive report on the status of those habitats, animals and plants in Ireland which have protected status under the Habitats Directive and relevant national law, and it includes details in regard to the freshwater pearl mussel. The Irish population of the freshwater pearl mussel is currently estimated at 12 million individuals, which is believed to represent some 46% of the European Union population (global figures are not available to my Department). However the freshwater pearl mussel status was assessed as bad, because of very poor breeding success and recent kills.

There are a number of measures underway to protect the freshwater pearl mussel. 19 sites have been designated as Special Areas of Conservation (SACs) for this species and these sites contain about 85% of the known population.

I will be making Regulations later this year prescribing water quality objectives for freshwater pearl mussel rivers. Given the extreme threat to this species, my Department is also funding a programme of captive breeding in several locations and has provided additional resources to protect the species. I am funding an intensive programme of work, as part of the development of River Basin Catchment Plans required under the Water Framework Directive, to identify and develop responses to the threats to the pearl mussel in all SACs selected for this species. The Regulations will then require that programmes and measures are put in place to protect this species.

My Department worked closely with the Forest Service of the Department of Agriculture, Fisheries and Food on requirements for forestry management in the catchments of pearl mussel rivers, which were published earlier in 2008. My Department also advises local authorities in relation to planning or development proposals in or adjacent to SACs which might impact upon the species.

### **Regulatory Impact Analysis.**

226. **Deputy Leo Varadkar** asked the Minister for Communications, Energy and Natural Resources the occasions on which he did not carry out any form of regulatory impact analysis on statutory instruments, Bills and EU directives for the years 2006, 2007 and to date in 2008; the reason for this decision; and if he will make a statement on the matter. [23862/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I refer to my reply to Parliamentary Question No. 949 of 17th June 2008, which detailed my Department's conduct of Regulatory Impact Analysis in respect of legislation for the period in question.

Regulatory Impact Analysis is conducted in my Department in accordance with the guidelines, published in 2005 by the Department of the Taoiseach. If the Deputy has a question about any specific legislation relevant to my Department enacted over the period in question, I would be happy to look into it.

### **Telecommunications Services.**

227. **Deputy Billy Timmins** asked the Minister for Communications, Energy and Natural Resources the position in respect of the provision of broadband for Lacken and Valleymount, County Wicklow; if same will be rolled out as a matter of urgency; and if he will make a statement on the matter. [23988/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The provision of broadband services is, in the first instance, a matter for the private sector. Broadband service providers operate in a fully liberalised market, regulated, where appropriate, by the independent Commission for Communications Regulation, ComReg. Details of broadband suppliers, prices and locations throughout the country are available on [www.broadband.gov.ie](http://www.broadband.gov.ie).

The role of the Government is to formulate regulatory and infrastructure policies to facilitate the provision of high quality telecommunications services by competing private sector service providers.

The widespread provision of broadband services continues to be a priority for the Government. In that regard my Department has undertaken initiatives to address the gaps in broadband coverage. These included providing grant-aid under the Group Broadband Scheme (GBS) and ongoing investment in Metropolitan Area Networks (MANs).

Although broadband is now widely available in Ireland there are still some parts of the country where the private sector will be unable to justify the commercial provision of broadband services. These areas are being addressed by the National Broadband Scheme (NBS), which will provide broadband services to areas that are currently unserved and will ensure that all reasonable requests for broadband are met.

The first phase of the NBS procurement process (Pre-Qualification Questionnaire (PQQ)) is now complete. The remaining candidates have been engaged in "Competitive Dialogue" with my Department and are developing their proposed solutions to meet my Department's requirements.

[Deputy Eamon Ryan.]

Judicial Review proceedings regarding certain elements of the NBS mapping process took place on 10 and 11 June 2008 in the High Court and a judgement is awaited. While the outcome of the Judicial Review cannot be anticipated, it is currently expected that a preferred bidder for the NBS will be selected in September 2008, with rollout to commence as soon as possible thereafter.